

TOWN OF WARWICK PLANNING BOARD
January 17, 2024

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
Rich Purcell,
Laura Barca, HDR Engineering
Max Stach & 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, July 19, 2023 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.

Mr. Astorino: Before we get to the agenda this evening, I would like to wish the Board and Professionals a Happy New Year. I want to do a little housekeeping on our end. We would like to welcome to the Planning Board Max Stach and Danielle Dreyer from Nelson Pope Voorhis (NPV) the new Town Planners, Bob Krahulik the Town's new Planning Board Attorney and Laura Barca from HDR, Inc., as the Town's Planning Board Engineer. Rich Purcell has moved up from an Alternate Planning Board Member to Planning Board Member. I would like to appoint Roger Showalter as Vice-Chairman for the year 2024. Roger, thank you for all you do for the Planning Board. We appreciate it.

Mr. Showalter: Thank you.

PUBLIC HEARING OF M&T/Ted Edwards Subdivision

Application for Preliminary & Final Approval of a proposed 4-Lot (MAJOR) subdivision, situated on tax parcels S 26 B 1 L 118 & 117; parcels located on the eastern side of Amity Road 350 feet south of Feagles Road p/o the Ted Edwards old final subdivision finalized on 7/30/10 (77 Amity Rd. and 88 Newport Bridge Rd), in the RU zone, of the Town of Warwick, County of Orange, State of New York. Continued Preliminary Public Hearing from the December 6, 2023 Planning Board Meeting.

Representing the Applicant: Brian Friedler from Friedler Engineering & Surveying. Ted Edwards, Applicant.

Connie Sardo: Mr. Chairman, I have received the certified mailings. I gather that you emailed notices to the updated list of adjoining property owners.

Ted Edwards: Yes.

Mr. Astorino: This is a continued public hearing.

Connie Sardo: Right. Brian just handed to me certified mailings. At the last meeting, the notices that were sent was from an outdated property adjoiners list.

Mr. Astorino: Ok.

Laura Barca: It was incomplete.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We went through the record with Laura Barca to determine where we were at with the various SEQRA points that were made by the previous SEQRA Town Planner. We believe that all of the substantial ones had been reconciled. There are some details where she had asked for certain buffers and indications to be identified on all of the maps whereas they have only been identified on one or two maps. Those have yet to be incorporated into the maps. Other than that, the one outstanding item was a comment that I believe was regarding stormwater. Laura had contacted the NYSDEC on that matter. Perhaps you would want to give more information on that item. Tonight given that, I have provided for you based on my review of what was done previously a Resolution for Filing a Negative Declaration, A short EAF Part 2 and with Part 3 continuation pages. This essentially goes through the record. It is establishing of what type of studies were conducted. It indicates that there would be no impacts based on these reviews. It also sets forth some standard language that I saw from previous reviews regarding farming activities, notes to be put into the plans, recreational land, money in lieu of parkland, etc... That is all in the Negative Declaration.

Comment #2: Applicant to discuss project.

Brian Friedler: The application is for a proposed 4-Lot subdivision. It is situated on approximately 22± acres. We propose 3-new lots. Each of the 3 lots would have approximately 4 acres. Those lots would gain access from a common driveway coming off Newport Bridge Road. Since the last meeting, we have addressed some of the issues that was brought up by the public. One of the issues is that we are moving one of the septic systems slightly to the south to get more than 50 feet off the property line. We are shifting the driveway a little bit towards the north. That would avoid the location of a utility pole. It would also gain more of a separation from an underground propane tank. There were a bunch of small revisions showing drains and swales that would be in placed around the septic system. Regarding the stormwater, the top 2 lots, lots 2 & 3, most of that stormwater is going to do what it has always done. It is going to flow downhill into the wetlands on a located northern part of his property. Lot #4, would be the same thing. It is a steep hill. The stormwater would come off that hill. We are going to redirect some of the roof and footing drains to the northeast of that property. That would be where most of the water would be going.

Mr. Astorino: No more stormwater would leave the property than it is right now. Is that correct?

Brian Friedler: Correct.

Mr. Astorino: Laura, is that correct?

Laura Barca: Correct.

Mr. Astorino: Thank you.

Brian Friedler: Everything has been the same since the last meeting.

Mr. Astorino: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06/13/12 advisory comments for removing property from the Orange County Agricultural District #2 if farming is no longer proposed on a portion of the lot, Indiana bats habitat, and steep slope construction

Brian Friedler: Yes. Those are notes.

Comment #6: TW Building Department – 05/31/22 barn with living area for caretaker needs to provide a yearly farm worker affidavit to the Building Department.

Brian Friedler: We are in the process of getting that put together or showing a theoretical property line and do that as a guest house.

Comment #7: State Historic Preservation Office (SHPO) letter needed due to the proposed land disturbance associated with this subdivision. 09/12/23 No further study needed

Brian Friedler: Yes.

Comment #8: ZBA: Town Law §280(a) for access for the 3-lot subdivision by a shared driveway; §164.41C(4)(f) allowing a 6-ft fence in the front yard setback whereas a 4-ft fence is allowed. Fence must be earth-tone color. 10/24/22 ZBA variances granted

Brian Friedler: Ok.

Mr. Astorino: We talked about having a 6-foot fence at the Planning Board site visit. We had said that a 6-foot fence would be more adequately suited for the neighbor.

Brian Friedler: Yes.

Comment #9: Applicant to clarify that the property is in compliance with §153-1 (not more than one abandoned or unlicensed non-farm vehicle can be on property). Building Department to confirm.

Laura Barca: Correct. The Building Department has confirmed that.

Comment #10: 911 addresses must be obtained from the Building Department and then shown on the plan.

Brian Friedler: We have that.

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 10

Brian Friedler: Ok.

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

Brian Friedler: Will do.

Comment #13: The liber and page for the Agricultural and Biodiversity notes, as well as the Shared Driveway Agreement must be added to the plan.

Brian Friedler: Ok.

Comment #14: A cost estimate and bond for the shared driveway that must be paved in its entirety must be submitted.

Brian Friedler: Ok.

Comment #15: The shared driveway bond, landscape bond, and site inspection fees must be submitted prior to the maps being signed.

Brian Friedler: Ok.

Comment #16: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Brian Friedler: Ok.

Comment #17: Payment of all fees.

Brian Friedler: Ok.

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

Mr. McConnell: Regarding Comment #5, OC Planning Department is suggesting that farming is no longer proposed to be conducted on some portion of the lot. Is that correct? How does that corollate with having a barn with living area for caretaker needs to provide a yearly farm worker affidavit if we are not going to have farm operations? Is it appropriate to have a caretaker and a requirement for a farm worker affidavit? I would direct that question to our attorney?

Bob Krahulik: What the Applicant had alluded to was it was going to propose a change in the use for that structure. Converting it from a caretaker living quarters to a guest house. The criteria for doing that requires the Applicant to demonstrate that you could

subdivide that property and meet all of the setback requirements so it could substantially be a stand-alone lot. That is how the Applicant is proposing to handle that structure.

Mr. McConnell: Ok. These two comments here are going to change somewhat?

Bob Krahulik: What I would recommend is that the Applicant submit a revised application that includes in that application approval for a guest house on the property.

Mr. Astorino: That would need to be done while you are before the Planning Board.

Mr. McConnell: Yes. We would have to make sure it actually conforms.

Bob Krahulik: You should just amend the application including approval for a guest house. On the map, you would identify that structure as a proposed guest house.

Mr. Astorino: Wouldn't we need a site plan & special use permit application for a guest house?

Connie Sardo: Yes.

Bob Krahulik: I would have to think about whether that has to be done separately.

Mr. Astorino: It seems to me that if they are before us, it should all be done at once.

Connie Sardo: They would have to do both.

Mr. McConnell: Right.

Mr. Astorino: If that is your will to change it, then that is fine. It should all be done at once.

Ted Edwards: Is that something I would have to do?

Mr. Astorino: If it is not a farm worker housing, we cannot approve it as such.

Connie Sardo: You could do it as a subdivision plus site plan approval and special use permit for a guest house. You would need to submit a site plan approval and special use permit application.

Mr. Astorino: If it doesn't work as a farm worker guest housing, then the onerous is on you.

Ted Edwards: I cannot produce a 1099.

Mr. Astorino: That is what is required. Bob, is that correct?

Bob Krahulik: Right.

Mr. Astorino: If that is your goal, why don't you work on that now. We will open up the public hearing. It would cost you ridiculous to come back to us and do that at a different time. Now that we know it, we are not going to act on it. Is that correct? What is the Board's feeling?

Mr. Showalter: We can't do it.

Mr. Astorino: That was my point.

Mr. McConnell: That was my point as well.

Mr. Astorino: Yes. Do any Board members or Professionals have any comments or concerns? This is a Public Hearing. If there is anyone in the audience wishing to address the M&T/Ted Edwards subdivision application, please rise and state your name for the record.

Ted Edwards: As I understand it, I would have to do another site thing.

Mr. Astorino: Brian would take care of that for you.

Connie Sardo: You would need to submit a site plan and special use permit application and fees.

Mr. Astorino: Get in touch with Connie on that. She would work you through it. Now that you are before the Planning Board, we cannot do any approvals tonight if this is not correct. This was not brought up to us at the last meeting. Is that correct?

Laura Barca: Correct.

Mr. Astorino: Ok.

Laura Barca: There is one thing I wanted to note. One of the comments that came up was about stormwater. If the progression of residential development exceeded the 5-acre requirement that is set by the NYSDEC. I reached out to the NYSDEC. I heard back from them this afternoon. They had stated that it does not meet those criteria. The projects are considered separate projects by the NYSDEC in the language of the permit. You could proceed with that portion of it and the stormwater as you currently have it.

Brian Friedler: Ok.

Mr. Astorino: This is a Public Hearing. If there is anyone in the audience wishing to address the M&T/Ted Edwards subdivision application, please rise and state your name for the record.

Carole Linton: I live at 92 Newport Bridge Road. I have copies of a letter with an additional amendment to the original letter that I had given at the last meeting. My concern was thinking that it was going to be a 10-acre farm, if in the future it was going to be another subdivision. I think this would be number 4.

Mr. Astorino: I don't think there would be another one.

Carole Linton: I know that is all up in the air.

Mr. Astorino: Ok.

Carole Linton: Another concern that I have is that once the common driveway is paved off Newport Bridge Road that was taken on the 13th, my concern is that with no proper drainage on that particular pavement it is all going into the road.

Mr. Astorino: That is a good point. The pictures don't lie. Brian, no water in the road. I am sure you could design it for that way.

Brian Friedler: Yes. Ok.

Mr. Astorino: There is no need for that.

Carole Linton: Thank you.

Mr. Astorino: Is there anyone else wishing to address the M&T/Ted Edwards subdivision?

Michael Holodinski: I border Ted. The first house he put next to my line, he actually pulled water going on me. That is not common stormwater. Now, I don't want it to happen with the next house that would be behind that.

Mr. Astorino: We are going to make sure as I had pointed out earlier is that whatever water that is coming off now today would still come off.

Michael Holodinski: That is fine. That is natural water. Natural water is good.

Mr. Astorino: The stormwater plan that Brian had drawn up and that Laura had reviewed proves that it does not add anymore. That is what we would have to make sure of.

Michael Holodinski: Ok. Any curtain drains around septic systems and stuff like that because that is an issue.

Mr. Astorino: If that is needed? We don't know.

Michael Holodinski: It has led to my property. It shows. All you would have to do is drive by it. You could see it. I appreciate it. Thank you.

Mr. Astorino: Ok. Thank you. Is there anyone else wishing to address the M&T/Ted Edwards Subdivision application? Let the record show no further public comment. We could close the public hearing. We just can't act on it.

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

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

Mr. Astorino: You will be back before us. To the residents, we have your information. We would make sure it is incorporated into the plan. You have some work to do to get back to us for Preliminary approval.

Brian Friedler: Ok. Thank you.

Review of Submitted Maps:***Chancellor Lane Solar Project***

Application for Site Plan Approval and Special Use Permit for the construction and use of a 3.0 MW AC ground mounted commercial-scale solar energy installation, Use Group # 65, situated on tax parcel S 46 B 1 L 12; parcel located on the southern side of Chancellor Lane 300 feet south of Chancellor Lane (69 Chancellor Lane), in the RU zone, of the Town of Warwick.

Representing the Applicant: Steve Long from Sol Source Power.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: I believe this had been done with our previous planner.

Max Stach: Yes.

Connie Sardo: The Planning Board adopted a Type I Action on July 19, 2023.

Mr. Astorino: Perfect. We had done a Type I Action. We had done a site visit. You cannot see the project from anywhere. I think that the project sits well on the site.

Comment #2: Applicant to discuss project.

Steve Long: I don't know what there is to discuss. We have submitted a lot of this. It looks like we have addressed a bunch of these comments.

Mr. Astorino: I think you have. I believe that you had addressed these comments from the last meeting. You are here tonight to ask the Board to be set for a Public Hearing at the next available agenda. Is that correct?

Steve Long: Yes. We wish to be set for a Public Hearing.

Mr. Astorino: Laura, do any of these comments stand out at you? These are pretty much the same comments from the last time. Is that correct?

Laura Barca: Correct.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns? Seeing none, we need a motion for Chancellor Lane Solar application to be set for a Public Hearing.

Mr. Showalter makes a motion to Set the Chancellor Lane Solar application for a Site Plan Approval & Special Use Permit Public Hearing at the next available agenda.

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

Mr. Astorino: We will list HDR's Comment #3 through Comment #50 for the record.

Steve Long: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/28/23 advisory comments on Ag Soils, emergency services (long driveway), endangered species, fencing requirements, herbicides needed, Ag integration, stormwater concerns

Comment #6: TW Building Department – pending

Comment #7: Sheet C-3, Applicant to provide documentation that crossing the O&R easement has been approved by O&R. Any requirements of this crossing must be shown on the plans. The Applicant has reached out to O&R and will provide documentation when received.

Comment #8: §164-46.J(53) requires compliance with the Town of Warwick Design Standards.

Comment #9: The Performance Standards state that no glare is allowed from any surface (§164-48.C(8)). Also, §164-42.G(4) also has a glare/reflection requirement for solar panels. Applicant to confirm compliance.

Comment #10: Applicant to show on drawings that existing trees surrounding the solar panels are proposed to remain.

Comment #11: The Glare Report prepared by Barrett, page 4, indicates that the panels will be 20' tall; applicant to clarify the height of the panels.

Comment #12: The Glare Report prepared by Barrett, Appendix A, Glare Modeling Results, page 1 of 12 should clarify if the trees were modeled as a solid obstruction. Light can filter through a tree line.

Comment #13: Applicant to coordinate with the local fire department. Knox box model number and detail must be added to the plan. Also, a site contingency plan should be added as notes on the plan.

Comment #14: The design of the access roads is noted as being for emergency access, as well. These access roads will need to conform to NYS Building Code and Town Fire Department requirements. The plans must be submitted to the Town of Warwick Building Department and the Warwick Fire Department for review.

Comment #15: Callout labeled “Existing Gravel Drive Widening” on Sheet C-7 should reference Sheet C-15, Detail 1.

Comment #16: A detail should be included for the proposed access improvements and the vegetative swale on Sheet C-9.

Comment #17: Applicant to provide the electrical one-line diagram.

Comment #18: Applicant to provide the electrical drawings showing the quantity and location of inverters and transformers.

Comment #19: Applicant to clarify the number of utility poles to be used and if underground connections can be made. Similar previous solar applications have made this connection underground, as the Town of Warwick requires all new utilities to be underground. Applicant is requested to update plans.

Comment #20: Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.

Comment #21: Applicant to clarify how panels will be installed and if soil testing is required prior to installation. Applicant to provide soil boring and test pit results.

Comment #22: Applicant to confirm the requirements for the depth of removal. Please provide information on the plan. Applicant to add “...In accordance with New York State Agricultural and Markets Solar Energy Guidelines.” This document requires full removal so that land can be reused for agricultural purposes.

- Comment #23: Inflation rate of 2.0% is too low based on recent historical averages. Applicant to update report.
- Comment #24: Applicant to clarify if the estimate includes contractor indirect items such as mobilization, de-mobilization, supervision, temporary facilities, overhead and profit.
- Comment #25: Applicant to include an outlet protection detail in the drawing set.
- Comment #26: The note; “It is a violation of law for any person...” shown on Sheet 1, must be shown on each drawing sheet in its entirety. This note should be added to the drawing itself and not the marginal space outside of the page boundary.
- Comment #27: On Sheet 2, General Note 13 discussed the contingency plan for O&M should be provided as soon as possible for review.
- Comment #28: On sheet 13. Applicant to clarify how project complies with 2020 Fire Code NYS 503.1.1 or clarify if an exemption has been granted of the Code Official. The entire solar panel area is a facility, per the Code and interior access for apparatus is required with a maximum 140’ hose pull.
- Comment #29: Applicant to provide structural Engineer of Record for the PV racking structure, for the foundation design, and for the geotechnical report.
- Comment #30: Applicant to submit a preliminary “Basis of Design” that provides a summary description of the PV racking system, the type of foundations intended to be used for all electrical and PV equipment, the Risk Category that will be used, and the building code specified for wind, snow, ice, and seismic parameters.
- Comment #31: Applicant to provide structural drawings and structural calculations for the PV tracker system, for the tracker foundation / pile system, and for all solar PV auxiliary equipment foundations. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.
- Comment #32: Applicant to provide project geotechnical engineering report that was used to design all foundations for this project.
- Comment #33: The submitted Geotechnical report must address frost jacking or the appropriate frost depth to use for the solar racking foundations. Please provide frost depth and frost jacking and freeze stress that is to be used in the solar racking foundation design.
- Comment #34: Applicant to provide project corrosion assessment engineering report that was used to design the steel piles and shows the expected corrosion rate for the project. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.
- Comment #35: Applicant to provide Special Inspection Program including how the tracker piles will be inspected during construction.
- Comment #36: The complete electrical design drawing should be included in the next submittal. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.
- Comment #37: 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.” Sht C-1, General Note 3
- Comment #38: The declaration information for the Agricultural, Aquifer, and Biodiversity Notes must be added to the plans.
- Comment #39: Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.
- Comment #40: Surveyor to certify that iron rods have been set at all property corners.
- Comment #41: Applicant to clarify if there is a power purchase agreement (PPA) with the utilities. Please provide the signed PPA from the utility company. Please provide document showing that this is not required for community solar projects.

Comment #42: Applicant to confirm that Orange & Rockland is aware of project and if any upgrades are required (e.g., lines, substation, etc.). The fully executed copy of this agreement should be submitted during the planning board process.

Comment #43: Applicant to confirm who is responsible to file the Interconnection Application. Applicant to provide a copy of the signed Interconnection Service Agreement. Has been provided for a 2MW nameplate capacity; Applicant to confirm size of the system.

Comment #44: Applicant to confirm the submittal timing for the detailed design, including civil, structural, and electrical drawings (i.e., permit drawings). The detailed design will also include the inverter type & circuit configuration for a pad-mounted system. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

Comment #45: Applicant to provide Landscape Bond cost estimate and three-year cash bond.

Comment #46: Applicant to provide Performance Bond for site inspection fees.

Comment #47: Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney. Applicant to verify if cost of monitoring during decommissioning has been included in the estimate.

Comment #48: To Exhibit 1: Stakeholders as they require contact prior to decommissioning process. Confirm Environmental monitoring cost is covered for decommissioning process in accordance with NYS Agricultural and Markets Solar Energy Guidelines.

Comment #49: The PILOT agreement must be submitted to and accepted by the Town Board.

Comment #50: Payment of all fees.

Mountain Green/Steve Sullivan Site Plan and Special Use Permit

Application for Site Plan Approval and Special Use Permit for the use and construction of a Lodge with approximately 16-20 rooms, Guest Court with approximately 18 Units, Cantina (Accessory Use 24), Pool, Pavilion, Trails, and other Accessory Facilities for guests (Accessory Use 24), and an Existing Residence to be used as a Caretaker's Residence, situated on tax parcel S 43 B 1 L 28; project located on the northern side of Hathorn Road 900 feet east of C.R. 1 (5 Hathorn Road), in the SL zone, of the Town of Warwick.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Steve Sullivan, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: Max, I could answer this one. The Planning Board deemed the application as a Type I Action on November 15, 2023.

Dave Getz: At the Work Session, you mentioned the fact that you weren't going to do a Positive Declaration and require an EIS.

Mr. Astorino: That is why we had done a Type I Action. I was the one that brought it up at the Work Session.

Dave Getz: But a Type I Action could require an EIS.

Mr. Astorino: I don't believe it will. When we were out at the site, it was pretty clear and I believe the Board would agree that it was not necessary. That is where we are at.

Dave Getz: Ok.

Comment #2: Applicant to discuss project.

Dave Getz: Steve is the owner of the property. The property has 29 acres. I think the Board is familiar with the location. It is setback from Hathorn Road. There are various amenities proposed including a lodge, guest cabins and a pavilion. There is an existing house and barn located on the property that has been renovated.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Mr. Astorino: As I had mentioned at the site visit, I believe sooner than later we would like to get together with the ARB with the Planning Board for a Joint Meeting on what

you plan on doing with the Architecture. It would save us time with the process. We had done that before with the Fairgrounds a couple of times. It works well. We would reach out to them and set a date for a Joint Meeting with the ARB and Planning Board.

Connie Sardo: I have a question regarding the ARB. Who are the ARB members?

Mr. Astorino: We will get that answer for you.

Dave Getz: Steve has been using Chris Collins to get some concept plans.

Mr. Astorino: Perfect.

Steve Sullivan: I believe that we have submitted those concept plans.

Laura Barca: Yes.

Mr. Astorino: I wouldn't go too far ahead. Let's see the plans. We could work out some ideas.

Comment #5: OC Planning Department – no comments received

Comment #6: TW Building Department – 01/26/22 open permit for deck (11451) and open permit for woodstove (11452)

Steve Sullivan: That has been closed out. We had done that before we had done the remodeling on the house. We had to close that out. Is that something that has to be clarified with the Building Department?

Laura Barca: I will check with the Building Department.

Comment #7: NYSDEC – SPDES permit will likely be needed for sanitary sewer disposal

Dave Getz: Yes.

Comment #8: OCDOH approved needed for water supply, as well as the pool and cantina.

Dave Getz: Yes. We are working on that.

Comment #9: ZBA: A 280(a) variance may be required. (planning board attorney to confirm).

Bob Krahulik: A 280(a) variance is required.

Dave Getz: Ok.

Mr. Astorino: Most of these comments here are regarding traffic and SWPPP.

Dave Getz: Yes.

Mr. Astorino: These comments would need to be addressed. Do any Board members or Professionals have any comments or concerns?

Dave Getz: We have a question on Comment #52, regarding the driveway paving. Our drawing shows an entrance driveway that is widening of the existing graveled driveway to 20 feet to accommodate emergency vehicles.

Mr. Astorino: You are going to pave it.

Dave Getz: We are showing to pave the first 50 feet.

Mr. Astorino: You would need to pave the entirety.

Dave Getz: What is that based on?

Mr. Astorino: There shall be no dust in your performance standards. It is in the Code.

Laura Barca: It is in Chapter §164-48 Performance Standards.

Dave Getz: We've had other commercial projects with graveled driveways and graveled parking.

Mr. Astorino: We could discuss it. I think it should be paved.

Mr. Showalter: I agree with the Chairman.

Steve Sullivan: One of the characteristics of this project that we are trying to promote heavenly is its natural surroundings. It is approximately 30 acres. It is totally isolated. It is beautiful with its natural surroundings. To put a 20-foot wide straight as an arrow driveway into the project, it would diminish the rural character of the project.

Mr. Astorino: What about some options like grass pavers or pavers that would make it look esthetically pleasing than a strip of asphalt? It would still meet the aspect of the Code.

Laura Barca: What is different about this application and other applications, you have a very long stretch where you have that 50-foot easement. You don't own outside of that. There is a house on one side. There is a cemetery on the other side with people that visit the cemetery. The whole point of the Performance Standards in this case is to keep the dust that could arrive from a graveled driveway from being infected onto your neighbors. That is what the concern is here.

Dave Getz: Is it just the entrance portion of the driveway? When you say the driveway, do you mean all of the driveways on the property?

Mr. Astorino: I think you could get away with the parking areas unless that is in the Code? We would have to research that. I think the biggest issue is the main drive in.

Laura Barca: Especially where you don't own outside of that 50-feet where that possible dust could come off.

Steve Sullivan: There is one house that is at the very beginning where we intend to pave. Is there a certain mitigation that we could do? Maybe we could pave 100 or 200 feet.

Laura Barca: You could propose something back to the Board.

Mr. McConnell: Given that this project abuts an active dairy farm, it seems to me that there might be some flexibility on the part of the Board. Something more than 50 feet certainly makes sense given the proximity of the house, the restaurant and so forth.

Mr. Astorino: The Applicant could provide something to us. We could take a look at it.

Mr. McConnell: I personally would be open to hearing suggestions that would show me where they are proposing to pave up to with an explanation about a working dairy farm. We all know that the Town wants to encourage. Not that it would have any impacts on what these folks do. It would seem to me that we could not really hold them to a standard that would be compromised by having a working dairy farm there.

Mr. Astorino: I agree. Let us take a look at it. There are other options out there. It doesn't have to be pavement. There could be other options. There are pavers and grass pavers. There are all sorts of stuff that could be used. There are other options. Show us the other options. You are still reviewing some of the traffic. Does the Applicant request to be set for a public hearing?

Dave Getz: Yes.

Mr. Showalter makes a motion to Set the Mountain Green Partners/Steve Sullivan application for a Site Plan Approval & Special Use Permit Public Hearing at the next available agenda.

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

Mr. Astorino: We will list HDR's Comment #10 through Comment #56 for the record. You are off to the ZBA. We will get a referral letter to you.

Dave Getz: Ok. Thank you.

Comment #10: Please provide a copy of the NYSDEC Freshwater Wetlands permit application package and an update on NYSDEC's review of the application.

Comment #11: Applicant to confirm if there is a meeting room because it would require additional parking. Caretaker's residence should be treated as a single-family dwelling unit and 2 spaces should be considered for this structure in the parking calculations [see chart at §164-43.2(a)].

Comment #12: Applicant to clarify if the 10 employees mentioned in general note 14 on Sheet C-101 is the total number of employees working at the facility or simply the total number of peak shift employees. Applicant to determine hours of operation for all aspects of the facility.

Comment #13: The Site Plan and Special Use Checklist will be confirmed when additional information has been submitted.

Comment #14: Applicant to clarify the pavilion parking of 0.25 per person using the pavilion.

Comment #15: Traffic Report: Section 2.0 – Should include discussion of Rt 17A in the roadway serving the site.

Comment #16: Traffic Report: Data collection – ATRs were placed after the intersection data was collected (should be simultaneously). Please confirm that the data matched.

Comment #17: Traffic Report: Need to correct the paragraph in page 4 describing Table 1 regarding the site generated trips in phase 2.

Comment #18: Traffic Report: In existing volumes maps, there are no volumes for current traffic exiting and entering the site.

Comment #19: Traffic Report: There are some inconsistencies in the volumes in the maps for phase 1 and 2 between the No Build and Build. The maps and Synchro should be checked.

Comment #20: Traffic Report: The intersection of Galloway Rd and Rt 94/17A is not aligned correctly in the maps. Rt 94/17A should be N-S and Galloway Rd should be WB.

Comment #21: Traffic Report: Village View "soft-site" data is not included in the Appendix.

Comment #22: Traffic Report: Table 2:

- a. Mistake in LOS (marked in the report).
- b. Int Rt94/Rt1A and Reservoir Rd – the change in LOS between Existing and NB is big for additional 4 vehicles. Please confirm.

Comment #23: Traffic Report: Traffic Operation dissuasion (page 6) – comment on the operation of the intersection of Rt 94/Rt 1A/Reservoir Rd.

Comment #24: Traffic Report There is a mistake in Table 3 – the data entered for Sat 2027 Build is incorrect.

Comment #25: Traffic Report: Table 4 - The field measurements should be included in the appendix so it can be confirmed against the table.

Comment #26: Traffic Report: Section 4:

- c. Table 4 – comment 4 – a speed of 50mph was used for CR 1A and not the posted speed of 45 mph; please clarify.
- d. The field observation should be included as appendix.
- e. Hathorn Rd/Site driveway – The statement relating to the removal of vegetation would be the available sight distance instead of detailing the available when

measured. Provide recommendation that vegetation shall not impede in sight triangle.

- f. Hathorn Rd/CR1A - Clearly state that the available sight distance is the entire roadway segment which is visible at all times. Also, the more detail explanation why the available sight distance is less than the recommended.
- g. Conclusion for the intersection of Hathorn Rd and Rt 94 need to change the write-up as there is an issue with the sight line due to vegetation.

Comment #27: Traffic Report: Section 6.0 – there is a mistake in the 3rd bullet regarding the site generated trips in phase 2.

Comment #28: Traffic Report: It is now known that NYSDOT will be installing a traffic circle at the intersection of Rt 94, Rt 1A, and Reservoir Road. A sensitivity analysis should be conducted for this scenario.

Comment #29: Applicant to clarify ownership of proposed sight distance triangle along Hathorn Road.

Comment #30: Applicant to clarify if parking is proposed in front of the main lodge building (Design Standards).

Comment #31: Applicant to clarify emergency access to the smaller residential buildings in the guest court (NYS Building Code).

Comment #32: Applicant to clarify if two means of access is being proposed (NYS Building Code).

Comment #33: Applicant to clarify if the lodge building would require water storage for domestic use (NYSDOH) or for firefighting purposes (NYS Building Code).

Comment #34: Stormwater Pollution Prevention Plan and notes must be shown on the drawings.

Comment #35: Applicant to include a new sheet in the drawing set showing Erosion and Sediment controls for the entire site.

Comment #36: Applicant to provide explanation for SWPPP narrative being included as “Appendix C”. The SWPPP narrative should be the main piece of the document with supporting information included in different chapters and/or appendices.

Comment #37: Applicant to include AP-O note “[Provide the following note on all sheets with stormwater management facility details:] “To prevent infiltration (per AQ-O District use restrictions) and to be consistent with NYSDEC Design Guidance, a liner of either 6 to 12 inches of clay soil, 30mm poly liner or bentonite shall be installed at all stormwater management basins.” in drawing set.

Comment #38: Applicant to confirm that no more than five acres will be disturbed at one time. The total disturbance area listed in the SWPPP Narrative is 13.2 acres. Applicant to demonstrate of construction phasing to verify this threshold will be maintained at all times, including a description of the proposed phasing in the SWPPP narrative, and a drawing added to the drawing set displaying the phases of construction.

Comment #39: Applicant to include a bar scale for all scaled figures in the SWPPP narrative.

Comment #40: The eNOI differentiates between Temporary Structural Control Practices, and permanent Structural Control Practices. Applicant to revise SWPPP narrative to clarify the different practices.

Comment #41: Applicant to provide an existing conditions drawing as per Section 164-47.10 and per NYSDEC bluebook Appendix E.

Comment #42: Section 2 describes a study area with different subbasins that is then shown in Figure 4. Figure 4 should have a legend included to guide the reader.

Comment #43: Applicant to create a separate section of the SWPPP narrative entitled “Wetlands” or “Wetland Impacts”. The applicant says that they are not disturbing a wetlands but then has one sentence noting that the majority of flows go to wetlands immediately adjacent to the property. We would like a little more description of how the potential for impacts to an adjacent wetlands are being mitigated or are a non-issue. This is stated in Section 164-47.10.

Comment #44: Applicant to include draft eNOI as an appendix to this SWPPP application.

Comment #45: Applicant should show proposed soil stockpile locations, concrete washout, inlet protection, and silt fencing on the standalone Erosion & Sediment control drawing requested.

Comment #46: Applicant to clarify where the Stone Check Dam Detail on Sheet C-302 will be used. It is not noted in the SWPPP narrative. If it will be used it should be described in the narrative.

Comment #47: A Wetland Delineation was noted on Sheet C-101 in the general notes. This delineation should be included as an appendix to the SWPPP.

Comment #48: There are proposed activities shown outside of the proposed limits of disturbance. Applicant to either revise the proposed work or update the disturbance limits to include this area. For example, removal of the existing culvert along the roadway has silt fencing outside of the disturbance limits; proposing grading on sheet C-104.

Comment #49: A complete Landscaping Plan must be submitted; a vegetative buffer is proposed only at the southeast corner of the lot.

Comment #50: Applicant to verify if lighting is proposed. The Lighting Plan must be in accordance with §164-43.4.

Comment #51: A site sign detail needs to be added and the proposed signage in sidewalks and other walkways must be at least seven feet above the final grade.

Comment #52: The driveway must be paved in its entirety. The plans should be updated to show this, including a paving detail.

Comment #53: Applicable declaration information must be added to the plans.

Comment #54: Surveyor to certify that iron rods have been set at all property corners.

Comment #55: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Comment #56: Payment of all fees.

Beth Medrash Meor Yitzchok College

Application for Site Plan Approval & Special Use Permit for the use and construction of undertake re-occupancy and interior renovations of the existing 87,000± sq. ft. buildings for an Institution of Higher Learning with 200 to 300-students with 12 to 18 professors/administrators with overnight accommodations Use Group 84, and parking area improvements, situated on tax parcels S 83 B 1 L 2 and L 5.1; parcels located on the south Eastern side of Old Forge Road 0 feet South Eastern of Sterling Pines Road (57-61 Old Forge Rd.), in the LC zone, of the Town of Warwick.

Representing the Applicant: Keith Woodruff from Engineering Properties & Surveying. Neil Alexander from Cuddy & Feder Law Firm.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We took a look at the classification of this. We went through the narrative that was provided by Neil Alexander. We looked at the four items for the Type 2 Action that was suggested. Initially we thought that one of the four items may have applied. We certainly didn't believe that it was a replacement or rehabilitation of any kind. It is definitely not reconstruction or expansion of non-residential involving less than 4,000 square feet. We did not think it was routine activities of educational institutions. But it did seem to be a reuse of a residential or commercial structure. However, there is a clause at the end of that use that says it does not meet or exceeds any of the thresholds in Section 617.4 of this part. That raised a question about whether those thresholds included the thresholds regarding non-residential floor area. Upon reviewing the GEIS for the adoption of the 2018 amendments to the SEQRA statute and also the SEQRA Handbook, we came to the conclusion that it does in fact include reused floor area. If you are reusing more than 25,000 square feet of non-residential floor area, you do trip that Type 1 threshold. Therefore, we are recommending that this application needs to be a Type 1 classified. We don't have an EAF (Environmental Assessment Form) at this time. We would need a Full EAF. Once that has been done, we would recommend that you begin a coordinated review for the purposes of SEQRA.

Neil Alexander: Mr. Chairman, we should talk about that. It is a little bit confusing. It feels like heads you win and tails we lose in this sense.

Mr. Astorino: I don't see it like that at all.

Neil Alexander: I am not clear. I am only hearing this. I do not see it in writing. The notion is that we said it is 4,000 square feet of non-residential. You are saying that no, it is residential. What I am sort of saying to you is what is the 25,000 square feet of residential non-residential?

Max Stach: No. There are four Type 2 Actions that you suggested that might apply here.

Neil Alexander: Correct.

Max Stach: One of them is construction of non-residential floor area involving less than 4,000 square feet.

Neil Alexander: Correct.

Max Stach: I think we could say that this involves more than 4,000 square feet of non-residential floor area.

Neil Alexander: I don't think so. It is not new. There is no 4,000 square feet new.

Max Stach: It is a change of use of the 4,000 square feet.

Neil Alexander: No. It is not. For 70 years NYU used the property as a college.

Mr. Astorino: It was a lab.

Neil Alexander: We are a college.

Mr. Astorino: This is what we could do. If there is some discussion about the classification, that is fine. We could Table it. We could discuss it. I am not going through this tonight. If you are going to provide us with more documentation, that would be fine. It is not going to happen tonight. Provide it to us. The Planning Board would review it.

Neil Alexander: In order for me to respond here, I need to understand a little bit better.

Mr. Astorino: All of our Professionals are available including you and your Engineer. That could be done. These are the 2 options that you have right now. We could start the SEQRA process as a Type 1 Action. The other option would be is that we could hold off on it and Table the application until we get more information. That would be up to you.

Neil Alexander: We would like to have more dial up. We believe this should be a Type 2. I think the Handbook is really clear by adding classrooms of the 6 classrooms that we are not really adding.

Mr. Astorino: That is fine. Get that information in. If we did not have the proper documentation, that is fine. We are going to make sure we have it. We need a motion to "Table" the application.

Neil Alexander: Wait. We could give you an update on a couple of other issues that we would eventually have to hit. Is that, ok?

Mr. Astorino: No. Save it for the next time. We will list HDR's Comment #2 through Comment #48 for the record.

Neil Alexander: Ok.

Mr. Showalter makes a motion to "TABLE" the Beth Medrash Meor Yitzchok College application.

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

Mr. Astorino: For the Applicant, provide us with documentation for us to review. For the public that came out to this, this is Step I. As you can see, nothing had happened this evening. There are numerous steps that needs to go. As you had seen it with this application and every other application before us now and in the future, we follow the Code. It is really that simple. We will work through the process. It will be on the Town's website. Our secretary could provide you with information. This is not a public hearing. I am not going to take public comment. Thank you.

Mr. Purcell: Mr. Chairman, I have a question for the Attorney. Your position has been that we are not allowed to go into the building to inspect the inside. Has that position changed?

Neil Alexander: That was not our position at the Work Session by any stretch.

Mr. Purcell: I am talking about the last Planning Board meeting we had here.

Neil Alexander: We talked about it at the Work Session which was about a week ago.

Mr. Astorino: That is correct.

Neil Alexander: That was not our position at that meeting at all.

Mr. Purcell: We were given by the impression.

Mr. Astorino: Rich, it was not by them. It was a different Applicant at that time.

Laura Barca: At the Work Session, it was discussed about the Planning Board wanting to go inside of the building.

Neil Alexander: We said we were working on that.

Laura Barca: The Applicant said that they would check in on that. They would get back to us.

Neil Alexander: That was one of the other topics that I was going to cover.

Mr. Astorino: First, we have to get SEQRA taken care of first.

Neil Alexander: We are all good. That definitively not our position by any stretch.

Mr. Astorino: Ok. Have a good evening.

Neil Alexander: Thank you.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending response

Comment #6: OC Planning Department – pending

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

Comment #8: Applicant states that proposing to combine the two lots into one lot. This comment will be removed when a letter has been submitted to the Town of Warwick Assessor's office to complete this action.

Comment #9: Town of Warwick §164-46.J(25) requires that the state accredited private schools shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such. This does not apply if the school is a nursery school.

Comment #10: Town of Warwick §164-46.J(104) requires that state accredited private schools have a minimum lot size of five acres plus one acre for each 100 pupils, or the requirements of the State Board of Regents. Applicant to clarify number of students. 12/27/23 cover letter states 300 students, but the floor plan included in Appendix I shows 49 bedrooms with 4 students per bedroom or 196 students.

Comment #11: If the plans included in Exhibit I to the Cuddy & Feder 12/27/23 cover letter are architectural drawings, the architect information shall be placed on these plans.

Comment #12: All features/room types or uses shown on the Appendix I plans should be called out.

Comment #13: Applicant to demonstrate how overnight accommodations at a private school are permitted in the Town of Warwick Town Code. Applicant to provide notice from NYS Commissioner of Education pursuant to 8 NY ADC Sec. 126.5 with regards to overnight accommodations.

Comment #14: Applicant to clarify the condition (meaning what lines are usable and what lines are not useable) of the existing utility lines (e.g., water, sewer, drainage). Additional land disturbance may be required to repair existing or install/replace new utility lines.

Comment #15: Provide lighting for the parking lot and all outdoor walkway areas.

Comment #16: Sheet C-101 should be updated to label several unidentified shapes on the plan.

Comment #17: Applicant to show applicable Town of Warwick standard notes.

Comment #18: The hours of operation should be shown on the plans. Applicant to obtain approval from the State for overnight accommodations to allow for 24-hour schedule. Hours of operations (24-hr) should be added to the Drawings (perhaps as a note under the Bulk Requirements table).

Comment #19: The Applicant shall demonstrate adequate traffic access in accordance with §164-46E(1), including but not limited to existing road, intersections, and access features with proposed traffic and how/when the students will arrive and depart.

Comment #20: Parking calculations in accordance with §164-46E(2) are to be provided for all students, teachers, and all deliveries made to the school. All proposed uses (of all rooms) must be shown on the drawings to be able to confirm parking requirements.

Comment #21: The interior circulation system shall be demonstrated to be adequate in accordance with §164-46E(3); turning radii of vehicles must be shown for all vehicles proposed to enter the project site.

Comment #22: §164-46E(4) requires reasonable year-round landscape and screening from adjacent residential lots and streets. Lines of sight profiles may be required to demonstrate the adequacy of the screening.

Comment #23: The character and appearance of the proposed use must be in general harmony with the surrounding neighborhood §164-46E(5). Applicant to provide narrative describing compliance.

Comment #24: Applicant to update drawings with the height and type of lighting fixtures shown on the plans. Site lighting is required to the comply with the Town of Warwick lighting code §164-43.4.

Comment #25: §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 to the extent possible for an existing building/property.

Comment #26: All existing and proposed signage must be shown on the plan per §164-43.1. This includes depicting the location and related signage for any handicapped accessible parking spaces. Indicate locations of all proposed signs (stop, no parking, fire lane, etc.) and stop bar on the plans that correspond to the sign schedule and details. Revise sign schedule to be in accordance with current MUTCD standards for sign type, numbering, size, color, etc.

Comment #27: The proposed use shall be carried out in a manner that protects historic and natural environmental features, §164-46E(6); applicant to provide narrative.

Comment #28: The level of service for all utilities must be confirmed with each service provider §164-46E(7). Applicant to provide Service capacity letters (utility, water, sewer, highway, police, ambulance, fire, and school).

Comment #29: Applicant to clarify if fire sprinklers are required. If yes, applicant to provide information and approval for that additional water supply.

Comment #30: A site inspection may be required to ensure that emergency service providers (e.g., fire, police, ambulance) are able to access the site in order to respond to an emergency situation §164-46E(8).

Comment #31: Applicant shall demonstrate compliance with §164-46E(9) for noise, fumes, vibration or lighting.

Comment #32: The Town of Warwick Performance Standards represent the minimum requirements for any proposed use, see §164-48. Applicant to demonstrate compliance.

Comment #33: In accordance with §164-46E(10), the planning board shall impose any additional conditions as may be reasonably necessary to assure continual compliance with the conditions and that the safeguards can be responsibly monitored and enforced.

Comment #34: §164-46E(11) states that the proposed use shall not have a significant adverse impact as defined by the New York State Environmental Quality Review Act (SEQR). Applicant to provide narrative to demonstrate compliance.

Comment #35: Applicant to provide all environmental reports (e.g., environmental site assessment reports, NYSDEC spill reports, NYSDEC Petroleum Bulk Storage data) completed for this property to date.

Comment #36: Applicant should clarify its expected need for air sampling within the existing building, including where the samples should be collected and what these samples should be analyzed for.

Comment #37: A note should be added to the plan: If any environmental conditions are discovered during site re-development or construction (e.g., additional tanks, buried material, historical contamination within buildings, soil contamination, or groundwater contamination), it is the Owner/Operator's responsibility to report as necessary and address to manage these conditions in accordance with all local, state, and Federal requirements. Regulations that may be applicable include NYSDEC Part 260, 364, and 375 criteria. Any sampling and analysis that is required should be implemented in accordance with NYSDEC DER-10.

Comment #38: §164-46E(12)(a) states the location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, the size of the site in relation to the use, its site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residence district or conflict with the normal traffic of the neighborhood. Applicant to confirm compliance.

Comment #39: §164-46E(12)(b) states that the location and height of building, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use the adjacent land and building or impair the value thereof.

Applicant to confirm compliance.

Comment #40: §164-46G (1) to (4) contain site plan requirements. Applicant to confirm that all items have been submitted and provide narrative to indicate where each item has been submitted.

Comment #41: §164-46G (5) contains additional information that the planning board may require to be submitted: (a) analysis of fiscal impacts to the Town and (b) a traffic impact study and analysis. Planning Board will make this determination after additional information has been submitted by the Applicant.

Comment #42: The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.

Comment #43: Applicant to clarify if proposing to dedicate Town Right-of-Way to the Town of Warwick.

Comment #44: Applicant to clarify proposed shift in western treeline and if trees are to be removed.

Comment #45: Surveyor to certify that iron rods have been set at all property corners.

Comment #46: The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.

Comment #47: Applicant to post any Performance and/or Landscape bond, as determined by the Planning Board.

Comment #48: Payment of all fees.

Serenity Ridge At Warwick Campground

Application for Site Plan Approval and Special Use Permit for the expanded construction and use, Use #75 of a previously approved campground's use and operation from 74 permitted campsites formally known as Black Bear Campground to 130 campsites, along with various other typical modern campground amenities. The amenities include, but are not limited to, roadway improvements, an entrance gate, pavilion, playground, recreation areas, and wading pool, situated on tax parcel S 8 B 2 L 27.14; project located on the eastern side of Wheeler Road 6,000± feet south of State Route 17A (197 Wheeler Rd.), in the RU zone, of the Town of Warwick.

Representing the Applicant: Juan DeJesus from MJS Engineering. Rick Ferruggia and Thomas Vega, Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a brand-new application. I wanted to bring to the Planning Board's attention since it is a brand-new application, that it is usual practice for what you had always done where there is a Type 1 Action notice here for Intent To Be Lead Agency, we believe that this does meet that standard but not on the standard SEQRA list. There is a Health Department list. The Health Department list says that the initial approval of a public pool or traveled vehicle parks and campsites is a Type 1 Action. This is not your annual renewal of the permit. This is your initial issuance of the permit. They call that Type 1 Action. This is going to need the Full EAF and coordinated review with the Health Department. It is not that much different than if it were Unlisted. In our opinion, it is a Type 1. I know that in the past the previous Town Planner's Ted and Liz had always done a Resolutions. I have prepared a Resolution for the Board tonight. I will advise you that is really an extraordinary step that most Boards don't take. If you did want to streamline your process, you could do that by a motion in the minutes. You could say in the minutes that I motioned that this is a Type 1 Action.

Mr. Astorino: Wow! Bob, are you ok with that?

Bob Krahulik: Yes.

Mr. Showalter: Before we make that motion, I would like to ask our Attorney since I have never seen this before.

Mr. Astorino: I had just asked him.

Mr. Showalter: I didn't get the answer. If our Attorney says it is good, then I am good with it.

Bob Krahulik: It is an acceptable practice. It streamlines it. It accomplishes the same thing rather than reading through a full 8-1/2x11" page, which basically says the same thing. You could accomplish the same thing with fewer words.

Mr. Showalter: That is fine.

Mr. Kennedy makes a motion for the Type 1 Action.

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

Juan DeJesus: What triggered the Type 1 Action?

Mr. Astorino: The Health Department.

Max Stach: The Health Department has its own Type 1 list. That is available at 10 NYCRR 97.14. That is Volume A2 of Title 10. It has a list of Actions. That includes the initial approval of a public pool. You are constructing a new pool in a different location. You are going to have to have a permit issued for that. Also, an initial approval of Travel Vehicle Parks and Campsites. I know you have an approval for the current. I am assuming that you are going not to be able to just renew that. You are going have to submit for a different permit. Is that correct to your knowledge?

Rick Ferruggia: Is it considered a public pool even though it is in a private campground?

Max Stach: Yes.

Mr. Astorino: Yes.

Max Stach: If it is not in a single-family residence, it counts as a public pool.

Rick Ferruggia: What was your last question?

Max Stach: You are not just going to renew your permit; you would need to go to the Health Department for a new permit for your campsite permit.

Rick Ferruggia: We would certainly want to renew for what we are approved for now.

Mr. Astorino: You would be going to the Health Department regardless because you are expanding it. Do it all at once.

Juan DeJesus: We actually got a permit for 165 campsites. That is what we currently have. We are only showing 130 campsites.

Mr. Astorino: Do you have the permit from the Health Department on hand?

Juan DeJesus: I have it on my laptop. I could submit it.

Mr. Astorino: Submit that.

Max Stach: That is for the sewage. That is not your campsite permit. That is for your sewer and water system. Is that correct?

Rick Ferruggia: I thought that the Health Department only got involved based on that.

Laura Barca: No. There is an annual permit that OCDOH has to operate a campground.

Mr. Showalter: Mr. DeJesus, I think there is a discrepancy in the number. You had said 165. I thought it was 74.

Mr. Astorino: That is what it is back to. That is why they are before us. Now they are going for 130 campsites.

Juan DeJesus: The Health Department had approved it for 165 campsites.

Mr. Showalter: I remember Mike Sandor making the septic and water system to accommodate the larger number. It was engineered for the larger number, but we approved it for an actual smaller number. Now, you are bumping it back up. I don't have a problem with it. I had seen the engineering of it from years ago. It should actually be called the actual number of 130 campsites. There is a bunch different of numbers flying around. Let's do it as what you are actually doing it for.

Mr. Astorino: Right. We have pretty much discussed the project. Is there anything else you want to throw out there?

Juan DeJesus: Do you want us to address the plans?

Mr. Astorino: No. What I want to do is go through the comments. If there are any that stands out, we will work you through it. This is your first meeting. Are there any comments this evening that stands out at you?

Juan DeJesus: Is a public telephone necessary to have on this campsite? There is internet service being provided at the campsite?

Laura Barca: I totally agree with that. It is currently written in the Code.

Mr. Astorino: I agree as well. We will talk about it as we go through the process. There are not too many people that use regular telephones anymore. We could discuss that as we go through the process.

Juan DeJesus: Comment #34 talks about a Barrier Protection site inspection fee. It mentions campsites 51 through 59. There is currently a guardrail out there. Do you want something more?

Mr. Astorino: We will do a site visit. We will see what is out there.

Juan DeJesus: Ok. Comment #10 regarding the dumpster screening?

Mr. Astorino: We have to make sure they meet the requirements of the Code. We would schedule a site visit at a Work Session or another meeting.

Juan DeJesus: There was a question regarding the 6 employee's campsites on the property. We are proposing no employees' campsites at this time.

Mr. Astorino: Put a note on the plan.

Juan DeJesus: Ok. We were going to leave the laundry facility in the lower building that was approved by the Health Department. We are going to propose it in a separate building. We would discuss and see about it.

Mr. Astorino: As the project goes forward, that would be something you could bring to us. I am sure you are in the process of what you want to do. We just have to make sure it meets the Code.

Connie Sardo: Did you send out the early neighborhood notification letters to the adjoining property owners within 300 feet?

Juan DeJesus: No.

Connie Sardo: There is a sample letter on the Town of Warwick's website. You will need to send that letter to the neighboring properties within 300 feet.

Juan DeJesus: Ok.

Mr. McConnell: Since these folks have taken over an existing operating campground and the Town has an Ordinance requiring that no one could stay in the campground no longer than 210 days. Has this Applicant the present owner is current with their reporting obligations that they inherited when they had bought the campground?

Mr. Astorino: That would be something that would need to be discussed with the Building Department. Check with them. If the Building Department needs a quarterly report, you would have to provide that to them.

Rick Ferruggia: We are current.

Connie Sardo: They did drop off a report to the Building Department recently.

Mr. Astorino: You will need to provide to us the documentation of how you are going to track it.

Mr. McConnell: And, what it would look like. That way we could see the information that is being recorded.

Mr. Astorino: We would need to review it.

Rick Ferruggia: Ok.

Mr. Astorino: We will list HDR's Comment #2 through Comment #35 for the record. You will be back.

Rick Ferruggia: Ok. Thank you.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board comments: no comments received

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

Comment #5: OC Planning: pending submittal

Comment #6: OCDPW: pending submittal

Comment #7: OCDOH: Applicant to provide most recent OCDOH annual permit to operate a campground.

Comment #8: NYSDEC: Applicant should submit the most recent copy of 11/21/14 SPDES septic permit 3-3354-00662-00001, valid until 11/20/2024

Comment #9: Building Department: 01/05/24 need permit for new sign at entrance to campground

Comment #10: Planning Board to determine if a site inspection is necessary (e.g., proposed new sites (including proposed retaining walls), proposed playground boulders around existing wells, boulder guide rail, internal roadway restoration, removal of propane, dumpster screening, sidewalk around two-story pavilion, card reader/key pad, etc.).

Comment #11: Applicant to confirm if OCDOH septic approvals must be modified to allow for proposed laundry facilities.

Comment #12: Applicant to confirm that the proposed location of the pickleball courts and playground with respect to existing well coverings are acceptable to OCDOH.

Comment #13: Applicant to submit a sample of a lease agreement that will be used to confirm: no sub-leasing, short term rentals, number cars allowed per site, outside upkeep of park models, definition for "vertical" family members, etc.

Comment #14: Applicant to provide narrative to describe how the proposed gate mechanism will work to manage the use of each campsite (210-day maximum) and who is using each campsite (i.e. "vertical" family members).

Comment #15: Sheet 1, notes 7 and 11 indicate that there will be 124 campsites for 210 days in an 12 month period. Six additional campsites will be allowed for year-round occupancy. The previous plans included notes that these sites were for the owner and site manager use; Applicant to clarify the proposed use of these six campsites and where they will be located.

Comment #16: On Sheet 1, notes 15 to 17 appears to be missing.

Comment #17: There are several references to Black Bear Campground that the applicant may chose to modify or remove. Sheet 1, note 34 cites a webpage that is likely no longer relevant.

Comment #18: Applicant to confirm that guest parking is allowed in the driveway easement area.

Comment #19: The grading for all new lots should be shown (e.g., lots 48 and 49 & lots 110 and 111), including the top and bottom of wall for the proposed retaining walls (for at least 3 locations along the wall, including the highest point).

Comment #20: Applicant to confirm if features shown are existing or proposed (e.g., campsites, pickleball court, basketball court, playground boulders, rest rooms, picnic/play area, access gate, guest parking areas, etc.).

Comment #21: All items on the site plan and special use checklist must be submitted.

Comment #22: Details and/or notes must be added for proposed features (e.g., fire pit, pergola, guest parking areas, existing pool removal, barrier protection, pavilion near lot 59, individual campsite parking surface, etc.).

Comment #23: Additional information must be added to these details (e.g., surface covering, etc.): basketball court, pickleball court, new pool, jungle gym relocation (from where), etc.

Comment #24: Applicant to clarify use of proposed storage lockers in lower level at office store location.

Comment #25: Dumpster locations must be shown and labeled on the plan, as well as a detail showing how the dumpster locations will be screened. In addition, the number of dumpsters should be confirmed to be adequate.

Comment #26: Proposed laundry facilities are proposed to be added to the lower level of the restrooms/showers near the proposed pool; Applicant to clarify that this building is an existing two-story building.

Comment #27: Applicant to clarify the access to campsites 47, 48, and 49.

Comment #28: Warwick Town Code §164-49.2.Y. requires a public phone to be available to campers 24 hours a day. Applicant to clarify the location of this phone on plan.

Comment #29: Sheet C-8, Existing Campground Boundary Sign detail should clarify where these signs will be installed or if they have already been installed.

Comment #30: The previous Applicant provided a Barrier Protection Site Inspection Fee for the Planning Board Engineer to inspect the installation of barrier protection between campsites 50 to 59. Current Applicant to explain status of this bond.

Comment #31: A copy of all declarations cited on the drawings and/or part of the previous Site Plan shall be submitted (e.g., Ridgeline, Ag, Sheet 1, Note 31).

Comment #32: Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24.

Comment #33: Applicant to provide any Performance Bond or Landscaping Bond required by the planning board.

Comment #34: Applicant to clarify the status of the Site Inspection Fee for the Barrier Protection near campsites 51 through 59. The previous owner posted this bond; Applicant to clarify if this bond has been legally transferred to the new owner.

Comment #35: Payment of all fees.

Other Considerations:

1. Planning Board Minutes of 12/6/23 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 12/6/23.

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

2. Planning Board to discuss canceling the 1/29/24-W.S. & 2/7/24-PB Meeting.

Mr. McConnell makes a motion to cancel the 1/29/24-W.S. & 2/7/24-PB Meeting.

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

Correspondences:

1. Email correspondence from Elizabeth Korchin, dated 12/6/23 in regards to the Sibilla 4-Lot Subdivision.

Mr. Astorino: We have that letter in our packets.

2. Letter from Michael Holodinski Farms, dated 1/17/24 addressed to the Planning Board in regards to the M&T/Ted Edwards Subdivision.

Mr. Astorino: Mr. Holodinski spoke about that earlier this evening.

3. Email Letter from Orange County Department of Planning, dated 1/16/24 addressed to the Planning Board in regards to the Beth Medrash Meor Yitzchok College.

Mr. Astorino: We have that email letter in our packets.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in our 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. Showalter makes a motion to adjourn the January 17, 2024 Planning Board Meeting.

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