

TOWN OF WARWICK PLANNING BOARD

August 7, 2013

Members present: Roger Showalter, Vice-Chairman
Dennis McConnell, Beau Kennedy,
Paul Ruszkiewicz, Christine Little, Alternate
Laura Barca, HDR Engineering
J. Theodore Fink, Greenplan
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, August 7, 2013 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

W.V. Local Dev. Corp./Business Park

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 46 B 1 L 9.1, 9.2, 16, 19, and 20; parcels located on the south side of C.R. 13 (Kings Highway), (255 State School Road), in the OI zone of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Bob Krahulik, President of WVLDC and Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. Orange County Planning Department: 07/30/13 advisory comment questioning access to proposed lot 4
6. The Short EAF must be signed and dated.
7. The final map will need to be signed/sealed by the Surveyor of Record.
8. Provide the deeds for the five parcels included within this subdivision for engineer and attorney review.
9. Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."
10. The table with the Town's five overlay districts should be added to Sheet 1.
11. Surveyor to certify that iron rods have been set at all property corners.
12. The declaration for the Agricultural Notes and Aquifer Protection Overlay Notes must be added to the plans.
13. The recording information for the five new parcel deeds must be submitted.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

W. V. Local Dev. Corp./ Business Park – None submitted.

The following comment submitted by ARB:

W.V. Local Dev. Corp./Business Park – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This project is subject to SEQR. The Planning Board has been reviewing it with the short EAF. It is an Unlisted Action. I have prepared a Draft Negative Declaration. There is no construction proposed. Because there are related actions that had previously been undertaken by the Town Board and in coordination with the State Agencies such as Office of General Services, Department of Corrections, etc... There had been prior SEQR records that have been incorporated into the Negative Declaration to minimize the potential for any challenge as being a segmented review. The Negative Declaration was discussed as being protective of the environment. Because it does discuss all of the related activities and the possibility that there may be future development that occurs on the property at such time and the transfer occurs with WVLDC seeks further action, this Planning Board then would look more in depth at the environmental aspect of the future development of the site or the redevelopment of it.

Mr. McConnell: Do we need to establish Lead Agency?

Mr. Fink: Yes. The Board has a Resolution in their packets for Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

Seconded by Mr. Kennedy. The following Resolution was carried 5-Ayes.

617.6

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Warwick Valley LDC Lot Line Change

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by the Warwick Valley Local Development Corporation for a ± 761.737 acre parcel of land located at State School Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/23/13 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Bob Krahulik: The Town of Warwick and WVLDC a not for profit Corporation, has entered into a Contract of Sale for the purchase of 761± from the State of New York known as the former Mid-Orange Correction Facility. The contract contemplates that the Town of Warwick would be acquiring approximately 640 of those acres for municipal, open space and parkland purposes. The remaining 120 acres would be acquired by the WVLDC for future commercial development. The contract defines 120 acres and the 640 acres respectively, but the descriptions of those properties do not align with the current tax map lots that presently exist. Therefore, this application requests a lot line change for the 5 lots that presently exist to conform to the Legal Descriptions in the Contract of Sale which would ultimately allow the Town of Warwick to acquire the 640 acres. The WVLDC would acquire the remaining 120 acres. This is a condition precedent in our Contract of Sale. We cannot close without obtaining the lot line changes. That is why we are before the Planning Board.

Mr. McConnell: Is the bar to acquiring it without the lot line change because the description and the contract does not match the reality of our tax maps?

Bob Krahulik: Yes. If it proceeded with a closing and we had lot lines not conforming to the existing tax lots, we would be proceeding with an illegal subdivision. We would be in trouble if we proceeded on that basis.

Mr. McConnell: Yes. Ok. It comes down just making the lot lines align with what the Contract of Sale is describing.

Bob Krahulik: Exactly.

Mr. McConnell: Ok. Thank you.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: Orange County Planning Department: 07/30/13 advisory comment questioning access to proposed lot 4

Mr. Bollenbach: That could be addressed at a later date. Access to Lot #4 could either be demonstrated to access through to Lot #1 at such time there is a development proposal or perhaps a merger with an adjoining parcel that has access onto municipal roads.

Comment #6: The Short EAF must be signed and dated.

Bob Krahulik: We will do it tomorrow. I didn't realize that we missed that.

Connie Sardo: Didn't you do that? I think that was done.

Laura Barca: The copy I had was not signed.

Mr. Bollenbach: Just leave it as a comment. We will check on that.

Bob Krahulik: It could be possible that we signed 14 copies not 15 copies. I will check on that.

Laura Barca: Ok.

Comment #7: The final map will need to be signed/sealed by the Surveyor of Record.

Bob Krahulik: Ok.

Comment #8: Provide the deeds for the five parcels included within this subdivision for engineer and attorney review.

Bob Krahulik: We will do that as soon as they become available to us from the State of New York. It is possible that there is a copy of the deed attached to the contract. I will check on that.

Comment #9: Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Mr. Bollenbach: We could strike Comment #9. That is not applicable.

Comment #10: The table with the Town's five overlay districts should be added to Sheet 1.

Bob Krahulik: Ok.

Comment #11: Surveyor to certify that iron rods have been set at all property corners.

Bob Krahulik: Will do.

Comment #12: The declaration for the Agricultural Notes and Aquifer Protection Overlay Notes must be added to the plans.

Bob Krahulik: Ok.

Mr. McConnell: It says that it wasn't in the Agricultural.

Mr. Bollenbach: It is not within an Agricultural District. However, there is a requirement if it is within 2000 feet of an Agricultural farming operation.

Mr. McConnell: Ok.

Comment #13: The recording information for the five new parcel deeds must be submitted.

Bob Krahulik: Will do.

Comment #14: Payment of all fees.

Bob Krahulik: Will do.

Mr. Showalter: Do any Board members or Professionals have any comments?

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Kennedy. The following Resolution was carried 5-Ayes.

617.12(b)

State Environmental Quality Review (SEQR)
Resolution Authorizing Filing of Negative Declaration

Name of Action: Warwick Valley Local Development Corporation Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed re-subdivision involving the alteration of five existing lots of records, Town of Warwick, Orange County, New York, and

Whereas, there are no other involved agencies pursuant to SEQR, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 7/23/13, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Bob Krahulik: We ask that the Board waive the public hearing on this application.

Mr. Showalter: Ok. There is no construction proposed. I don't see a problem with that.

Mr. Ruskiewicz makes a motion to waive the public hearing.

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. Kennedy makes a motion on the W.V. Local Dev. Corp./Business Park, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 46 B 1 L 9.1, 9.2, 16, 19, and 20; parcels located on the south side of C.R. 13 (Kings Highway), (255 State School Road), in the OI zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on August 7, 2013. Approval is granted subject to the following conditions:

1. The Short EAF must be signed and dated.
2. The final map will need to be signed/sealed by the Surveyor of Record.
3. Provide the deeds for the five parcels included within this subdivision for engineer and attorney review.
4. The table with the Town's five overlay districts should be added to Sheet 1.
5. Surveyor to certify that iron rods have been set at all property corners.
6. The declaration for the Agricultural Notes and Aquifer Protection Overlay Notes must be added to the plans.
7. The recording information for the five new parcel deeds must be submitted.
8. Payment of all fees.

Seconded by Ms. Little.

Mr. McConnell: Mr. Chairman, I just wanted to clarify something. What the motion is here for is to approve the proposed lot line change?

Mr. Showalter: Yes.

Mr. McConnell: Ok. I just wanted to make sure that was on the record.

Motion Carried; 5-Ayes.

Other Considerations:

1. **Gary Randall #4/Mante Subdivision “Amended” Final Approval** – Letter from Karen Emmerich, Lehman & Getz Engineering, addressed to the Planning Board, dated 7/24/13 in regards to the Randall #4/Mante Subdivision – requesting a 6-Month Extension on “Amended” Final Approval of a proposed 3-Lot Subdivision + 3-Lot Line Changes, situated on tax parcels SBL # 19-1-47.2, 47.1 and 31.11; parcels located on the western side of State Route 94, whereas driveway is 500 feet north of Minturn Road, in the MT zone. Amended Final Approval was granted on 12/19/12. *The Applicant has stated that they are still working on addressing the legal conditions of the approval.* The 6-Month Extension becomes effective on 6/19/13.

Mr. McConnell makes a motion on the Gary Randall #4/Mante Subdivision application, granting a 6-Month Extension on “Amended” Final Approval of a proposed 3-Lot Subdivision + 3-Lot Line Changes, situated on tax parcels SBL # 19-1-47.2, 47.1 and 31.11; parcels located on the western side of State Route 94, whereas driveway is 500 feet north of Minturn Road, in the MT zone. Amended Final Approval was granted on 12/19/12.

. The 6-Month Extension becomes effective on 6/19/13.

Seconded by Mr. Ruskiewicz. Motion carried; 5-Ayes.

2. **Allan Mante Subdivision** – Letter from Kirk Rother, P.E., addressed to the Planning Board, dated 7/12/13 in regards to the Mante Subdivision – requesting 6-Month Extension of 3rd Re-Approval of Final Approval and requesting 4th Re-Approval of Final of Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 47-1-78.234; parcel located on the eastern side of Bellvale Lakes Road and 2,725 feet south of Rabbitt Hill Road, in the MT zone. Conditional Final Approval was granted on, 9/2/09. *The Applicant has stated that they will be submitting the final maps for signature in the coming weeks.* The 6-Month Extension on 3rd Re-Approval of Final Approval becomes effective on 3/2/13. The 4th Re-Approval of Final Approval becomes effective on 9/2/13, subject to the conditions of Final Approval granted on 9/2/09.

Mr. McConnell makes a motion on the Allan Mante Subdivision application, granting a 6-Month Extension on 3rd Re-Approval of Final Approval of a proposed 2-Lot subdivision. SBL # 47-1-78.234.

The 6-Month Extension on 3rd Re-Approval of Final Approval becomes effective on 3/2/13.

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. McConnell makes a motion on the Allan Mante Subdivision application, granting “**4th Re-Approval**” of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL #47-1-78.234; parcel located on the eastern side of Bellvale Lakes Road and 2,725 feet south of Rabbitt Hill Road, in the MT zone. Conditional Final Approval was granted on 9/2/09.

The 4th Re-Approval of Final Approval becomes effective on 9/2/13, subject to the conditions of Final Approval granted on 9/2/09.

Seconded by Ms. Little. Motion carried; 5-Ayes.

3. Planning Board Minutes of 7/17/13 for Planning Board Approval.

Mr. Ruskiewicz makes a motion to approve the Planning Board Minutes of 7/17/13.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

Correspondences:

Connie Sardo: We do not have any correspondences this evening.

Privilege Of The Floor For Agenda Items!!

Mr. Showalter: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion to adjourn the August 7, 2013 Planning Board Meeting.

Seconded by Ms. Little. Motion carried; 5-Ayes.