

TOWN OF WARWICK PLANNING BOARD  
January 15, 2025

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Bo Kennedy,  
Rich Purcell, Vickki Garby, Alternate  
Laura Barca, HDR Engineering  
Danielle Dreyer, NPV Planners  
Bob Krahulik, Planning Board Attorney  
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, January 15, 2025 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.

Chairman Astorino: Happy New Year. Before we start, I would like to do some housekeeping with the Planning Board for the new year. I would like to appoint Roger Showalter as Vice-Chairman to the Planning Board. Thank you for your support and everything.

Vice-Chairman Showalter: Thank you.

Chairman Astorino: We are in the winter season. If there is an inkling or some bad weather coming, Connie our secretary will notify the Planning Board members, Professionals and Applicants by email by 4:00 p.m. that the meeting would be canceled.

**PUBLIC HEARING OF 138 Pine Island Turnpike, LLC**

Application of 138 Pine Island Turnpike, LLC, for the application for Site Plan Approval and Special Use Permit for the construction and use of a new 1,200 square-foot Guest House with a 1,200 square-foot attached Garage, and 300 square feet with storage space, situated on tax parcel S 29 B 1 L 74; parcel located on the northern side of Pine Island Tpke., (138 Pine Island Tpke.), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: David Niemotko, Architect.

Connie Sardo: Mr. Chairman, we received the certified mailings for the 138 Pine Island Turnpike public hearing.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This is an Unlisted Action. The Applicant has provided a draft EAF Part 3. We have reviewed that and made minor revisions. We recommend the Planning Board to adopt the Part 2 EAF, as well as the Part 3 EAF and the Negative Declaration. They are not likely to have any adverse impacts. There is a Resolution tonight for the Board's consideration.

Comment #2: Applicant to discuss project.

David Niemotko: We have been working with the Board on this project for the last 6-months. This is an accessory structure to the existing property that is situated on approximately 15.98 acres. It has a primary residence on the property. Your Zoning Code allows an accessory structure. This accessory structure would be a 1200 square-foot guest house along with a 1200 square-foot attached garage and with 300 square feet of storage space. We have gone through the process of review with the Consultants. They have confirmed that we would be able to do this. We proved that the lot could be subdivided into 3 lots as per your Zoning Code. That is not what we are proposing. We did prove that the lots could be subdivided into 2 lots which is a requirement to have a guest house. Those lots conform to the configuration of the Zoning Code. They conform to the area that is needed and the setback requirements using the private road as the front yard for the setbacks. We proved that the private road can be constructed on this site to access all 3 lots including the one that we are proposing. The guest house is proposed to be located on the lower end "Lot 1". It would be serviced by a well and septic. It has been witnessed by the Engineering Firm. We have done the percolation. We have designed the septic. We have located the well according to the DEC's requirements. We have received approval from OCDPW.

Chairman Astorino: I just wanted to clarify that this is not an accessory structure. It is an as right Special Use Permit. In our Zoning Code, it is not an accessory. I just wanted to make the Board and everyone aware of that.

Comment #3: Conservation Board – no comments received.

Comment #4: Architectural Review Board – no comments received.

Comment #5: OC Planning Department – 08/16/24 advisory comments OCDPW required, endangered species protection with tree harvesting, and any easement and maintenance agreements.

Chairman Astorino: We went through them. We have vetted them.

Comment #6: TW Building Department – 08/21/24 no violations

Comment #7: OCDPW – 01/07/24 approval letter received

Chairman Astorino: We have that approval letter in our files.

Comment #8: The design professional information should be included on each sheet that will be signed and sealed by that professional.

David Niemotko: Yes.

Comment #9: 911 addresses must be obtained from/clarified with the Building Department and then shown on the plan.

David Niemotko: Yes.

Comment #10: Applicant to modify the grading of driveway to not exceed 10% or add a note to the plan stating that the driveway will be paved in its entirety.

David Niemotko: We had demonstrated that the grading of the driveway would be under 10%. We would add a note to the plans stating that the driveway cannot exceed 10%.

Comment #11: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet C-1, Note 3.

Comment #12: Surveyor to certify that iron rods have been set at all property corners.

Comment #13: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Comment #14: The declaration information for the Ridgeline and Agricultural Notes must be added to the plan.

Comment #15: Payment of all fees.

David Niemotko: We are ok with Comment #11 through Comment #15.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? We had done a site visit at the property. This is a public hearing. If there is anyone in the audience wishing to address the Planning Board on the 138 Pine Island Turnpike application, please rise and state your name for the record.

Peter Krasinski: I live at 15 Distillery Road. My wife and I have been Warwick residents for over 30 years. We went to Warwick School and spent our adult lives here. We didn't come from money. We had rented an 800 square-foot apartment for 8 years. We finally saved up enough money to purchase our first home at the end of summer of 2024. We looked at multiple towns. We chose to stay in Warwick for the privacy and space. We love our hometown. We closed in the middle of October. We purchased a modest 1100 square-foot home on 7.5 acres with no structures near it. This has been our dream. However, with the realization of the 2500+ square-foot structure that was built 76.1 feet from our house has been a very tough pill to swallow. This home was our life savings. It cost us \$563K to purchase 1100 square-foot home. Based on what we had heard today, I understand that the building that Mr. Napolitano is looking to build meets the Town Code and the offset by 1.1 feet. I would like to request that an adjustment be made to the plans to allow for more space between our structures. There is nothing on the far side of it theoretical Lot 1 that he would be building close to. I am concerned about our home's value. The most value asset from when we purchased our home was for the privacy. I have not met Mr. Napolitano. I would like to have a neighborly relationship with him. I hope we could find a middle ground that could help us feel more comfortable and respect our privacy and space and his desires of what he wants to do with his land. I understand that Mr. Napolitano had some less than pleasant interactions with the former homeowners of 15 Distillery Road. That is not the relationship that I am trying to establish. If this project is approved and I know there are many people that are opposed to it, I request that the structure be moved further away from Lot 1 and our

home. I ask that as the representation of Mr. Napolitano, he could get that message to him that I stated for the record. Do we know how tall the building would be that he plans on building?

Chairman Astorino: It meets the RL-O specifications. It would be no higher than 25 feet.

Peter Krasinski: I know that it has been very clear that Mr. Napolitano's intension is not to use that as any kind of long-term or short-term rental space. However, one of the repercussions is that he would be using it for that kind of use.

Chairman Astorino: That would be a violation of the site plan. There is a note on the site plan.

Peter Krasinski: Ok. We currently have water pooling from grading being done by Mr. Napolitano's crew. Could this be rectified? How could we ensure that it would not get worse?

Chairman Astorino: Any homeowner or building cannot direct water onto your property. If you know for a fact that water has been directed onto your property, that would be a civil matter. In this case here, any grading that would be done would not be going towards your property.

Peter Krasinski: Ok. Mr. Napolitano has a dumpster placed on his 16-acre property, which could be placed anywhere. It is located about 1-foot from our property line and about 20 feet from our house. It gets picked up by loud trucks around 5am at random. Is there any reason why the dumpster is placed so close to my house? Could the dumpster be moved?

Chairman Astorino: That would be a question for the Applicant. That could be a complaint to the Building Department. We would make note of that.

Peter Krasinski: Ok.

Chairman Astorino: I don't know what he has it there for. I don't know what he is using it for. If it is going to be used for garbage being picked up weekly, it probably should be screened or moved.

Peter Krasinski: Ok. I just wanted to make my statement known that we just moved here. We just bought our first home. All of our money is tied into it for the privacy and space. I just feel like within the last 3 months that is all getting flipped around.

Chairman Astorino: This Board had done a site visit. There is a ton of landscaping that the Applicant has put out there already. As far as the setbacks, he is meeting the requirements of the setbacks and the intent of the Town Code.

Peter Krasinski: Ok. I understand that. My statement was made for more of a neighborly thing. It wasn't meant for the Code. Thank you.

Chairman Astorino: Ok. Thank you. Is there anyone else wishing to address the Planning Board on the 138 Pine Island Turnpike Site Plan application?

Dave Guthaim: I live at 17 Distillery Road. I have been living there for 8 years and 1-Month. I love it there. We live adjacent to Mr. Krasinski. We are perpendicular from Mr. Napolitano's house. We bought it mainly for the privacy and the view. We love the sunsets. We moved here for the peace of mind. I am thankful and appreciative that the original plans that are not part of this discussion were amended and is no longer a 35-foot structure at the dead center of the property. It really impeded a lot of the people privacy and views. I do thank you for your consideration of that.

Chairman Astorino: Let me correct you. Ware not the Board that looked at that.

Dave Guthaim: Ok.

Chairman Astorino: That was the Zoning Board of Appeals. This is the Planning Board. Just another point on this application. This application couldn't proceed before us with any waivers or variances. This application is for a guest house with a special use permit, which is allowed by right. It can't have any variances or waivers. They have to make sure it fits the property. As David had pointed out in his opening remarks, they had to prove that they could subdivide it. He mentioned 2 lots. They had showed us 3 lots on that property if they wanted to subdivide that piece of property by right. They have proved that they could do it. In this case, they are following the guest house special use permit, which they could do. They are meeting the intention of the Town Code.

Dave Guthaim: Ok. So, if this body does approve this, as from what I am understanding they would not have to go to the ZBA.

Chairman Astorino: They would not. We wouldn't be talking right now.

Dave Guthaim: Ok. I wanted to reiterate what Mr. Krasinski had said about the short-term and long-term rental.

Chairman Astorino: As I had pointed out, there is a note put on the plans stating no short-term rentals.

Dave Guthaim: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the 138 Pine Island Turnpike application? Let the record show no further public comment.

Mr. Showalter makes a motion for the Negative Declaration, Part 2 and Part 3 EAF.

Seconded by Mr. McConnell. The following Resolution was carried 5-Ayes and 0-Nays and 0-Absent.

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Adopting Parts 2 and 3, Adopting Negative Declaration and  
Authorizing Filing of Same

**Name of Action: 138 Pine Island Turnpike**

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed accessory guest house and garage, totaling 5,000 square feet of building area. The project is identified on the Town of Warwick Tax Map as Section 29 Lot 1 Block 74, and is located at 138 Pine Island Turnpike, Town of Warwick, Orange County, New York; and

**Whereas**, the Planning Board on or around September 18, 2024 classified the action as an Unlisted action and declared itself Lead Agency for the purpose of commencing uncoordinated review of the action; and

**Whereas**, the Planning Board received a draft Part 2 Environmental Assessment Form (EAF) prepared by its Planner, on September 18, 2024 identifying the following areas of potential large impacts:

- a. Aesthetic Resources – Project site is within the Ridgeline Protection Overlay.
- b. Adverse Changes to Natural Resources – Application site is near to Wheeler Creek and site is suspected to contain Northern Long-Eared Bat; and

**Whereas**, the Planning Board has reviewed the Short EAF Parts I and 2 dated July 11, 2024 and September 18, 2024 respectively; and

**Whereas**, the Planning Board is in receipt of and has reviewed the draft Part 3 Short EAF prepared by its planner which provides further consideration of potential large impacts; and

**Now Therefore Be It Resolved**, that the Planning Board adopts the EAF Parts 2 and 3 as prepared by the Planner, which sets forth the Planning Board's review and analysis of the various information and testimony received, and provides an assessment of the likely magnitude of impacts, the geographic scope of impacts, the duration of impacts, the probability of impacts occurring, the number of people affected by potential project impacts and other relevant considerations of environmental consequences that are likely to occur as a result of the action;

**Be It Further Resolved**, that based upon the EAF and other relevant project submissions, the Planning Board hereby adopts a Negative Declaration of Environmental Significance indicating that significant adverse environmental

impacts are unlikely and that an Environmental Impact Statement shall not be required; and

**Be It Further Resolved,** that the Planning Board authorizes the Chairman to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action, including the filing of the Negative Declaration with other Involved Agencies and publishing notice in the Environmental Notice Bulletin.

Chairman Astorino: I have a question for the Applicant regarding the setbacks. Dave is there any way to shift to shift that anymore or would you be looking into a variance at that point? I thought we had discussed that you were very tight on the location of where it was.

David Niemotko: We are tight because of the front yard setback being determined by the private road.

Chairman Astorino: Ok. You are in the Ridgeline Overlay District. Before this gets approved and if that happens and you could shift it, you would only have 20 feet to move it. I don't even know if you have that. For the record, if you could move it over some, it would not be a bad thing.

David Niemotko: We cannot do that.

Chairman Astorino: Ok.

Mr. McConnell: Would it be possible to mitigate some plantings? Privacy was one thing I have heard from both residents.

Chairman Astorino: There are numerous plantings located on the property. There is also a ton of bamboo located on the property. They had done a lot of plantings for the ZBA at that point.

Mr. McConnell: Ok.

Mr. Showalter: I would like to make a comment to the Applicant's Professional. Please make sure that the neighbor's concerns as far as the water on the property doesn't occur.

Chairman Astorino: Bring that matter to your client's attention.

Mr. Showalter: That is very important. You cannot have water run onto neighboring properties.

David Niemotko: For the record, we swale away from the property. This design does not allow for any stormwater to impact the neighboring properties.

Mr. Showalter: Please take a look at that to make sure.

Chairman Astorino: Please pass it along. It sounds like it is an issue or it could be an issue.

Peter Krasinski: I have a picture that shows where the pooling happens from the grade that is

coming from his property from where the landscaping that he put in to block the view. I know that you had brought up about the bamboo as part of the blockage of the view of the structure. I did not put that bamboo in. I don't know if that was put in by Mr. Napolitano.

Chairman Astorino: There was a lot of bamboo there.

Peter Krasinski: There is a ton of bamboo located there. That was something we were looking into potentially removing. It is so rapid growing. The roots are extremely deep. That bamboo is located right next to our septic system.

Chairman Astorino: David, we are going to add a note to the plan to add landscaping along that side to the Town Planner's specifications. That will also be a condition of the approval. That would be something before the maps are signed.

Peter Krasinski: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the 138 Pine Island Turnpike Site Plan application? Let the record show no further public comment.

Mr. McConnell makes a motion to close the public hearing.

Seconded by Mr. Showalter. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Mr. Purcell makes a motion on the 138 Pine Island Turnpike, LLC application, granting conditional Site Plan Approval and Special Use Permit for the construction and use of a new 1,200 square-foot Guest House with a 1,200 square-foot attached garage and 300 square feet with storage space, situated on tax parcel S 29 B 1 L 74; parcel located on the northern side of Pine Island Tpke., (138 Pine Island Tpke.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on January 15, 2025. Approval is granted subject to the following conditions:

1. The design professional information should be included on each sheet that will be signed and sealed by that professional.
2. 911 addresses must be obtained from/clarified with the Building Department and then shown on the plan.
3. Applicant to modify the grading of driveway to not exceed 10% or add a note to the plan stating that the driveway will be paved in its entirety.
4. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet C-1, Note 3.
5. Surveyor to certify that iron rods have been set at all property corners.
6. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
7. The declaration information for the Ridgeline and Agricultural Notes must be added to the plan.
8. Add Landscaping to the plans to the Town Planner's specifications.
9. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 5-Ayes and 0-Nays and 0-Absent.



**PUBLIC HEARING OF Frederick & Susan Fisher**

Application for Site Plan Approval for the use and construction of a 4-bedroom single-family dwelling, situated on tax parcel S 33 B 1 L 4.23; project located on the northern side of Demarest Road 800± feet west of 4 Corners Road (16 Demarest Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler, Friedler Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Fisher public hearing.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Danielle Dreyer: This is a Type 2 Action. No further SEQRA is required.

Mr. Kennedy makes a motion for the Type 2 Action.

Seconded by Mr. Purcell. Motion carried; 5-Ayes and 0-Nays and 0-Ayes.

Comment #2: Applicant to discuss project.

Brian Friedler: This is a vacant lot that the Applicant's are looking to construct a single-family dwelling. We are before the Planning Board because there was a subdivision map filed in the 1970's that indicated any further building on this lot would require Planning Board review. We had done soil tests over a year ago. We have an approved septic system, well location and a driveway location. We are here to get approvals from the Planning Board.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 12/05/24 advisory comments locations of test pits and percolation tests for proposed septic system on site plan.

Chairman Astorino: We have vetted that. That has been done.

Comment #6: TW Building Department – 12/05/24 no violations.

Comment #7: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1

Comment #8: The surveyor must sign and seal the plan.

Brian Friedler: We are ok with Comment #7 and Comment #8.

Comment #9: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: We ask the Board for a waiver of the iron rods?

Chairman Astorino: This is a new lot.

Brian Friedler: This is an existing lot. There are a lot of different property lines for the pond that is located back there. A lot of that area is in the pond.

Chairman Astorino: What is the Board's feeling about waiving the setting of the iron rods?

Mr. McConnell: Is the reason why that it has been there for a long time?

Mr. Showalter: Yes.

Brian Friedler: There is a pond on its own separate lot. That pond has a ton of different turns. It would be difficult to put in iron rods.

Mr. McConnell: Does the pond form as part of the property line?

Brian Friedler: Yes. The pond is on its own property. It is owned by the Applicant. It is a separate tax lot.

Chairman Astorino: It is an existing lot. The lines have not changed.

Brian Friedler: Correct.

Mr. McConnell: It is existing but it wasn't approved for construction. If it had been approved for construction, would they have required for iron rods to be set?

Chairman Astorino: I assume that was done.

Mr. McConnell: I don't see why we shouldn't follow that which was started.

Chairman Astorino: I think what he is saying is that iron rods were set on this lot.

Mr. McConnell: Is that what you are saying?

Brian Friedler: I am sure they are set. But for him to go out there and certify that they are out there could be difficult.

Chairman Astorino: I assume they have been set. Why wouldn't they be set?

Mr. McConnell: I don't know. Let's see if any of the neighbors ask at the public hearing about where is that property line.

Comment #10: The declaration information for the ridgeline and agricultural protection overlays must be added to the plans.

Comment #11: Payment of all fees.

Brian Friedler: We are ok with Comment #10 and Comment #11.

Chairman Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Planning Board on the Fisher Site Plan application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter makes a motion to waive Comment #9, Surveyor to certify that iron rods have been set at all property corners.

Seconded by Mr. McConnell. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Mr. McConnell makes a motion to close the public hearing.

Seconded by Mr. Purcell. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Mr. Kennedy makes a motion on the Frederick & Susan Fisher application, granting conditional Final Site Plan Approval for the use and construction of a 4-bedroom single-family dwelling, situated on tax parcel S 33 B 1 L 4.23; project located on the northern side of Demarest Road 800± feet west of 4 Corners Road (16 Demarest Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on January 15, 2025. Approval is granted subject to the following conditions:

1. TW Building Department – 12/05/24 no violations.
2. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1
3. The surveyor must sign and seal the plan.
4. Surveyor to certify that iron rods have been set at all property corners. (WAIVED)
5. The declaration information for the ridgeline and agricultural protection overlays must be added to the plans.
6. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Brian Friedler: Thank you.

**Review of Submitted Maps:*****Kenneth Brown “Chapter 150”***

Application for recommendation to the Town of Warwick Building Department for “Chapter 150” reclamation plan, situated on tax parcel S 64 B 1 L 48.22; property located on the eastern side of Brady Road 100 feet south east of Black Rock Road (141 Brady Rd.), in the CO zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler, Friedler Engineering. Kenneth Brown, Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Danielle Dryer: This is an Unlisted Action under SEQRA. We have prepared a Resolution for the Board to declared Lead Agency to commence uncoordinated review. Additionally, we have prepared a Draft EAF Part 2 which the Board may wish to adopt to address the potential adverse impacts to natural resources as the site contains delineated wetlands and has a potential for the Northern Long-eared Bats. The application would also require GML Referral as it is within 500 feet of an Agricultural District. We have a few landscaping comments. We recommend a site visit to survey the current conditions. We don’t know exactly what has been done by just looking at the plans. §164-46H(8)b requires native plant material of the Green Giant Arborvitae are not native. We suggest the Eastern Red Cedar as an alternative. We also recommend a lawn seed mix that has a range of native and naturalized grasses other than just perennial ryegrass. The Applicant should avoid planting screens of single species. We recommend a range of native evergreens to be added in addition to Pinus Strobus.

Brian Friedler: Ok.

Chairman Astorino: Does the Board want to be on this site visit?

Mr. Showalter: That is an easy one for me to attend. I will be there.

Chairman Astorino: We will schedule a site visit. We will be in touch with you.

Brian Friedler: Ok.

Mr. McConnell makes a motion for Notifying the Intent to Assume Lead Agency, Classify Action as Unlisted Action and adopt EAF Part 2.

Seconded by Mr. Kennedy. The following Resolution was carried; 5-Ayes and 0-Nays and 0-Absent.

617.6

State Environmental Quality Review (SEQR)

Unlisted Action

Name of Action: Kenneth Brown Site Plan

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for Site Plan for tree cutting and excavation regarding a Chapter 150 Violation issued by the Building Department, situated on a 4.9 acre parcel of land located at 141 Brady Road, Town of Warwick, Orange County, New York, and

**Whereas**, a Short Environmental Assessment Form (SEAF) Part 1 was received from the Project Sponsor dated November 26, 2024; and

**Whereas**, after examining the EAF, the Planning Board has determined that there may be no involved or interested agencies for the project; and

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed action as an Unlisted Action and assumes Lead Agency status for the uncoordinated SEQR review of this action; and

**Be It Further Resolved**, that the Planning Board adopts the Short EAF Part 2 as recommended by its planner identifying areas of potential large impact including impact to wetlands and impacts to Northern Long-Eared Bat; and

Comment #2: Applicant to discuss project.

Brian Friedler: We are here before the Board to try to remediate some tree removal and excavation that has been done. We are showing a plan to show plantings along his property lines to screen it from the common driveway that he used to have access from. He installed a driveway off Brady Road. We are in front of the Planning Board to try to remediate the violation.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 01/03/25: Expired permit #32296 for whole house interior renovation and addition; new fence added to perimeter of property between March 2023 and March 2024; Structure in rear yard has no permit (April 2022 – March 2023); expired permit #32297 for covered porch.

Chairman Astorino: Those issues you would have to get in touch with the Building Department.

Kenneth Brown: Ok.

Comment #6: OC Planning Department – pending comments

Comment #7: Applicant to provide clarify location, number of bedrooms, and functionality of existing individual subsurface system(s).

Brian Friedler: Ok.

Comment #8: Planning Board to determine if a site inspection is necessary.

Chairman Astorino: We will schedule a site inspection. We will get a date out to you as soon as we can.

Comment #9: Please submit documentation of ownership of land (deed), to confirm ownership of lot.

Comment #10: Applicant to provide documentation of wetlands, culvert sizing, etc.

Comment #11: Town of Warwick Standard Map Notes must be added to the plans: ridgeline, aquifer, biodiversity, all utilities underground, and lighting note.

Comment #12: The total amount of land where the topography has been changed (i.e., disturbed/filled) must be shown on the plan.

Comment #13: Proposed driveway should follow all requirements of [§79-3. Construction specifications](#). Applicant should include profile of driveway on plans.

Comment #14: Proposed driveway should follow requirements of § A168-19. Driveways, and include sight distances on plans.

Comment #15: Applicant to clarify if modification to previously shared driveway is complete, and how much of driveway shown on plans will remain.

Comment #16: A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans (intermediate SWPPP).

Comment #17: Applicant to show square footage of existing and proposed dwellings and garage/shed on plans.

Comment #18: The plan should be clarified about the use the larger structure labeled “dwelling.”

Comment #19: The entity who flagged the wetlands should be identified on the plans, as well as the date that the wetlands were flagged.

Comment #20: The agency having jurisdiction over the wetlands should be labeled on the plans.

Comment #21: Applicant to show distance between wetlands and limits of disturbance on plans. The jurisdiction and any appropriate buffers of the wetland must be shown on the plans.

Comment #22: The plans should indicate if the natural drainage of the area has been affected, including if adjacent property owners will be affected.

Comment #23: Site plan should follow requirements of §150-4. Uses for which permit is required.

Comment #24: Applicant should clarify if land disturbance is complete, or if additional land disturbance will be disturbed/filled. This should be shown on the plans in plan view.

Comment #25: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #26: Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).

Comment #27: §150-4(A)5. A performance bond may be required to ensure conformance to all applicable standards and requirements.

Comment #28: A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate, including installation.

Comment #29: The declaration information for the ridgeline, agricultural and biodiversity protection overlays must be added to the plans.

Comment #30: Surveyor to certify that iron rods have been set at all property corners.

Comment #31: Surveyor to sign and seal drawing.

Comment #32: Payment of all fees.

Brian Friedler: We are ok with Comment #9 through Comment #32.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? I just wanted to add that the Village of Warwick had made a phone call to our secretary today. This project is located near their watershed. I know that the stormwater plan would take care of that. Just an added note to you that they were interested in what is going on.

Brian Friedler: Ok.

Chairman Astorino: We will schedule a site visit. We will get back to you on that. You would need to take care of your building permit issues with the Building Department.

Brian Friedler: Ok. Thank you.

***Lauren & Celia Van Pamelen/Student Bus Company, LLC.***

Application for Site Plan Approval and Special Use Permit for the use and construction of a school bus yard and fueling facility for the buses and repurpose of existing residence into an office building, situated on tax parcel S 35 B 1 L 20; project located on the northern side of Lake Station Road 800 feet east of Kings Highway (C.R. 13) (19 Lake Station Road, in the OI zone, of the Town of Warwick.

Representing the Applicant: Brad Cleverly from MJS Engineering. Matt Kuhl, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This is an Unlisted Action under SEQRA. We have prepared a Resolution for the Board to declare Lead Agency. Additionally, we have prepared a draft EAF Part 2 in wish the Board may wish to adopt addressing the following potential adverse impacts: Potential impairment to the character or quality of the existing community. Applicant should address visual impact to surrounding neighborhoods. Potential adverse change in the existing level of traffic – proposed action can result in substantial increase in traffic above present levels. Potential adverse impacts to natural resources. Applicant should address Aquifer Protection Overlay, increases to impervious surfaces adjacent to wetlands, potential for Bog Turtle and Northern Long-eared Bat. Additionally, the application requires GML referral as it is within 5000 feet of the Town of Chester municipal boundary. If any new outdoor lighting is proposed, detailed information is required as per §164-43.4 shall be provided. Per §164-46(G)(3)(n), A landscaping plan showing all proposed changes to existing natural land features, including size and type of plant material, and the number, size, types and locations of all trees, shrubs and ground covers to be added. A planting schedule and a landscape maintenance plan shall be included. Trees to be saved shall be noted on the site plans, and appropriate measures shall be outlined to protect the tree stock from damage during construction. If any new signage is proposed, details are required in accordance with §164-43.1. If any structures or exterior alterations to existing structures are proposed, plans should be provided for our review.

Mr. McConnell: Was this where the dog food company and the bus manufacturer use to be?

Chairman Astorino: No. It is down further.

Brad Cleverly: It is located to the east of that.

Mr. Showalter: It is over the tracks.



Mr. McConnell makes a motion for the Lead Agency, Classifying Unlisted Action and Commencing Uncoordinated Review and adopts the EAF Part 2.

Seconded by Mr. Kennedy. The following Resolution was carried 5-Ayes and 0-Nays and 0-Absent.

617.6

State Environmental Quality Review (SEQR)

Resolution Assuming Lead Agency, Classifying Unlisted Action and Commencing Uncoordinated Review

Name of Action: Student Bus Company

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for Site Plan Approval and Special Use Permit for a school bus yard and repurposed office building, situated on a 3.6 acre parcel of land located at 19 Lake Station Road, Town of Warwick, Orange County, New York, and

**Whereas**, a Short Environmental Assessment Form (SEAF) Part 1 was received from the Project Sponsor dated December 11, 2024; and

**Whereas**, after examining the EAF, the Planning Board has identified no other involved agencies for the project; and

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed action as an Unlisted Action and declares its intent to assume Lead Agency Status for the uncoordinated SEQR review of this action; and

**Be It Further Resolved**, that the Planning Board adopts the Short Part 2 EAF prepared by its Planner identifying potential large impacts to community character, traffic, the aquifer, wetlands, bog turtle and northern long-eared bats; and

Comment #2: Applicant to discuss project.

Brad Cleverly: This application is for a proposed transportation terminal. There is an existing house for sale along Lake Station Road. In the field to the west of that, they would be constructing a parking lot. There would be a parking lot for 30 short buses, 5 regular size buses. There would be 32 parking spaces for the drivers. The existing house would be converted into an office. There would be parking for the

staff behind the house. There would be landscaping in accordance to the Town of Warwick's requirements. The stormwater is required.

Mr. McConnell: Who are these buses going to be busing and where?

Matt Kuhl: We currently transport them from Monroe, Chester and Florida school districts.

Mr. McConnell: Does that include Warwick school district?

Matt Kuhl: No.

Chairman Astorino: Before we get through all of these comments, which I will address for the record. We know that we would have to do a site visit. We would be in touch with you for setting up a site visit. For the Board's information, we would need to do a traffic study, wetlands, the Design Standards, etc... There is a litany of potential issues for this. Are there any comments you would like to go through this evening? The Board would need to see this site before we even dealt too far into it. We had just done SEQRA tonight. We would schedule a site visit. We would get back to you on that. We would have to do a very in-depth review on this project. We do that with every project that is before us.

Mr. McConnell: Would the fuel storage be above ground or underground?

Bob Krahulik: That would be an issue. Fuel storage is not permitted in a transportation facility.

Chairman Astorino: There are a lot of issues that would have to be addressed. We are on Step 1 of many steps. We will list Comment #3 through Comment #37 for the record. We would need to go out to the site before we could move any further.

Brad Cleverly: Certainly. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 01/03/25 permit needed for gazebo

Comment #6: OC Planning Department – pending comments

Comment #7: Planning Board to determine if a site inspection is necessary.

Comment #8: Applicant to submit all items from the required Site Plan and Special Use checklist.

Comment #9: Applicant to clarify the structure that appears to be located on the Town of Chester/Town of Warwick boundary line.

Comment #10: Sheet C-1. Note should include that §164-40.M Table of Use Requirements, Use #95 is being proposed.

Comment #11: The bulk table information shown on Sheet C-1, Note 5 should include lot width, lot depth, and setbacks adjacent to special area (i.e., USACE wetland).

Comment #12: Bulk zoning table and setback distances from office, should be shown on plans. Setbacks for parking should comply with §164-46J(127).

Comment #13: Applicable Town of Warwick standard notes added to plans.

Comment #14: §164-46.J(53) Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies.

Comment #15: §164-46.J(81) require compliance with §164-48: Performance Standards should be followed: No land or building use shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, noise or vibration, smoke, dust, electromagnetic or other disturbance, glare, liquid or solid refuse or wastes or other substance, condition or element in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.

Comment #16: §164-46J(89): Storage of vehicles in a bus, truck, or railroad freight terminal shall not be located nearer than 200 feet to a residence district,

Comment #17: §164-46J(90): Shipping and receiving docks in a bus, truck or railroad freight terminal shall have adequate access to and from a public street without using said street for maneuvering purposes and shall not be located nearer than 200 feet to a residence district.

Comment #18: §164-46J((91) In a bus, truck or railroad freight terminal, no repair of motor vehicles, or shipping and receiving, shall be permitted within 600 feet of a residence district or between the hours of 8:00 p.m. and 6:00 a.m.

Comment #19: §164-46J(97): A minimum area equal to 1/3 of the first 50,000 square feet of building coverage, plus 20% of the square footage in excess of 50,000 square feet, shall be devoted to aesthetic landscaping enhancing such areas as outer courtyards, building perimeters and major vehicular entrances and exits. All proposed plant species should be included on plans.

Comment #20: §164-46J(131) The minimum floor area shall be 2,000 sq ft for the first floor of each principal building. Square footage proposed use of office building should be shown on plans.

Comment #21: §164-46J(132): The minimum distance between buildings is to be 30 feet or equal to the height of the tallest building, whichever is greater.

Comment #22: §164-46.J(137): For the purposes of the Office and Industrial Park District, a "lot" shall be defined as land which is leased, as well as land which is conveyed in fee.

Comment #23: §164-46J(61): No gasoline pumps shall be located nearer than 20 feet to any street line right-of-way.

Comment #24: A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans (intermediate SWPPP).

Comment #25: Any existing and all proposed signage must be shown on the plan, in compliance with MUTCD standards.

Comment #26: The hours of operation should be shown on the plans.

Comment #27: Applicant to submit traffic scope of work.

Comment #28: Applicant to remove the proposed 3,000 gallon fueling tank from the plans, as its not a permitted use in the Town code.

Comment #29: Add this note to the plans: No onsite servicing or repair of motor vehicles shall occur.

Comment #30: Applicant to clarify if there is a proposed septic system onsite.

Comment #31: The 911 address must be shown on the plan.

Comment #32: Parking calculations must be provided for proposed transportation terminal and office parking spaces.

Comment #33: All parking lot spaces and lot must be striped.

Comment #34: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #35: Surveyor to certify that iron rods have been set at all property corners.

Comment #36: Surveyor to sign and seal drawing.

Comment #37: Payment of all fees.

**Other Considerations:**

1. Planning Board Minutes of 11/20/24 & 12/18/24 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 11/20/24 & 12/18/24.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

2. Planning Board to discuss canceling the 1/27/25-W.S. & PB Meeting of 2/5/25.

Mr. McConnell makes a motion to cancel the 1/27/25-W.S. & PB Meeting of 2/5/25.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

**Correspondences:**

Chairman Astorino: Connie, do we have any correspondences this evening?

Connie Sardo: No.

**Privilege Of The Floor For Agenda Items!!**

Chairman Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record.

Ron Donnatin: I live at 8 Lake Station Road. We are diagonally located across from the school bus garage. I understand what you had said earlier about how you would have to evaluate on this matter more. I have been living on this property for 45 years. I have worked for the Town of Warwick. When I retired, I got into school transportation. I was a school bus driver and instructor. I had run school bus yards over in Ossining. I had been a trainer. I have worked for the Warwick School district. I have a pretty good insight on the history of the school stuff. One of the things to consider is the air quality for when all of these buses are running. On cold mornings, they get up and run those buses to get warmed up before they pull them out. It is a standard procedure that they do. I have experienced that. You would need to consider the air quality. I don't know if that would be something you would already know about.

Chairman Astorino: Absolutely.

Ron Donnatin: You had mentioned that there would not be refueling. Is that correct?

Bob Krahulik: There would not be fuel.

Ron Donnatin: Would the buses becoming in there fueled?

Chairman Astorino: We cannot answer those questions right now. We have not received that information.

Ron Donnatin: Understood.

Chairman Astorino: As a Planning Board, we want to do a site visit to see exactly what they are talking about before we could even deal into it.

Ron Donnatin: Regarding traffic, when they are going over the tracks, they would have to make a stop. They would have to open the doors, turn off the fans, and open the window. If you have 5 or 6 buses doing that and traffic on that road, when I go get my mail across the street, it is very rarely that I could go across that street without having a car.

Chairman Astorino: We know that they would have to do a full traffic study. We don't have answers for anything right now.

Ron Donnatin: There is a noise issue that comes out of those diesel buses. What are the hours of operation? The diesel fumes when they are running the buses early in the morning affects the air quality.

Chairman Astorino: We don't have answers on that right now.

Ron Donnatin: It would be a weird place to put up a bus garage. Is there anyway that I could follow up on this?

Chairman Astorino: This is before the Town of Warwick Planning Board. Agendas are posted on the Town's website. You could reach out to our Planning Board secretary.

Connie Sardo: You could also send me an email. My email address: [planning@townofwarwick.org](mailto:planning@townofwarwick.org)

Ron Donnatin: Ok.

Chairman Astorino: This is Step 1 of many more steps that would need to happen.

Connie Sardo: Sending an email to the Planning Department is the best way. You could also fill out a FOIL request through the Town Clerk's office.

Ron Donnatin: Ok.

Chairman Astorino: As this process goes along, there would be a public hearing. It sounds like you are very acknowledgeable with this whole situation. If you would like to send an email with your concerns with the knowledge that you have would be a wise move to do.

Ron Donnatin: Ok. When you say that this could take a while, do you have a timeline?

Chairman Astorino: We don't know the timeline. It would be up to the Applicant. If they are going to do a traffic study, if that could take them 6 months to do, we don't know that.

Ron Donnatin: For them to do a traffic study, do they do that on their own or do they do it through the request of the Town?

Chairman Astorino: We would require them to do that. The Applicant would hire a company. It would have to be reviewed by the Town Planning Board engineer that it would meet the requirements set forth.

Ron Donnatin: Ok.

Chairman Astorino: As I had said before, we have not even gotten there yet. This is Step 1 of many steps.

Ron Donnatin: Understood.

Mr. McConnell: This was the meet and greet.

Ron Donnatin: Understood. When could we look at those plans?

Chairman Astorino: As of right now, the plans are draft. As they get closer to have a public hearing, that is when you would want to take a look at them. You could take a look at the draft plans now, but I assume that those plans would change. They had a fuel tank on the plans. The fuel tank is not part of the plan anymore. As our attorney had pointed out, you cannot have that.

Ron Donnatin: Ok. Thank you. We will be in touch.

**Mr. McConnell makes a motion to adjourn the January 15, 2025 Planning Board Meeting.**

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays and 0-Absent.