

TOWN OF WARWICK PLANNING BOARD
October 15, 2025

Members present: Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
Laura Barca, HDR Engineering
Temi Alao, HDR Engineering
Max Stach, NPV Planner
Bob Krahulik, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, October 15, 2025 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Red Fox Coffee Company, LLC

Application for Site Plan Approval and Special Use Permit for the renovation and use of a Class II Home Occupation of an existing 390± s.f. accessory structure, situated on tax parcel SBL #27-1-24; project located at 12 Union Corners Road, in the RU zone, Biodiversity Overlay, and AQ-O districts, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering. Victoria Hastings, Applicant.

Connie Sardo: Mr. Vice-Chairman, we received the certified mailings for the Red Fox Coffee Company public hearing.

Vice-Chairman Showalter: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Max Stach: So, this application is a Type 2 Action, construction or expansion of an accessory pertinent non-residential structure or facility involving less than 4,000 square feet per floor area. Therefore, it is exempt from SEQRA review. As I understand it, no lighting, landscaping or exterior structural modifications are being proposed.

Comment#2: Applicant to discuss project.

Brian Friedler: As you had mentioned, they're trying to use an existing 390 square-foot accessory structure to roast coffee beans. So, they're going for that Class II home occupation.

Vice-Chairman Showalter: Pretty simple. Okay.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending.

Comment #6: OCDPW – 10/14/25 no impact letter received

Comment #7: TW Building Department – 09/26/25 no violations

Comment #8: §164-43.5 A(11): Applicant to clarify number of employees and number of vehicles used to operate business. Please add a note to the plans.

Comment #9: Please add the aquifer notes to the plan.

Comment #10: The date filed in the Orange County Clerk's Office, liber, and page for the Biodiversity Notes and Aquifer Protection Notes must be added to the plans.

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 1 Map Note

Brian Friedler: Okay.

Comment #12: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: So I'm going to ask if that can be waived without showing meets and bounds on the surveyor. And I believe the original surveyor is no longer around.

Vice-Chairman Showalter: Did my engineer or attorney have a problem with that?

Bob Krahulik: I do not.

Laura Barca: I do not.

Mr. McConnell: We discussed that at the work session. And I think, Brian, you were going to look to see if you could locate previous...

Brian Friedler: Yes, I was unable to locate it.

Mr. McConnell: You made a good faith effort where you were unable to locate it.

Brian Friedler: Yes.

Mr. McConnell: I thought that's what you said.

Vice-Chairman Showalter: I think that Dennis finds that acceptable. But Dennis, I think we had another applicant with PIN issues.

Mr. McConnell: Okay.

Vice-Chairman Showalter: I don't think it was this one so much. There was another one and that's upcoming.

Mr. McConnell: Thank you.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: I'll ask that to be waived also.

Vice-Chairman Showalter: Will that be okay with the professionals and any board members?

Laura Barca: I'm okay with that.

Bob Krahulik: I have no issue. Board members?

Vice-Chairman Showalter: Are the Board members ok with it?

Mr. McConnell: I am ok with it.

Mr. Kennedy: I am ok with it.

Comment #14: Payment of all fees.

Brian Friedler: Ok.

Vice-Chairman Showalter: 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 Red Fox Coffee Company application, please rise and state your name for the record. Let the record show no public comment.

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

Seconded by Mr. Kennedy. Motion carried; 3-Ayes and 0-Nays and 2-Absent.

Mr. Kennedy makes a motion to waive Comment #12 & Comment #13.

Seconded by Mr. McConnell. Motion carried; 3-Ayes and 0-Nays and 0-Absent.

Mr. Kennedy makes a motion on the Red Fox Coffee Company LLC application, granting conditional Site Plan Approval and Special Use Permit (VOTE 3-0-2) for the renovation and use of a Class II Home Occupation of an existing 390± s.f. accessory structure, situated on tax parcel SBL #27-1-24; project located at 12 Union Corners Road, in the RU zone, Biodiversity Overlay, and AQ-O districts, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on September 17, 2025. Approval is granted subject to the following conditions:

1. §164-43.5 A(11): Applicant to clarify number of employees and number of vehicles used to operate business. Please add a note to the plans.
2. Please add the aquifer notes to the plan.
3. The date filed in the Orange County Clerk's Office, liber, and page for the Biodiversity Notes and Aquifer Protection Notes must be added to the plans.
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 1 Map Note
5. The surveyor must sign and seal the plan because metes and bounds are included on the drawings. **(WAIVED)**
6. Surveyor to certify that iron rods have been set at all property corners. **(WAIVED)**
7. Payment of all fees.

Brian Friedler: Thank you.

Victoria Hastings: Thank you.

PUBLIC HEARING OF Lauren & Celia Van Pamelen

Application for Site Plan Approval and Special Use Permit for the use and construction of a school bus yard and repurpose of existing residence into an office building *A/K/A Student Bus Company, LLC*, 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, County of Orange, State of New York.

Representing the Applicant: Brad Cleverly from MJS Engineering. Harry Baker, Traffic Consultant.

Connie Sardo: Mr. Vice-Chairman, we received the Certified Mailings for the Student Bus Company public hearing.

Vice Chairman Showalter: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is an Unlisted Action under SEQRA. The board had previously declared their Lead Agency to coordinate a review. There were no identified Involved Agencies. There was a Part 2 provided with our August memo. We've reattached it. We've also prepared a Part 3 Environmental Assessment Form indicating that all identified areas of environmental concern have been adequately addressed. We have provided you with a resolution to adopt the Part 2, the Part 3, and a negative declaration. We have one other minor comment outstanding with regard to the landscape plan. We did note previously concerns with the white pines being proposed near the driveway. I don't know if you addressed that with Karen Arendt directly.

Brad Cleverly: We will.

Max Stach: Okay. Very good. So, I would say as long as the landscape architect is comfortable with that choice, we have no further comments.

Comment #2: Applicant to discuss project.

Brad Cleverly: I am from MJS Engineering. This application is for the Student Bus Company. What the Student Bus Company does is they operate school buses. The proposed construction at this location includes a parking lot for 40 school buses. There will also be parking for 40 school bus drivers. There is an existing old house at this facility. The old house essentially will remain visually the same. It will be reused and repurposed as an office from the street. It will essentially look the same. Along with the parking lot, there's going to be extensive landscaping that will shield the parking lot from the street.

And so essentially the visual changes to the facility will be looking at trees instead of a field and a driveway. We're keeping one driveway into the facility. We've made sure the septic field works and will continue to work. And then that's the major change to the site. I'd like to introduce Harry for traffic impacts.

Harry Baker: I am from Harry Baker and Associates. So my role was to examine the traffic and I worked with HDR and Laura and her team to put together a traffic study for this project. Basically, there will be four times a day when people come and then leave. For instance, the drivers come right around 6:30, get in a bus and leave. So, all the buses will be gone by 7:30 in the morning. So, we looked at the 6:30 to 7:30 hour. And what we did was for all these intersections along Lake Station Road, at Bellvale, at Park, and at Kings Highway, we counted all the traffic. We used mild vision cameras, which is the best way to do it now. It's the latest method of counting because this gives us a record and a visual record. That information from the mild vision cameras is then broken down by cars, trucks, and buses. So, we know how many cars went through the intersection, how many buses, how many trucks of whatever size, and whatever movement they made. So as an example, if you were on Kings Highway and you were coming from the center of town out and you made the right onto Lake Station Road to go east, we counted that movement, whether it was a car, truck, or bus, and the same for all the various intersections. And we did that for 6:30 to 7:30, 9 to 10, 1:45 to 2:45, and 3:30 to 4:30. Because those are the times when the drivers come and the buses leave. They come and leave in the same hour. So basically, if I'm a bus driver, I show up at 6:30, I get in my bus, and I go. So, within that hour, everybody comes and everybody goes. There's basically no spillover. Except for maybe 5 or 10 minutes where some people might come at 6:15 simply because their route starts a little bit earlier. But we can only, when we do a traffic study, we look at an hour. And so, we looked at the hour when 90% of the traffic was coming in and going out. And that's what we did. The count was done on Wednesday, April 23rd. Now, next door was that bus facility that Brad talked about. That facility closed in February of this year. So, it was not included in our count. So, whatever was going on with that has nothing to do with us. We then took that data and broke it down, like I said, by intersection and created traffic volume maps that show all the individual movements. We then reached out to the town and working with HDR to see if there were any other projects that were going to be built in the area where our traffic would, traffic from these other projects would intercede with any of the intersections that we studied. There were none. And the other thing I did was I used a 3% background growth rate compound. Now, if you went into the New York State or New York State Metropolitan Council and looked at their background growth rate for Orange County in this area, it's only 1%. We used 3%. So, we basically took into account anything that might happen, even if it doesn't happen. And so that added another 6% plus to the existing traffic to get what's called the no-build condition. That's the condition of the street system before this project takes place. And then what we did was we took the traffic that would be generated by the bus drivers and the buses and added that to the street network. All the buses, 100%, will leave the facility and make a right turn to go to Kings Highway. When they get to Kings Highway, they will make a right turn to go north. Nobody will make a left to go out to Bellvale Road. None of the buses. All the buses will be a right and a right. When they come back, they'll come down Kings Highway, make a left, and make a left into the facility. It's very important that everybody understands that.

Vice-Chairman Showalter: I have one question for you, Mr. Harry. That would be, and I brought this up with my engineer and my fellow board members. And that question is, my visions of the traffic of the buses, let's say the buses are traveling in groups, in clusters. I

do notice that with the Warwick school buses, our local school buses. They seem to have a time where they travel in clusters. And I think the idea of that is a good idea. However, there are times when you get stuck behind all of them and they're making a stop at each individual driveway. It's a little overwhelming. But my point is, if they were traveling, did you check this scenario? If the buses are traveling in groups, and they make that, I was visioning every, making rights and lefts, say from Kings Highway. And coming from their garage or their parking lot on Lake Station Road. The buses all must stop at the railroad tracks. If there's, whether there's gates, no gates, train there, no train there, whatever. And they have to do it, it's a safety thing, and I think it's right. However, they stop for 10, 20, 30 seconds.

Harry Baker: I was actually out there this afternoon, and I saw numerous buses, because I was sitting in the driveway of the closed plant, watching literally what was going on. It's about 10 seconds.

Vice-Chairman Showalter: Some can be longer, some maybe shorter, whatever. You know, they have to stop, they open the door, the lights go on, you know, they look both ways. It's the right thing to do, no question about that. I would want my children safe as well. Everybody, all children should be safe on a school bus, as much as we can help. However, when they stop, let's just say they're coming off. In this scenario, they're making a left turn off of Kings Highway, and they, you know, there's three or four buses. You know, you could probably fit three buses between the railroad tracks and Kings Highway. Then there's going to be maybe more buses stopped on Kings Highway. Has that been looked at or taken into consideration?

Harry Baker: Yes. So, a couple of things. Since the buses are going to make a right and go north, nobody's going to make a left.

Vice-Chairman Showalter: Well, they're going to make a left coming from Chester, though. Let's just say they're coming back from Chester, coming back to the yard. They still have to stop. Whether they've got kids or not, they've got to stop.

Harry Baker: There's approximately 280 feet from the intersection to the railroad track, from the track to Kings Highway. Keep in mind that the buses are going to leave and come back over the course of an hour. Now, there could be two or three buses that might end up next to each other. A bus is 55 feet long, so you could easily get five buses in there in between if you had to, between the railroad track, Lake Station Road and Kings Highway. So, when we do this, when we analyze the traffic, we did a couple of things. One is, as part of the traffic study, the base condition, we actually had people at the intersections counting how many cars were in the queue. If they stopped, they actually queued up at the intersection. And we actually have it by the exact time when it happens. So, we know, for instance, from 9 to 10, there was no vehicle queues at Kings Highway and Lake Station Road. We know from 3:30 to 4:30, if you were coming west on Lake Station Road, regardless of whether you want to make a right or a left, there were two cars, there were three cars. There was one period when there were six. In fact, what was really interesting, I was mentioning to the owners, when I was up there today, that was at 4:18 in the afternoon when we did our traffic study. At 4:25 today, lo and behold, there were six cars. A bus and five other cars. And what I found interesting was, I was up there from 3:10 to 4:40. Until that time, the most I ever saw at the intersection was two cars, and they were gone within seconds. If they make the right, they just have to make sure nobody's coming from their

left. And if they make the left, they need a two-way gap, right? You need to make sure no one's coming southbound and northbound. But they were moving within 10 or 12 seconds, they were out of there. Even with the six vehicles that were there, it took about 20, 25 seconds for all six to clear. It clears very quickly, because there's lots of gaps in the traffic, because the traffic on Kings Highway, as well as Bellvale Road, is not what I would consider really heavy. So, I don't think there'll be an issue. And the fact that, over the course of an hour, remember, it's not like everybody at 6.30 is going to be there, 40 people. That's not the way this works. People will arrive and then leave. So, there'll be natural gaps, because as one guy's leaving, somebody's pulling in to go get their bus. By the time they get it, that bus is long gone. So, we don't anticipate any problem with that at all.

Vice-Chairman Showalter: Do any Board members or Professionals has any questions?

Mr. McConnell: You had said from Lake Station to Kings Highway, all of the buses will be turning right.

Harry Baker: Correct.

Mr. McConnell: My understanding was, I think, at the work session, that there was some indication that this bus company has now started to carry some Warwick students, which would necessitate a left-hand turn onto Kings Highway off of Bellvale, off of Lake Station. Can you confirm, right now, that there are no contracts for this company to pick up students in Warwick?

Harry Baker: I'll be corrected if I'm wrong. So, I'm going to tell you what I think. But I'd like this gentleman, who's the owner of the company, to answer, because I don't want to state something that's incorrect.

Vice-Chairman Showalter: Sir, you can come up and address the board.

Mr. McConnell: Go ahead, you said you wanted to state something.

Harry Baker: No, all I was going to say is, I believe they have one bus route in Warwick, but I'd like the owner to explain about the one bus route

John Ely: I'm the owner of Student Bus. So, when this project was contemplated roughly a year ago, it was contemplated with no contract in Warwick originally, there was no work available in Warwick. We weren't anticipating any, and it was roughly a month ago when Warwick solicited a bid. Actually, two separate bids. So, we submitted a bid, and at the time of the submission, the Board of Education told us that there are absolutely no routes. This is an emergency thing. Somehow, we got caught. We didn't have enough personnel over our home. The County Commission, which is the Coaster Commission, couldn't do it. We just wanted the opportunity to be able to reach out to somebody to help us to do a route. And they did not anticipate any of that happening. Lo and behold, about two weeks after the bid was awarded, there were two bidders. We were the low bidder, and I will say this, matter of fact, that the difference between the first bid and the second bid is just on this one particular route. It's probably \$30,000 a year savings to Warwick. With that being, they had a scenario come up immediately within a couple weeks. They said, look, would you be able to help us out? We don't have any transportation for a kid. The people that normally would transport the kid told us they can't handle the kid, and we said, look, if you need

help, we'll help you. That's how that developed. As you know, they have their own transportation. I don't see any changes coming that way, but that's essentially what we do with all our work. We bid, and if the town needs us, we help them out. That's the essence of it. To the point, would it make sense for me to go to the end of Kings Highway and make a left to go pick up a kid that's in Warwick so I can help them out? That's what I would anticipate doing. As I said, when we originally were looking at the scope of the project, there was no need to even contemplate that, and I had no problem doing that. But in terms of being the most efficient for everybody, I would contemplate it. I don't think we're ever going to have a large presence in Warwick because they have their own buses. There's no need for us. This is kind of a one-off. The way that I have understood it is they really had no need in the last year or two for anything like that. It's just one of those circumstances. We were in town. We'd like to be in town. And I thought, you know, look, I want to be a good neighbor. If we can help them, we're going to help them. There may come a time where they say to us, look, we need help, and I don't have the capacity to help them.

Mr. McConnell: We do have a contract or a commitment to Warwick, is that correct?

John Ely: Yes.

Mr. McConnell: Okay.

John Ely: They solicited us, yes.

Mr. McConnell: And it's more efficient, whatever, but unfortunately that efficiency is not something that's within our purview. So, I ask the question only in the sense of how will that change the results of the traffic study? So, what I want to know is what this gentleman said to start with was every bus is going to be making a right-hand turn. Well, it turns out that that's not quite accurate. And if that's not quite accurate, then I'm wondering about the accuracy of the traffic study as it presently stands. And that's something that I don't know that our engineer has yet had a chance to address or even to consider. But this is something, sitting up here for the first time hearing this as an official thing, you did bid on it. A month ago, you would have told me there was no chance. Well, it turns out there is a chance. And in fact, you've got a contract. So, I'm just concerned that the traffic study is inadequate at this point.

John Ely: Well, that's your concern. My point would be there's no legal thing that, number one, requires me to operate a route from Warwick out of Warwick's lot. Okay? So, whether I operate that kid from another site that I operate or wherever else it is, that's fine. Whether I operate this route of yours down the road, that's fine too. If it's something that the board is that adverse to and you feel like that's going to poison a traffic study because we stepped up to help Warwick, that's your choice. I don't have to necessarily do it. I don't have to necessarily go left to even get to that kid if I have to. I'm sure there's other ways to go to get that kid. So, if it's that important, then we won't make the left. We'll find an alternative way to get that kid. Does that answer your question?

Mr. McConnell: No, it doesn't. That's a way to address it if turning left is a problem. I don't know whether turning left is a problem, and that's what I'm trying to figure out.

John Ely: Why would turning left be a problem? Doesn't Warwick make a left down there with their buses?

Mr. McConnell: I don't know.

Vice-Chairman Showalter: I think the question, Mr. Ely, and what's worrying Dennis and myself too. Personally, I don't have a problem. I think the bus storage and your bus business is good for our town. I'm not against it. Our concern, or my concern, as stated before, was just the traffic of the buses being that they have to stop at that railroad track, then go over the track, and then make a left. At certain times in the morning, that road is busy, so it's kind of hard to make a left or the right. Again, if we had clusters of buses, that's the problem.

John Ely: If you want me to do it, I'll be happy not to do it. So that keeps that in place. The second point is that you already have buses that do it, because it's the most economical way for Warwick to pick up kids and take them where they have to go. It's not a big problem for me. I'm certainly not going to poison all the work this fellow has done, which is legitimate work, because we're trying to help out the town of Warwick. If that's what your position is, fine. It's easy enough for us to just walk away and say, hey, we won't do that.

Vice-Chairman Showalter: All myself, and I can't speak for every board member, but I'm sure they had the same concerns we brought up. It's just the amount of the traffic with the large buses and the railroad track.

John Ely: We have five large buses on this particular site. We don't have 40 large buses. We have five. We have 35 small vehicles. As we started from the inception of the project, it was to not be in a situation where we are causing blight or any kind of problem for the town of Warwick. That's why we agreed to go out to the right. That's why we agreed to go right on Kings Highway, to minimize whatever it is. We're certainly not looking to cause a problem within the town to do that. He was in good faith in everything he did about his traffic study. As I said, Warwick was looking for help on this particular project. We helped them out. Right now, I don't have a site in Warwick to run, so we pick up this kid from another lot where we operate vehicles. I have no problem doing that again. It doesn't make sense economically for us. It doesn't make sense economically necessarily for Warwick. But if that's what you like, that's what we're willing to do.

Vice-Chairman Showalter: No, we're just asking that the traffic study be accurate. It's our job.

John Ely: As of right now, it is accurate because we don't operate and do that.

Vice-Chairman Showalter: I get that, Mr. Ely. What I'm telling you is this. It's our job to vet everything, to go through everything. As my fellow board members have stated, they ask questions. It's our job to make sure that it's all right, that it works for the people, that we don't have massive traffic jams where there's a project and somebody's running their business. I'm a businessman too, John. I get it, and I like to be able to do things freely. I'm not against that. I'm just saying we just want to make sure for the citizens that everything is right. That's all.

John Ely: I think he made a comment earlier, and I'll step away from this because this is his purview. The site that sat next to us, that was the school bus manufacturing plant, had approximately 100 employees there. They were traversing right, left, each way they came in, almost at the same time in the mornings. Those people are no longer there. We're just trying to figure out the best way to accommodate everybody. I appreciate your points, but as I say, it's not a problem for me to do it anyway. I've agreed to do that. I'm fine with doing that. If Warwick needs more help, and we can help them, we're going to try and help them, but if it means that I'm going to impinge on what we've agreed on, then maybe I can't do that for them, and I understand that. I appreciate all your comments, and thank you.

Laura Barca: I was just going to say that HDR, we did extensively, I'm sure you can agree, extensively review the traffic study by our specific traffic engineers. We did review it, and we confirmed everything that's in that report. We had several back and forth, questions, answers, back and forth from

Harry Baker: One vehicle, one bus, small bus, 25 passengers, a 25 passenger, a Bluebird bus, is not going to change anything at that intersection. Nothing. Let me explain why before you, okay?

Mr. McConnell: Does our engineer agree with that?

Laura Barca: Yes.

Mr. McConnell: Okay.

Harry Baker: I'll leave it at that then, thank you.

Vice-Chairman Showalter: Like I said, I brought this up because my concern, and I think Dennis's as well, was clusters.

If we have a large cluster of buses, that'll create a lot of jam. But if you guys are telling us that we're running, you know, one at a time, small groups, then that'll make the difference, I think. And we're trying to make it so that the neighbors, the people that live in the neighborhood, aren't waiting there for four minutes to get out to go to work.

Harry Baker: I totally understand.

Vice-Chairman Showalter: We don't want them inconvenienced. We don't want your business inconvenienced either. We want you guys to be able to thrive, but this is part of the process that we have to go through to make sure everything, we have to make it good for everybody as best as we can.

Harry Baker: And by the way, just so you'll know, the reason I did the study the way I did it, where I took the bus drivers coming in and the buses going out in the same hour, that is the most conservative approach, which means that's the true traffic. And there's no, you know, as Laura said, we spent a lot of time working with her firm and her traffic people going through it. In fact, before we even did the study, I wrote a three-page scope of services that they reviewed point by point by point and said, do this, do this. We changed some of the stuff that we were going to do to accommodate them. So everything that's been asked for by your consultant, we've done, where they had a question or concern or

they weren't sure about something, we were on the phone together, sending a green on methodologies or however we needed to do it to get to the point where we are today. So we try to work hand in glove in the sense that when a question was raised, I was right there to try and answer it and work with them to make sure we could come up with an equitable solution that works for the municipality as well as the owner.

Vice-Chairman Showalter: Dennis, Bob, are you guys okay with this?

Mr. Kennedy: Yes.

Mr. McConnell: Yes.

Vice-Chairman Showalter: Okay, very good.

Harry Baker: The only other thing I wanted to say is when you compare the build to the no build and the levels of service, they don't change. Basically, the levels of service at the intersections are A today, they're going to be A when this development is built. We use what's called a synchro highway capacity program which is accepted by New York State DOT and it's the gold standard for doing traffic analysis. I'm sure our traffic consultants have talked about it as well. So if there's any other questions, certainly from the board, I'm certainly happy to answer whatever else might come our way. But thank you for your time

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

Comment #7: OCDPW – 01/07/25 letter stating no impacts to any County Roads

Comment #8: §164-46N notes that isolated trees over 12” caliper shall be identified.

Please confirm the existing trees to remain and be removed are over 12” caliper.

Comment #9: A final signed version of the SWPPP must be submitted, along with the Notice of Intent, and MS4 Form for Town signature.

Comment #10: Please confirm that the October 08, 2025 report is the final version; submit a final traffic report.

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 1, Note #13

Comment #12: Please add the declaration information for the Aquifer Protection Overlay Notes and any other notes required by the planning board.

Comment #13: Please provide a Performance Bond and Site Inspection fees for the stormwater infrastructure.

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Comment #15: Surveyor to sign and seal drawing.

Comment #16: Payment of all fees.

Brad Cleverly: We are ok with Comment #5 through Comment #16:

Vice-Chairman Showalter: Do any Board members or Professionals have any comments? Let the record show no further comments from the Board. This is a public

hearing, if there is anyone wishing to address the board on the Student Bus Company application, please rise and state your name for the record.

Ron Donatin: I live on Lake Station Road. I have a little background in school buses. I was a school bus driver instructor and also a policeman. A couple of questions that I have in regards to the operation that you guys are proposing here. Where are you? Where are these students? So, you're picking up. So, everybody's making a right-hand turn supposedly coming out going over the railroad tracks which I would disagree about 10 seconds if it's done properly. The process for crossing a railroad crossing on a school bus is you're turning off all your fans all the heaters so all the noise is quieting the children. You're coming to a complete stop. You're putting your four ways on. You're opening up your windows. You're opening up the door. You're looking both ways. You're listening for everything and then you're coming across and putting on your fan. So it's a little bit more than a 10 second process. I haven't studied the buses that are crossing there but if it's done correctly that's longer than 10 seconds. That's probably a 15 to 20 second minimum to do it properly. So, you've got all those buses coming across. What time of the year was this study done? What's the question?

Laura Barca: I believe the traffic study was done in April. The traffic counts were done in April. During school.

Ron Donatin: You say you've got 40 buses in there you're going to be putting in there, correct? And only five of them are going to be the big buses? All right. How many of them are going to be handicapped? That is my concern. And the reason I say that is because you've got to do a pre-check on every bus before you get in it. And I'm concerned about on a handicapped bus you've got to open the doors; you've got to make sure the lift is working properly, unfold, come down, go back up and put it back in again.

Vice-Chairman Showalter: Wouldn't that be done in their parking lot?

Ron Donatin: It would. Now the motors are running. And that's what I'm concerned, especially in the winter time. And buses are, you know, when you're doing your pre-check, you have buses usually running because you've got all your lights on, you're checking your heaters, you're checking your wipers, you're checking all the fans.

Vice-Chairman Showalter: In the winter you'd have to warm the bus up as well, correct?

Ron Donatin: Correct. Where is all this exhaust going with all those buses running at that point? So that gets to how long these buses are sitting there, especially if you have 40 of them sitting there idling and then while you're doing your pre-check. That is an issue. If they're coming back, so now they're all leaving and going right to whatever, and picking up your children and going to whatever school. If their school, one of their drop-offs is let's say in Goshen, now how are they coming back? Are they going all the way back to Chester or are they cutting through Florida and coming back in where you might be coming back up Kings Highway heading towards Chester. In other words, you're traveling in Warwick to get to Chester, then you're turning on there, that road. It sounds great when you're all making rights, but how are they all coming back? Are they coming back from different directions? You did a study, but I guess I do my own study when I go out to the mailbox every day and I don't get a chance to cross that road without a car coming by. It's been a really rare exception that I would have to have. Again, I'll have to go with what you guys did on the study, but like I said, if they're all going over the railroad tracks, you may go out

in four or five at a time, and that's all well and good. What happens if one of them breaks down or something at that point? That's not saying that could happen. That's supposed to be checked while they're in the yard, but that goes back to the idling of all those buses, especially if the wind's blowing correctly or in the right direction. That's a lot of diesel exhaust. Thank you.

Vice-Chairman Showalter: Is there anyone else wishing to address the Board on the Student Bus Company application?

Colleen Daly: I live on the railroad tracks at Lake Station. My daughter's a student in Warwick Valley Central School District also, so the bus stops at my house very close to the railroad tracks. As a matter of fact, we don't let her get on usually at our driveway because the end of the bus is too close to the gates for the tracks. I see the tracks from every part of my home, and I see all of the buses stop every day. I see all of the traffic, and when there's car accidents at the top of the road, I see all the flashing lights. My concern is, we have the buses turning right, and that's great. No real issue there. We had the bus company across the street, and about once a month or once every two months, that bus company that used to be there would do what we would call a bus parade. My daughter loved it. It was great. They would all line up, and there was only about, I think we counted 25 at the very most that they would have, and then they would drive them over to their area in the prison, the finished products. So those little bus parades, if you will, that they had, the short buses, would take 30 to 45 minutes to get completely out, although they were making a left. So, I can, you know, there's that. However, they usually did it on a Sunday because they had all the workers in there doing overtime on Sunday, and they had all those guys driving the buses. My concern also with the traffic study timing is it was literally the day after the kids went back to school for Easter, from Easter break, spring break, spring recess, many of the people weren't really back to work yet. Usually, you're not going to go back on a Wednesday when you get your kid back into school on a Tuesday, depending if you just came home from Florida or Disney or whatever. There's that. If you're going to be turning left onto Lake Station Road from Kings Highway, that's all well and good, except for when the cars that are turning left, coming home from work on from Monroe to Warwick, and they want to make a left, the traffic is going to be backed up to Kings Estates. And I bet you dollars to donuts that's what's going to happen. If a traffic, if a car accident happens all the time, then what do the buses do? Because the traffic is always either rerouted from the other side of Kings Highway if the accident happened on that side, it's coming through Lake Station. And I'm talking like the Autobahn. And if the accident is at our intersection, then it's all stopped and those buses won't be able to go. So then how does that happen? Then they'll be making the left off of there, rather than left towards, on Bellvale Road. So I have those concerns, for sure. My other concern is, you know, during the bus parade going that way, we have commuters. I don't know, I mean, I live on the road and I live right there. So I see it every single morning and at five o'clock in the morning, it begins and it, I swear to you, is the Autobahn. It's like these people play how fast can we go from the stop sign to the tracks. By the time they get over the tracks, I'm surprised their cars haven't lifted off. So they're flying. And same thing when they're coming home. In the middle of the day, I think it won't be a real issue for the second and third shifts that they have for the buses. I really don't think it's going to be a problem because there's not much in the way of commuter traffic. But the more that it gets built up in Monroe and the more that it gets built up in Warwick, we're going to have that commuter thoroughfare because believe it or not, our unlined, we do not even have a double yellow line on our road, is a main thoroughfare between Warwick and Monroe. And I'll videotape it. I'll do my own traffic study, which I

have done because that's all I do is just watch the traffic. My house is 25 feet off the road, if that.

Vice-Chairman Showalter: You're in the corner house?

Collen Daly: I'm on the tracks. I'm not on the corner road.

Vice-Chairman Showalter: You are the second house.

Collen Daly: Yes. My China closet rumbles with the trains. I live in the Sims house. So, I can just say that while I can say that the traffic study sounds well and good, I think it needs to be done more than once. I think it needs to be done under different circumstances, times of year, differences in weather, the plows. When the plows come through there, you know, you've got the thing with the train blows through the snow banks and it's a mess. I'm concerned about that. I'm concerned about them warming up the buses in the morning three times a day, maybe however long it's going to take in the wintertime. My family has asthma. My husband has farmer's lung. We are farmers here in Warwick. So, I don't know what the air quality issue is going to be, but I see that there's no issue, you know, environmentally, supposedly. I don't believe that at all. There's, the adjacent properties are owned by the same people. I don't know if there's going to be a broader project in the future. I hope not, but we have to remember this is a residential neighborhood. This is not an industrial corridor, which is my big concern that this is going to be just blow up and become bigger and bigger and bigger as it goes. Lake Station used to be a hamlet of Warwick. It was Lake, Amity, Edenville, Sugarloaf. Lake is, in fact, a hamlet in Warwick, which is unrecognized. There's a ton of history there and that home is the last historical home in the area, besides for mine and besides for Ron's. He's got the sloping garage, which actually was the general store and the post office. We had our own zip code. There's no recognition whatsoever of the history of Lake Station Road. I feel like that just industrializing this area is really going to add more to the forgotten, you know, history of the place.

There was a train station that looked like the train station in town right across the street from my house. So as it goes and as we continue to build up more industrial wise, et cetera, we're losing the residential aspect of it. Now, I get it we're only three homes. We really shouldn't care, but there is a development behind me and that is a large residential development and I know a lot of people from there did want to come today, but they're all working people. A lot of them are fire department in New York City. A lot of them are, you know, moms that are doing volunteer work, whatever. They couldn't get here. It is what it is, but I think that there's not been enough study in order to pass something immediately. Furthermore, I went on the website for the town today. I'm all over the town of Warwick and the village Warwick planning, building department websites every single day. I look and I check for new documents and everything else. I couldn't find a single stitch of a document for this plan.

Connie Sardo: This project was before the MuniCollab portal came in effect.

Vice-Chairman Showalter: Ms. Daly, the reason you couldn't find anything on this is we have just implemented this new part of our website. This has been going on for a while.

Colleen Daly: I know. I searched the history. The history is not there either. Because I had to do the same thing on the solar.

Connie Sardo: The only thing on the Town of Warwick website is when new applications are submitted. It tells you when a new project is submitted. You have your chance to come to town hall to review the files. Then the minutes are posted. The agendas are posted.

Colleen Daly: I'm aware of the process. Absolutely.

Connie Sardo: The documents are not on the Town's website.

Colleen Daly: When I get my notification to come and I just received it in the mail on Friday and then I go and look for the documentation online in order to prepare myself.

Connie Sardo: That is because they are not online. You would have to come to Town Hall and review the files.

Colleen Daly: Monday was Columbus Day. The other planning board documents are online.

Connie Sardo: Did you receive an early neighborhood notification letter awhile back when this project first started?

Colleen Daly: I did not. I got certified mail and I didn't have to sign for it. Then I noticed it was from Brad. I was like, all right, whatever. I went online. I do this constantly for all different projects. This isn't my first rodeo.

Connie Sardo: Going forward now with new Planning Board projects, they are uploaded on the Town's new portal called MuniCollab.

Colleen Daly: I think it's great. I'm not one to stop progress. You can't stop progress. I know that my family's farm has been purchased and built like the end. This is going to be purchased and built. I understand that. That's not where I'm headed. I'm headed more towards the safety and also the sanctity of our home. This is where I live. Regardless of where it's located, it's still my residence. There may only be two other people living near me, but it is a historical area. I already have the railroad track, so I'm used to it. I'm used to the noise and everything else. I don't think just because of that we should use that as a cause to allow things to just go through. I don't feel that this type of progress needs to be pushed through quickly. I think that we really need to investigate it, and I do believe that the traffic study has to be relooked at. I do believe that there is an environmental impact, regardless of what the board says, regardless of anything, because I haven't seen those documents and I will be looking for them after this.

Mr. McConnell: I can assure you that this project is not being pushed through quickly.

Colleen Daly: That is my concern.

Mr. McConnell: This application has been in front of us for more than a year.

Colleen Daly: So, when we get the notification to come for a public meeting, so it's all been vetted, that's fantastic, but when was I able to vet it? Now. I'm able to vet it now.

Mr. McConnell: Yesterday or Friday.

Colleen Daly: Correct. In the afternoon. But my concern is, so while everyone had a year...

Mr. McConnell: You're upset because you couldn't bring it down online. But we've just implemented that.

Colleen Daly: Understandable.

Mr. McConnell: And that we're still truthfully trying to work the kinks out.

Colleen Daly: I think the portal's great.

Mr. McConnell: But do not think for a moment that this project appeared last Wednesday.

Colleen Daly: No. I don't believe it did. And here on this Wednesday, can I get an amen? I've been watching everything.

Mr. McConnell: We hear your concerns. Some of them are not things that we can address.

Colleen Daly: But I'd like to see the environmental impact documents, and I'd like to request to know, does the board take a look at the adjacent properties, which is a majority of wetlands? Immediately next door. If you're going to have this many vehicles with fluids that need to be contained or changed, is there going to be servicing on the site? Is there going to be gas on the site?

Laura Barca: No. No gas tanks are allowed on site. There's no servicing of vehicles on site. And the wetland that is on site was delineated by New York State DEC. We have confirmation of that.

Vice-Chairman Showalter: If I recall, there was a question asked a while ago through the process. Wasn't there something to do with curbs and such in the parking lots, Laura?

Laura Barca: We completed an extensive stormwater evaluation to make sure that it was managing the stormwater on the property as well as not affecting the wetlands.

Colleen Daly: Right. Because King's Estates, you guys know, has that well behind there. I have a well there. Ron has a well there. We have another shared well there. I'm very concerned about a lot of this.

Vice-Chairman Showalter: Yes. Our professionals studied that with us and briefed us. We went back and forth. We went back and forth with Brad here regarding that. That's our job. That's what we're here for. We're here to take care of everybody. That's our job, make sure it runs through the process properly.

Colleen Daly: I think it ought to be revisited. I don't think it was fully burdened. I don't believe there's a way that the scenarios were, of course, one-off items. It is what it is. That's an anomaly. However, I think it's going to be a cluster. I think it's going to be awful. When I see the buses come through there each morning and there's only four or five school buses that have to come through my road this way and then some of them don't even come

back. Three of them come back, two of them keep on going and they go down Bellvale Lakes road. But I just don't think it's going to be good.

Roger Showalter: I'm not disagreeing with you. From a personal level, I can't speak for anybody else, I'm speaking for Roger. That is a concern for me, too. But on the same token, I've worked with Laura for 15 years. We have Mr. Harry there. This is the first time I've ever met him. But I am very aware that he and our engineer were communicating hand-in-hand daily and weekly regarding this. And where I'm going with this, Ms. Daly, is that the same studies are done for Shop Rite or Leo Kayte's Ford or New Road or Pricechopper, etc... It's the same kind of similar formulation that they do. They have to count. Everything has to be counted for. And these people are engineers. I'm not an engineer. But that gentleman is an engineer. Laura is an engineer. They're trained to do this. You have to trust the process. Is it always perfect? No. But you have to trust it. And I brought up questions myself. Again, I'm concerned for you. I'm concerned for Mr. Donatin. Mainly the children who might be riding those buses.

Colleen Daly: I'm more concerned about the intersection where the accidents are going to happen. It's going to happen. And I think it's going to happen even more so than it has in the past.

Vice-Chairman Showalter: With the addition of this, maybe this is something that the County can look at in the future to put a traffic light or something.

Colleen Daly: Someone is going to be killed there. I know many people that have gotten hit there. And what about the emissions? Are they diesel or propane?

Vice-Chairman Showalter: Mr. Ely, what are the majority of your buses?

John Ely: 90% of the buses are gasoline.

Vice-Chairman Showalter: The small buses, Ms. Daly, usually, you know, he owns the buses.

I don't own his buses. But I am a mechanic by trade. The majority of the small buses today are gasoline. And they run way, way cleaner than when I was young. They're pretty good. And even the diesel buses. I'm a diesel mechanic by trade. And there's a lot of headaches with the emission system. But they're just as clean as a gasoline vehicle. And even less noisy than they used to be.

Colleen Daly: Well, that's what I'm wondering. Compound the decibel level of a bus for however many times and how long is it going to run these many times a day?

Vice-Chairman Showalter: I think you'll hear more noise from if they're shoveling snow on a snowy day to clean out around the buses. I think you're going to hear more noise from the shovels and stuff than the actual buses running. You'll hear the drivers talking with each other and yapping. The trucks aren't, again, they're pretty quiet. They're not super loud.

Colleen Daly: That is still noise. So after this evening, what happens, what goes next? Is this the end all be all approved and then they're going?

Vice-Chairman Showalter: This is the public hearing. If the board decides to approve it, then it gets approved.

Colleen Daly: I understand. Okay. I appreciate your time.

Connie Sardo: It could be conditionally approved. Yeah. Nothing can get started until all the conditions are met and the planning board chairman signs off the maps and they need to get a permit through the building department.

Colleen Daly: Okay. I don't think there'll be a problem. It's just the traffic. Thank you.

Vice-Chairman Showalter: Thank you. Mr. Donatin, you raised your hand. If you'd like to come back up and address the board, please come forward.

Ron Donatin: The question I was thinking about that the board maybe might consider exploring is you also, after snow storms, the buses are, just like any tractor trailers in New York State, you can't have any snow on the roof.

Vice-Chairman Showalter: They got to clean them.

Ron Donatin: They got to clean all those buses.

Vice-Chairman Showalter: Yes.

Ron Donatin: What are they using to do that? Is it a device? Some places have a device you drive through, and it's got like a big, almost like a car wash. A brush that goes up. Are they doing that? Are they doing it by hand?

Matthew Kuhl: I am from Student Bus Company. We use a roof rake, like a 14-foot pole shovel. It's like a 16-foot telescoping inverted shovel. It goes up and we pull it down. Every bus is cleared before we take them out of the yard.

Ron Donatin: Okay. And this is during your pre-trip time? The operations from 630 to 730 is when the first group of buses pulled out. When did the drivers stop coming in? Was that 530 in the morning? Where they, like you said, all this commotion or noise could start at that time in the morning, especially after you're cleaning, where they're going around pulling the roof rakes on all these buses. And then usually it's, you know, the idle time is my concern. But I think you work with diesel, so you don't want them idling. You have 40 of them idling.

Vice-Chairman Showalter: In a lot of cases, though, a diesel bus will shut off after 15 minutes. And when they're warm, they're only idle for five minutes

Ron Donatin: Just check that on the specifications on a school bus.

Vice-Chairman Showalter: On a commercial truck, that's what it is. It may be different on a school bus. You might have me on that one, but in a lot of cases, on a commercial truck, it's 15 and five.

Ron Donatin: I'm not sure that those are restrictions on a school bus.

Mr. McConnell: We're in southern New York state. We're not in Montana. We're not in Vermont. How many snowstorms did we get last year? Four. We don't want the tail to wag the dog here.

Ron Donatin: Understood. To me, I'm just thinking of issues that I would like to... Or concerns, not issues, concerns that I would... If I bring up to you, you guys might have something that you haven't thought of and react and think about.

Vice-Chairman Showalter: I and we understand your concerns, Mr. Donatin, and just remember, as Ms. Daly said before, the railroad train makes noise, too. You've got a high noise area there. I get it. I understand your concerns.

Ron Donatin: Okay.

Vice Chairman Showalter: You are welcome. Is there anyone else in the audience wishing to address the Student Bus Company application? Let the record show no further public comment.

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

Seconded by Mr. Kennedy. Motion carried; 3-Ayes and 0-Nays and 2-Absent.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Kennedy. The following Resolution was carried 3-Ayes and 0-Nays and 2-Absent.

State Environmental Quality Review (SEQR)

Resolution Adopting the Full Environmental Assessment Form, Part 2, Part 3 and Negative Declaration

Unlisted Action

Name of Action: Student Bus Company

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit approval on Town of Warwick tax lot SBL 30-1-20 at 19 Lake Station Road. The project is within the Office and Industrial Park (OI) zoning district and Aquifer Protection (AP-O) Overlay District. The applicant is proposing the construction of a transportation terminal to include a school bus yard - a parking lot for the buses and drivers. The existing residence on the lot will be repurposed into an office building; and

Whereas, a Short Environmental Assessment Form (SEAF) was submitted by the project sponsor, dated December 10, 2024; and

Whereas, after comparing the application to the thresholds contained in 6 NYCRR 617.4 and 5, and 10 NYCRR 97.14, the Planning Board has determined that the proposed project is an Unlisted Action; and

Whereas, the Planning Board has identified the following potential areas of environmental impact:

- 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.

Now Therefore Be It Resolved, that the Planning Board hereby adopts the Short Environmental Assessment Form, Part 2, dated September 17, 2025 indicating the above-listed potential moderate to large impacts; and

Be It Further Resolved, that the Planning Board hereby adopts the Short Environmental Assessment Form Part 3, addressing the above-listed potential areas of environmental concern; and

Be It Further Resolved, that based on the foregoing analysis as well as the testimony of the applicant and the information gathered during the course of site plan review, the Planning Board hereby issues a Negative Declaration of Environmental Significance, determining that the proposed action will not result in a significant adverse environmental impact and that an Environmental Impact Statement will not be prepared.

Mr. Kennedy makes a motion on the Lauren & Celia Van Pamelen application, granting conditional Site Plan Approval and Special Use Permit for the use and construction of a school bus yard and repurpose of existing residence into an office building *a/k/a Student Bus Company LLC*, situated on tax parcel SBL # 35-1-20; 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 15, 2025. Approval is granted subject to the following conditions:

1. TW Building Department – 01/03/25 permit needed for gazebo
2. OC Planning Department – pending
3. OCDPW – 01/07/25 letter stating no impacts to any County Roads
4. §164-46N notes that isolated trees over 12” caliper shall be identified. Please confirm the existing trees to remain and be removed are over 12” caliper.
5. A final signed version of the SWPPP must be submitted, along with the Notice of Intent, and MS4 Form for Town signature.
6. Please confirm that the October 08, 2025 report is the final version; submit a final traffic report.
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, Note #13
8. Please add the declaration information for the Aquifer Protection Overlay Notes and any other notes required by the planning board.
9. Please provide a Performance Bond and Site Inspection fees for the stormwater infrastructure.
10. Surveyor to certify that iron rods have been set at all property corners.
11. Surveyor to sign and seal drawing.
12. Payment of all fees.
13. Provide a map note stating: “No more than 5 buses per day shall be permitted to turn left from State School Road onto County Route 13 southbound per day” without first obtaining Planning Board approval.
14. Provide a map note stating: “No more than 5 Large school buses may be stored upon the site” without first obtaining Planning Board approval.

Seconded by Mr. McConnell. Motion carried; 3-Ayes and 0-Nays and 0-Absent.

Brad Clerverly: Thank you.

Review of Submitted Maps:***Caiafa, Garazzo & Sofliey, LLC.***

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change with no proposed construction, situated on tax parcels SBL #24-1-35.22 and 24-1-36; parcels located at 111 Glenwood Road and 197 Glenwood Road, in the RU/MT zones, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Darren Stridiron, PLS.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a Type 2 Action pursuant to 6-MICRR-617.5-C-16 granting of an individual setback in lot line variance adjustment. Planning board may enter determination into the record by motion to vote. No further SEQRA action is required.

Comment #2: Applicant to discuss project.

Darren Stridiron: Good evening. I'm the project surveyor and owner of Heritage Land Survey. I'm representing my clients at 111 and 197 Glenwood Road. We're proposing a lot line change between the two owners. The owner of lot, the 111 Glenwood Road, the lot would go from 18 acres to 55 acres. And the owner, the land of 197 Glenwood Road would go from 47 acres down to 9.6 acres. There are no proposed construction on any of these lots. This is just a simple change of a lot line on a map.

Vice-Chairman Showalter: Very good.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – pending comments

Comment #7: OCDPW: 09/23/25 – No impacts to ROW

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

Mr. McConnell: Let's discuss this at the next work session. Next work session.

Vice-Chairman Showalter: Fine.

Comment #9: Early notification letters must be mailed.

Darren Stridiron: They were mailed.

Comment #10: A bulk table must be added to the drawings, including all existing and proposed data, Section-Block-Lot.

Darren Stridiron: Ok.

Comment #11: Please identify the purpose of the dotted portion of the lot near Sofiley.

Darren Stridiron: That was old. That was taken off.

Comment #12: Please make the new lot line more noticeable.

Darren Stridiron: Ok.

Comment #13: The proposed lots should be identified as Existing/ Proposed Lot 1 and Existing/Proposed Lot 2.

Comment #14: The locations of the existing well and septic system for Lot 24-1-36 shall be shown on the plan.

Comment #15: If a proposed lot does not have an existing home, a driveway, well, septic system, and home location must be shown to demonstrate that the lot is buildable. If this information is available from a previously filed map, that information can be shown and properly referenced.

Comment #16: If applicable, a note should be added to the plan stating that there is no construction and no ground disturbance proposed.

Comment #17: Applicable Town of Warwick Standard Notes should be added to the plan.

Comment #18: Property owners within 300-ft of this property must be added to the plan.

Darren Stridiron: I am ok with Comment #13 through Comment #18.

Comment #19: Please clarify if the 25-ft ROW for the existing driveway on parcel 24-1-35.22 is existing or proposed. If existing, please provide filed document, and reference the date filed, liber, and page on the drawing; if proposed, please provide description and documentation to be filed.

Darren Stridiron: It is existing, and it's part of the filed map from the previous submission, and it was approved by the planning board, I believe. Let's see what year that was. 2013. And I will submit that file map to the website.

Comment #20: Please clarify if the 10-ft temporary construction easement for the existing driveway on parcel 24-1-35.22 is existing or proposed. If existing, please provide filed document, and reference the date filed, liber, and page on the drawing; if proposed, please provide description and documentation to be filed.

Darren Stridiron: I believe it's still existing. I know there's a driveway there, but I believe until there's a house built and a CO for the lot, that easement is still in effect because they might have to make modifications to the driveway when they build that house.

Vice-Chairman Showalter: All right.

Comment #21: For the temporary construction easement, please clarify the length of time the easement will be in place.

Darren Stridiron: I believe the language on the file map states that it will be in place until the driveway is completed.

Comment #22: Please submit a copy of the drainage easement made with Orange County that has been filed in the Orange County Clerk's Office

Darren Stridiron: Ok.

Comment #23: The 911 addresses for the lots must be added in a note or table on the plans.

Darren Stridiron: Darren Stridiron: I do have the addresses, and since there are no new lots created, would 9-1-1 change the addresses?

Laura Barca: It shouldn't. You can check, double check with the Building Department.

Darren Stridiron: Okay. I will check that with them. Thank you.

Comment #24: 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 #25: A description must be provided for the proposed lots or the land to be transferred.

Comment #26: Surveyor to certify that iron rods have been set at all at property corners, including existing property corners.

Comment #27: Any applicable notes and declarations must be added to the plan (see Town of Warwick standard notes).

Comment #28: Payment of all fees.

Darren Stridiron: I am ok with Comment #24 through Comment #28. Regarding Comment #28, would there be additional fees?

Connie Sardo: We will let you know.

Darren Stridiron: Okay.

Connie Sardo: Until the conditions are all met and the final maps are signed, it still has to be reviewed by the town's professional.

Darren Stridiron: Thank you.

Vice-Chairman Showalter: As I said before, we'll determine a site visit at our next work session.

Darren Stridiron: What about public hearing? I know I had asked in the application for a waiver. How does that work?

Vice-Chairman Showalter: We will do the site visit and we'll figure that all out. We'll determine it at the next meeting.

Laura Barca: He's requesting a waiver now.

Vice-Chairman Showalter: Does he want a waiver now?

Laura Barca: That's what he's requesting.

Vice-Chairman Showalter: Would the board members like to give him a waiver for the public hearing?

Mr. Kennedy: I'm okay with it.

Mr. McConnell: I think given the history of this parcel; I'd be hesitant to waive a public hearing.

Vice-Chairman Showalter: I kind of feel the same way, so let's wait until the next meeting.

Mr. McConnell: I could be convinced if we have completely different owners or whatever.

Darren Stridiron: I'm not aware of the history, but I'm sure there's some-

Vice-Chairman Showalter: It's an interesting history. So let's just keep it at that for now.

Darren Stridiron: When would the next work session be?

Connie Sardo: The next work session will be November 10th. So, Darren, I'll email you the workshop agenda when it's ready to let you know. So, it'll be under other considerations for the board to discuss.

Darren Stridiron: Okay? So, these changes need to be in within probably a week?

Vice-Chairman Showalter: Soon as you can get them done.

Connie Sardo: If you're going to make the changes, they need to be in by October 29th.

Darren Stridiron: Okay. Thank you very much.

Connie Sardo: You're welcome.

Andreo Stie Plan & Special Use Permit

Application for Site Plan Approval and Special Use Permit for the conversion of a single-family dwelling into a two-family dwelling. The property contains an existing 4-bedroom primary dwelling. The Applicant is proposing to extend the existing dwelling, creating a separate one-bedroom living area, which will be utilized by family members, situated on tax parcel SBL #49-1-62.41; property located at 23 Wawayanda Road, in the RU zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: This is a Type 2 Action. It is construction or expansion of a single-family, two-family, or three-family residence on an approved lot, including provision of necessary utility connections. The Planning Board managed the determination of the record by motion to vote, and further secret action is required. Perfect.

Comment #2: Applicant to discuss project.

Brian Friedler: Brian Friedler: Like you said, they're proposing to add an addition to the existing house and make it into a two-family dwelling by adding a one-bedroom addition to the side of the house.

Mr. McConnell: Who's the family member that's anticipated to occupy?

Brian Friedler: Her daughter owns the house.

Mr. McConnell: So, it's a stereotypical mother-daughter?

Brian Friedler: Yes. It's going to be connected by a solid hallway, but they're going to have a kitchen and a bedroom.

Mr. McConnell: Ok. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending

Comment #6: TW Building Department – pending comments

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

Vice-Chairman Showalter: We will discuss that at a work session.

Comment #8: Town of Warwick Standard Notes should be included on site plans, including aquifer and biodiversity notes.

Comment #9: Existing septic system must be shown to accommodate increase in bedroom count.

Comment #10: Any required soil testing for the septic system must be witnessed by the Office of the Planning Board Engineer.

Comment #11: Applicant to add obtain 911 addresses from the Town and add them to the plan.

Comment #12: Proper erosion control measures, details, and notes must be added to the plan.

Comment #13: The wetlands and water bodies should be identified with the agency that has jurisdiction.

Comment #14: 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 Map Note

Comment #15: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Comment #16: Surveyor to certify that iron rods have been set at all property corners.

Comment #17: Please add the Aquifer Protection Overlay Notes and Biodiversity Notes to the plan Also, add the declaration information for the plans.

Comment #18: Payment of all fees.

Brian Friedler: I am ok with Comment #8 through Comment #18. I do have a question regarding Comment #17. If these were filed back during the original subdivision, do they have to be filed again?

Laura Barca: As long as the language is the same.

Brian Friedler: Ok.

Laura Barca: There was some change made to one of the overlay districts and I'm not sure which one it was.

Brian Friedler: Okay. Could we be set for a public hearing?

Mr. McConnell makes a motion to set the Andreo Site Plan & Special Use Permit application for a Public Hearing at the next available agenda.

Seconded by Mr. Kennedy. Motion carried; 3-Ayes and 0-Nays and 2-Absent.

Organigrow LLC

Application for Site Plan Approval and Special Use Permit for a proposed 5,000 s.f. soil based, organically grown, indoor craft cannabis grow facility located in an existing building structure, situated on tax parcel SBL #46-1-34.222; property located at 104-106 State School Road, in the OI zone and within the AQ-O District, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering. Eric Ortense, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We have prepared a resolution for the board to declare lead agency to commence coordinated review with the Cannabis Control Board. We additionally have prepared an environmental assessment form, part two, identifying the following areas of potential environmental concern. If the planning board agrees with these and has commenced coordinated review, it may adopt the part two after 30 days. So you're not doing that tonight, but we're providing it to you to get a jump on addressing potential impact on land, may change the use or intensity of land, action may result in an increase in traffic due to the increase of tenants and deliveries on site, impact on existing water supplies, action may result in a significant increase in water usage, potential impacts on historic or archeological resources, action may result in impairment of buildings eligible for national or state-registered historic places, and other, the site may cause an increase in odor that is otherwise unnatural to the surrounding area and which may reduce the enjoyment of a recreational resource. Okay, almost there. All right, proposed use is within 500 feet of a town or park and therefore requires referral to Orange County Planning Department. If any outdoor lighting is proposed, please provide it for review. A landscape plan has not been provided. If new or additional landscaping is proposed, details should be provided. And if you are for commercial buildings, landscape buffers, a minimum of 10 feet wide, natural stone walls should be placed in between, highway road frontages and parking areas to screen the parking area, large expansive paved surfaces should be landscaped to soften visual impact. If new signage is proposed, they should be provided details. If any changes to the exterior facade or design of a building are proposed, the applicant will provide a rendering, including a list of the proposed materials to the Planning Board for review per the Town and Rural Design Guidelines.

Mr. McConnell makes a motion for the Lead Agency.

Seconded by Mr. Kennedy. The following Resolution was carried 3-Ayes and 0-Nays and 2-Absent.

State Environmental Quality Review (SEQR)

Resolution Establishing Lead Agency

Unlisted Action

Name of Action: OrganiGrow

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit approval on Town of Warwick tax lot SBL 46-1-34.222 at 104-106 State School Road. The project site is within the Office Industrial (OI) zoning district. The applicant is proposing to reuse an existing 10,000 square foot institutional structure for indoor cannabis production and distribution; and

Whereas, a Short Environmental Assessment Form (SEAF) was submitted by the project sponsor, dated September 22, 2025; and

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

Whereas, the Planning Board has identified the following potential involved and interested agencies for the Proposed Action:

- Cannabis Control Board (Cannabis licensure)
- Orange County Planning Department (Interested – GML 239)

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed action as an Unlisted Action and hereby Notices it Intent to Declares Lead Agency Status for the coordinated SEQR review of this action; and

Be It Further Resolved, that the Planning Board Secretary is hereby directed to mail copies of the attached lead agency notice along with a signed and dated copy of the Short Part 1 EAF to be provided by the project sponsor along with a copy of the application to all identified involved agencies; and

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

Comment #2: Applicant to discuss project.

Brian Friedler: There are existing buildings, and the Applicants are proposing to use it as an indoor cannabis grow facility. If you want to go into more detail, the Applicant Eric Ortense could explain the project.

Eric Ortense: It's a basic indoor laboratory facility. We have a tier one indoor grow license for the state of New York, which we purchased. When that goes active on the location, then we will produce roughly about 1,200 pounds of Cannabis a year under lights, LED lights, in a controlled air-locked environment. We have about three grow rooms right now that we have in our plan to be able to generate about once a month a harvest, and then that would then be actually sold out to all the dispensaries across the state, 350 to be exact at the moment. We have put together a plan for odor remediation

with can filters that will be in every room, the three grow rooms, as well as in the garage, which will work 99.9% effectively to scrub the air. And I provided Brian with actual.

Brian Friedler: : So I'll be submitting the specs on those for the next submission.

Mr. McConnell: I have a question. In our agenda, it talks about proposed 5,000 square-foot soil-based grow area.

Brian Friedler: Correct.

Mr. McConnell: In what I'm about to read, it talks about an existing 10,000 square foot institutional structure for indoor cannabis production. Reconcile those two numbers for me.

What part is some 5,000 square feet of the existing structure to be used for something else, and if so, what?

Eric Ortense: So, the way that the license actually works is we're allowed to have up to 5,000 square feet of canopy, which is considered when the plant morphoses into a fruit, which is considered the harvest, that area is only maximum up to 5,000 square feet. Presently in the plant, we only have 3,300 square feet planned for that. If we expand, we would go up a floor. That's the actual footprint of what we're trying to do initially. The building has 10,000 square feet, so the additional 5,000 square feet would be for a vegetative room, which is for mothering and clones, and then trimming, drying, and processing.

Mr. McConnell: Aren't mothering clones? Isn't that just another way of saying growing?

Eric Ortense: Actually, in the eyes of the OCM, Office of Cannabis Management, it doesn't qualify for what the canopy, 5,000 square feet is. That's actually where you harvest. That's where you get your product from that goes out into the public after drying and trimming and et cetera.

Mr. McConnell: I'd just like to see a little bit of clarification on that, because it looks like a discrepancy, and I'd like to understand better.

Eric Ortense: I could show you the floor plan if you'd like to see it?

Brian Friedler: I submitted it, but we can clarify it a little.

Mr. McConnell: Okay. I don't want us to approve something and then find that it's not 5,000 square feet that's being used. It's 10,000 square feet.

Vice-Chairman Showalter: I think Dennis brings up a very good point there. We have to make sure that it's by the plan.

Mr. McConnell: Will you need to clear this with the licensing agency?

Eric Ortense: That was my next, I wanted to comment on that. The OCM is a very heavy governing agency. Once the license goes active into the space, and we attach it to the address, then we become part of their routine checks. Everything is cameras. Everything is monthly checks from the OCM. They come in to monitor what's called seed to sale. Every time a mother plant becomes a clone, which gets rooted, it goes into a grow room, which is one of these three right here. Then it gets monitored right through the process. And then when it gets harvested, it goes into a drying room, which is here, and then it gets trimmed, and then it gets sorted and packaged and cured, and eventually out to the store. Yeah, well, it doesn't go from us to the store. There are actually other licenses. A wholesaler or something? There's a packaging license, believe it or not, and they're the ones that do the labels and package before it goes. There's a lot of licenses in the process.

Mr. McConnell: So, you're accustomed to dealing with these layers or levels or whatever?

Eric Ortense: I'm a general contractor, so I deal with a lot of levels in New York City.

Mr. McConnell: My point is, is that I just have information presented in front of me, and when I see what appears to be, or may be a discrepancy, it's my job to question it so that.

Mr. Showalter: Do any Board members or Professionals have any comments? We will list Comment #3 through Comment #32 for the record.

Mr. McConnell: I have a question and I should have raised it earlier in the evening because I have seen on several applications that we've talked about that we have under, particularly OC Planning Department and Town of Warwick Building Department pending comments. Bob, what's the status of a pending comment, and if we were to say to approve something tonight, but there's pending comments, do we have the ability to revisit depending on what those comments may be? How pending is a pending comment? We just, we don't know if they're going to comment?

Laura Barca: For the building department, they won't be able to obtain a building permit until they've satisfied all of their, or closed out any open permits that they have.

Mr. McConnell: But we don't know of any because they haven't told us of any open permits that they have, whereas sometimes we'll see that there's this permit open.

Laura Barca: Correct. This is their initial submittal, so I'm sure by the next time they submit, we'll have those comments filled in.

Mr. McConnell: Okay. And Orange County?

Laura Barca: It is usually the same situation.

Mr. McConnell: Okay. Thank you.

Mr. McConnell: Okay. Thank you.

Brian Friedler: Is it too early to be set for a public hearing?

Vice -Chairman Showalter: We can set you for a public hearing

Mr. McConnell makes a motion to Set the Organigrow LLC application for a Public hearing at the next available agenda.

Seconded by Mr. Kennedy. Motion carried: 3-Ayes and 0-Nays and 2-Absent.

Bob Krahulik: Can you add the setbacks to the map, please which would be the front, rear and side yard, setbacks?

Brian Friedler: Yes.

Eric Ortense: You mentioned production and distribution. We're not going to distribute out of the facility. It's not a dispensary. Just so make that clear.

Vice-Chairman Showalter. We realize that.

Eric Ortense: Ok. The public is not going to be coming up to the building. I Just wanted to make sure.

Mr. McConnell: Good point. Thank you.

Eric Ortense: Thank you.

Brian Friedler: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending comments.

Comment #6: OC Planning Department – pending comments

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

Comment #8: Applicant to confirm that there are no wetlands on the property.

Comment #9: This site plan includes all buildings and uses for the entire property.

All existing and proposed uses of all buildings on this property must be shown on the plan.

Comment #10: The survey should be updated to current conditions of the existing roadway (Wickham Woodlands Drive).

Comment #11: The signage note has been added to the plan, but all existing and proposed signage must be shown on the plan. The location and detail for any proposed signage should be added to the plans.

Comment #12: Town of Warwick Table of Bulk Requirements with applicable distances should be included on site plans for all buildings on the property.

Comment #13: Parking calculations specific to this use should be included on the plans.

Comment #14: Detail for proposed parking spaces should be included.

Comment #15: The plan should show the location and related signage for handicapped accessible parking spaces.

Comment #16: Town of Warwick Standard Notes should be included on the plans.

Comment #17: The 911 addresses for all buildings on the property must be shown on the plan.

Comment #18: Sight distances for all existing driveways/entrances to the facility must be shown on the plans.

Comment #19: Water and wastewater usage projections must be shown on the plan for the proposed use.

Comment #20: Applicant to confirm how odors will be contained within the indoor facility, in compliance with town code requirements.

Comment #21: Limits of disturbance must be included on the plans or a statement must be added that there is no proposed disturbance.

Comment #22: §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 #23: §164-48 Performance Standards: No land or building 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 (referred to herein as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulation of this section limiting dangerous and objectionable elements at the point of the determination of their existence. Please add a note to the plans.

Comment #24: §164-46 J(84): Accessory storage in an orderly manner is permitted in any area other than the required front, rear or side yards, provided that such outdoor storage does not exceed 15 feet in height or occupy more than 10% of the area of the lot, and such storage area is effectively screened from view from all sides. Screening shall consist of an eight-foot high solid wall or fence uniform in finish and appearance, or an effective living screen of evergreen type. In no case shall materials be stored so as to be visible from the public right-of-way or boundaries of the lot.

Comment #25: §164-46 J(85): Only oil, gas or electricity may be used for fuel in manufacturing uses. Such requirements are not intended to prohibit the use of renewable resources, such as solar, wind power, or other innovative technologies which are encouraged.

Comment #26: §164-46 J(86): A manufacturing use must not create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor, disturbance to radio and television reception, glare, harmful discharge or storage or dispersal of liquid or solid waste, or other forms of nuisance in a manner or amount as to adversely affect the surrounding area.

Comment #27: §164-46 J(97): In addition to the landscaping required as a screen against adjacent residential districts, and in addition to that required in parking areas, 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. Such landscaping and planting plan shall be consistent

with the Town's Design Standards. Solar panels shall be adequately screened from adjacent properties to minimize views, taking into consideration the need for southern exposure.

Comment #28: 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 map note

Comment #29: Surveyor to certify that iron rods have been set at all property corners.

Comment #30: Please add Aquifer Protection Overlay notes and Biodiversity Overlay Notes to the plan. Also add the declaration information after these notes are filed in the Orange County Clerk's Office.

Comment #31: Applicant to provide any required Performance and/or Landscaping Bonds, as well as any site inspection fees.

Comment #32: Payment of all fees.

Black Walnut Creek LLC

Application Site Plan Approval and Special Use Permit for the use and construction for commercial agriculture farm market over 4,000 s.f., museum village, and eating and drinking establishment, situated on tax parcel S 4 B 1 L 2.46; project located on the northern side of Van Sickle Road 375± feet north of intersection at Pulaski Hwy., (13 Van Sickle Road a/k/a 6 Sodrlick Lane), in the AI zone, of the Town of Warwick.

Representing the Applicant: Keith Woodroof from Engineering & Surveying Properties. Jeremy Havens, Applicant's Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Okay, the planning board on August 20th, 2025 noticed this attempted, clearly the agency classifying the action as Type 1 as it involves the initial plan approval for the public water system. The Planning Board served notice to the DEC, Orange County Department of Health, Orange County DPW, Orange County Planning, Office of Parks, Recreation and Historic Preservation and the Town Board. We have prepared a Full Environmental Assessment form Part 2 for consideration identifying the following areas of potential environmental impact and a Resolution for the board to adopt the Part 2. Since the 30 days has passed since the distribution of the Lead Agency notice, the board may wish to adopt the Part 2 tonight and request the Applicant to submit a draft Part 3 EAF responding to the areas of environmental concern. Impact on land, action may involve construction on or physical alteration of the land surface of the proposed site. Impact on surface water, site contains federal wetlands and Class C stream. Impact on groundwater, the proposed action may require new water supply wells or create additional demand on supplies from existing water supply wells. Impact on flooding, site contains 100-year floodplain federally designated wetlands. Impact on plants and animals, site has potential to contain Northern Harrier, Short-eared Owl and Indian Bat. Impact on historic archeological resources, project may occur in or adjacent to a historic archeological resource. Impact on the agricultural resource, the proposed action may impact agricultural resources such as highly productive soils on the site and impact on transportation rough roads. The application was referred to Orange County Planning and a response was received on September 11th, 2025. Any new outdoor lighting is proposed, please submit it for review. A landscape plan has not been provided, please provide any details of landscaping. If new signage is proposed, please provide details of that. At this time, the only exterior work being proposed is the expansion of the second-floor porch. It is recommended that the applicant provide color, architecture, elevations and renderings for the board's consideration.

Mr. McConnell makes a motion for the Type 1 Action and Full EAF.

Seconded by Mr. Kennedy. The following Resolution was carried 3-Ayes and 0-Nays and 0-Absent.

617.6

State Environmental Quality Review (SEQR)

Resolution Adopting the Full Environmental Assessment Form, Part II

Type I Action

Name of Action: Black Walnut Creek

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit approval on Town of Warwick tax lot SBL 4-1-2.46 at 13 Van Sickle Road. The project site is within the AI (Agricultural Industry) zoning district, and the Biodiversity, Agricultural Protection, and Aquifer Protection Overlay Districts. The applicant is proposing to add a museum space within the lower level of the barn to also include a food truck area and a dedicated eating and drinking space; and

Whereas, a Full Environmental Assessment Form (FEAF) was submitted by the project sponsor, dated May 28, 2025; and

Whereas, on August 20, 2025, the Planning Board noticed its intent to declare lead agency status and has since received no objections; and

Whereas, after comparing the application to the thresholds contained in 6 NYCRR 617.4 and 5, and 10 NYCRR 97.14, the Planning Board has determined that the proposed project is a Type I Action and has identified the following potential areas of environmental concern:

- Impact on Land: Action may involve construction on, or physical alteration of, the land surface of the site;
- Impacts on Surface Water: Site contains federal wetlands and a Class C stream;
- Impact on Groundwater: The proposed action may require new water supply wells or create additional demand on existing water supply wells;
- Impact on Flooding: Site contains 100-year floodplains and federally designated wetlands;
- Impact on Plants and Animals: Site has potential to contain Northern Harrier, Short-eared Owl, and Indiana Bat;
- Impact on Historic and Archeological Resources: Project may occur in or adjacent to a historic or archaeological resource;
- Impact on Agricultural Resources: The proposed action may impact agricultural resources;
- Impact on Transportation- Other: The application proposes utilization of roads and drives not improved to Town standards;

Now Therefore Be It Resolved, that the Planning Board hereby assumes lead agency status and adopts the Full Environmental Assessment Form, Part II, as prepared by Nelson, Pope, Voorhis, dated October 15, 2025; and.

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

Comment #2: Applicant to discuss project.

Jeremy Havens: So, keeping in mind that this board has already been here for two hours, it's already nine o'clock. The Applicant's already been before the board twice. You guys have already heard the summaries. I think you know and understand what the application is. I respectfully request that we move on to addressing any comments or concerns that the board has.

Vice-Chairman Showalter: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: OPRHP: March 4, 2022 no significant archeologic materials found in proposed project area.

Comment #7: TW Building Department: 06/09/25 - 2 additions on barn require a permit, accessory structure requires a permit, maintain clear exterior walkways, fire inspection required, pending septic from 2022.

Comment #8: OCDOH for water & septic – pending

Comment #9: Town Law §280(a) for access from a non-public road; Applicant requesting approval from the planning board.

Vice-Chairman Showalter: Do any Board members or Professionals have any comments or concerns on the rest of these comments? Seeing none, we will list Comment #10 through Comment #48 for the record.

Jeremy Havens: The Applicants request to be set for a public hearing.

Mr. McConnell makes a motion to Set the Black Walnut Creek application for a Public Hearing at the next available agenda.

Seconded by Mr. Kennedy. Motion carried; 3-Ayes and 0-Nays and 2-Absent.

Jeremy Havens: Thank you.

Comment #10: Applicant to confirm how Use #88 Outdoor Entertainment/museum village is allowed. In addition, Sheet O-100, Note 5 indicates the uses at this property. Applicant should separate the existing uses from the proposed uses and describe how each proposed use is an allowed use.

Comment #11: This property has been listed on the National Register of Historic Places since August 12, 2024. An application to the Town Board is required to update Town Code §164-43. B(2).

Comment #12: Applicant to include the following note on the plans: The (name of historic property/structure) is a Class I historic resource per the Town of Warwick Doe

§164-43.3.F(1)(b). The historic character will be maintained and preserved. Deteriorated historic features shall be repaired, not replaced. New features shall match the old in design, color, texture, materials, and other visual qualities. A museum of site artifacts will be created (provide location of museum) for the public to view.

Comment #13: Applicant to demonstrate that the private road agreement for Van Sickle Lane allows this type of use.

Comment #14: Applicant to confirm that more than one opportunity can be selected from §164-43.3.C(1).

Comment #15: Sheet C-100 shows parking requirements for 29 spaces with 35 spaces proposed. The septic system show on Sheet C-302 indicates a bar/lounge for 152 seats. Applicant should clarify that sufficient parking can be provided.

Comment #16: Applicant to include width of Van Sickle Road on site plan.

Comment #17: Applicant to show an alternative for overflow parking so that the vehicle does not have to back out onto the private road.

Comment #18: Applicant to clarify how the 152 seat bar/lounge is an allowed use in the Table of Use Requirements.

Comment #19: Applicant to update plans to include the square footage of farm market, seating (both indoor and outdoor), and overflow and regular parking.

Comment #20: Applicant to add location of food truck to the plans.

Comment #21: Applicant to provide information about how they will comply with the requirements of §164-46.J(152). Applicant to clarify/provide calculations for §164-46.J(152) (a), (b), (f), and (g).

Comment #22: Please submit traffic report prepared by Creighton Manning Engineering LLP.

Comment #23: Applicant to clarify status of two trailers on the property, located in side yard.

Comment #24: Applicant to clarify if amplified music will be part of their proposed operations of it all music will be indoors with doors closed, A noise study may be required. Please add a note to the plan stating what music is being proposed for this property.

Comment #25: Applicant to prepare and submit a lighting plan.

Comment #26: Applicant to submit architectural renderings of exterior of buildings.

Comment #27: Letters from SHPO reference that the area formerly known as Lots 6 and 7 have restrictions. Please clearly show and label this area and the restriction(s) on the proposed plan. Lots 6 and 7 should be outlined in bold to show distinction between it and other parcels.

Comment #28: Applicant to consider fencing between the adjacent farm and this property.

Comment #29: Applicant to clarify the surface covering of the existing/proposed parking areas, entrance ramps to the building, and the driveways/access roads. Parking areas cannot have a wood chip surface; applicant to update pavement type to a minimum of Item 4.

Comment #30: The plan is showing parking spaces along the private road that require backing into the private road. Applicant to confirm compliance with the code for location and for backing out. Applicant to include signage, to be used during events, with posted sign limits and include in the sign schedule.

Comment #31: Applicant to demonstrate compliance with ADA requirements, including accessible access routes from parking areas to building entrances, ramp locations, cross slopes for parking areas, spot elevations, and appropriate signage for ADA parking spaces.

Comment #32: Town of Warwick Standard Notes must be added to the plans, for Biodiversity and SWPPP Note for Projects in the AP-O.

Comment #33: 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.

Comment #34: Applicant to confirm whether any signage is proposed.

Comment #35: Applicant to include signage to clearly indicate entrances and exits for the property.

Comment #36: Applicant to include sign schedule showing parking signs to be included to help with traffic management on the property.

Comment #37: Parking requirements for each use must be shown (please include food truck, museum, and any others).

Comment #38: The soil testing for the septic system design must be witnessed by the office of the Planning Board Engineer or Orange County Department of Health.

Comment #39: Landscaping to be provided in accordance with §164-43.2(10), at a minimum.

Comment #40: Exterior Lighting Plan should be provided and be in accordance with §164-43.4(E)1.

Comment #41: Please add a note to the plan stating that a farm stand does not allow visitors to pick their own fruit.

Comment #42: The 911 addresses must be shown on the plan. Please confirm the address with the Town.

Comment #43: 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, Note 8.

Comment #44: Surveyor to certify that iron rods have been set at all property corners.

Comment #45: The liber and page for Town of Warwick Standard Notes must be added to the plans.

Comment #46: A performance bond may be required to improve the road to the satisfaction of the town board or planning board.

Comment #47: Applicant to post any required Performance Bond or Landscaping Bond.

Comment #48: Payment of all fees.

Other Considerations:

1. Planning Board to discuss canceling 10/27/25-W.S. & 11/5/25-PB Meeting.

Mr. McConnell makes a motion to cancel the 10/27/25-W.S. & 11/5/25-PB Meeting.

Seconded by Mr. Kennedy. Motion carried; 3-Ayes and 0-Nays and 2-Absent.

2. Planning Board Minutes of 9/17/25 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 9/17/25.

Seconded by Mr. Kennedy. Motion carried; 3-Ayes and 0-Nays and 2-Absent.

Correspondences:

Vice-Chairman Showalter: Connie, do we have any correspondences this evening?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the Planning Board Meeting of October 15, 2025.

Seconded by Mr. Kennedy. Motion carried; 3-Ayes and 0-Nays and 2-Absent.