

TOWN OF WARWICK PLANNING BOARD
October 16, 2024

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, October 16, 2024 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Warwick HG., LLC

Application for Site Plan Approval and Special Use Permit for the expanded construction and use, Use #75 of a previously approved campground's use and operation from 74 permitted campsites formerly known as Black Bear Campground and now known as ***Serenity Ridge At Warwick Campground*** to 130 campsites, along with various other typical modern campground amenities. The amenities include, but are not limited to, roadway improvements, an entrance gate, pavilion, playground, recreation areas, and wading pool, situated on tax parcel S 8 B 2 L 27.14; project located on the eastern side of Wheeler Road 1400 feet south of Dussenbury Drive (197 Wheeler Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. **Continued Public Hearing from the Planning Board Meeting of 8/21/24.**

Representing the Applicant: Juan DeJesus & Brad Cleverly from MJS Engineering. Thomas Vega & Rick Ferruggia, Applicants. Ronald Kossar, Applicant's Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: When the Applicant was last here, they prepared a Draft Part 3 EAF addressing a Part 2 EAF that the Planning Board had adopted on March 21, 2024. Since that time, we have been working with the Applicant to identify a categorized the scale of potential impacts on the site. The potential impacts that were being explored were as follows:

- A. Impact on Land
- B. Impact on Surface Water
- C. Impact on Groundwater

- D. Impact on Plants and Animals
- E. Impact on Aesthetic Resources
- F. Impact on Traffic

Max Stach: Additionally, since that time, we had looked at a previous application that had been the subject to some court action, which had submitted concerns regarding this application. We went back and reviewed that court document. We made sure that all of the concerns that were expressed in that document were also addressed. When we last met at the Work Session, the item that was outstanding was a pump down test testing the yield of the Aquifer. It is my understanding from speaking with the Town Engineer that the test has been satisfactorily completed. They have categorized the recharge rate of that Aquifer as rapid. Laura, is that correct?

Laura Barca: Yes. That is correct.

Max Stach: We have prepared a Draft Part 3 describing all of the analysis that had been submitted by the Applicant and checked by your consultants regarding these potential environmental impacts. Tonight, we are recommending a Negative Declaration of Environmental Significance. It states that you had taken a hard look at the potential environmental impacts and found that an EIS (Environmental Impact Statement) would not be required for this application. If the Board agrees, the Board could adopt the Part 3 EAF and Negative Declaration this evening.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Juan DeJesus: We will discuss some of the changes to the plans since the last time we were here. I just wanted to state how important it was to protect the natural beauty of this site. Previously the clients proposed to plant 80 additional trees on the site. At this time, we are proposing over 140 tree plantings, over 150 shrubs have been added to the plans as well as other plantings that could be seen on the landscaping plans and details. One of the biggest concerns from the public was regarding the emergency access that is shown on the plans. That would be paved to have year-round access. The grading has been shown for all of the roadways on the plans. Regarding the utility plan, we had previously shown the existing utilities. We have added all of the proposed utilities to the plans. There was well testing that took place. That test was performed by Conservation Advising Services. That was submitted to the Town of Warwick. It included 4 days of background testing, 72 hours of well test, 4-hour stress test and then a 24-hour recovery period. The conclusion of that test is that well use doesn't cause significant drawn down. There would be no impact on the water and Aquifer.

Comment #3: Conservation Board comments: no comments received

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

Comment #5: OC Planning: advisory comments dated 01/02/24: recommends a traffic study, describes the minimum driveway requirements, and interior roads should be designated no parking areas.

Chairman Astorino: That has been done and incorporated.

Comment #6: Applicant to update Sheet 1, Note 26 with information about the existing septic system, including but not limited to, design criteria, and capacity. Note added to Sheet C-12, but additional information needs to be added to the plans.

Juan DeJesus: Yes.

Comment #7: Rental agreements must state that up to 5 guests can visit a campsite at any one time, non-inclusive of “vertical family members.” A proposed maximum of 8 overnight guests per campsite is permitted. Guests cannot enter campground unless owner is onsite and grants access. Confirm 210-day limitation.

Chairman Astorino: Bob, did you review all of this?

Bob Krahulik: Yes. They have made substantial modifications to Licensing Agreement and the Rules & Regulations making it crystal clear that the 210-day limitation applies to the unit. Any Licensee or Owner and any family member would count towards the 210-days per year. The one thing I am going to ask the Applicant to discuss so that the Board is aware of is the limit to the number of guests at any one time which is 5 guests and how that coincides with sublicensing. That is not entirely clear to me yet. We will get to that after we go through these comments.

Comment #8: Applicant to confirm if Sheet 1, Notes 19, 25, and 35 are still relevant.

Comment #9: Applicant to revise Sheet 1, Note 24 language to state that if the permit is not renewed every year by the Building Department or the Planning Board, then all campers must be removed within six months.

Comment #10: Applicant to include definition of recreational vehicles as per town code and Department of Housing and Urban Development definitions and ensure that proposed campsites are compliant. Notes to be added to the plan.

Comment #11: Applicant to submit sample of quarterly report to the planning board; does not need to contain personal information of campers. Sample quarterly report submitted will be reviewed with the Building Department.

Comment #12: Drawings only provide a site plan layout that shows the guiderail schematically. Include updated drawing with dimensions and end treatments. Enlarged plans may be needed to provide further detail.

Comment #13: SWPPP Table 2 identifies 9.2% of the project area as Type A soils (CnB) but notes 15% in the eNOI. Please confirm numbers.

Comment #14: A copy of all declarations cited on the drawings and/or part of the previous Site Plan shall be submitted (e.g., Ridgeline, Ag, Sheet 1, Note 31).

Comment #15: Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24.

Comment #16: Applicant to provide Landscaping Bond for the proposed plantings, including installation. Applicant to provide Performance Bond for the cost to pave the emergency access, guiderail installation, installation of the access gate, and proposed fencing (stockage and chain link with screening fabric).

Comment #17: Payment of all fees.

Brad Cleverly stated yes to Comment #8 through Comment #17.

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

Max Stach: I just wanted to let the Board know that Laura and I had discussed the division of labor. We would be doing lighting, landscaping and Design Guidelines review. With regard to lighting, we are requesting two changes that we had discussed at the Work Session. The 2 lights that are behind the gate front house would be designated on the map for the building mounted light instead of the pole mounted light. With regard to landscaping as proposed, all plantings are appropriate for the site.

Chairman Astorino: Regarding the well testing that was done on the site, I personally went out to take a look at the well testing. Laura, do you have a summary of that?

Laura Barca: Yes. This was for the hydraulic testing. The testing was conducted from October 8, 2024 to October 14, 2024 to determine that the sustainability of the current groundwater supply system the impact on water levels are sustained pumping and the resiliency of the water supply system and the Aquifer and the potential impact on surround groundwater users. The testing was designed to stress the Aquifer at levels more than the proposed water demand for this project. The peak water usage in 2024 was 6,710 gallons per day expanding from the 74 present campsites to 130 campsites which would be an increase of 76%. Applying this increase to the highest daily water use this summer would result in a peak daily water demand of 11,788 gallons per day. The 3-day pump test was conducted at a rate of 15 gallons per minute equivalent to the daily pumping rate of 21,600 gallons. 183% of the proposed project daily use rate to serve 130-campsites. Water levels were monitored in four onsite wells prior to the start of the long-term test pumping period. After the 72-hour pump test, well #2 discharge was increased from 15 gallons per minute to 25 gallons per minute for 4 additional hours to subject the supply well to a short duration stress test. In general, the Aquifer water levels showed a very elastic response meaning that they recovered rapidly to or nearly to 90% of their initial water levels within 24 hours after pumping stopped with a continued upward trend in the water levels after this. Data for the residential well at 207-Wheeler Road suggested that in well use does not cause significant drawn down that affects from the well pumping test are not dramatic and that the water levels recover after in well use and after substation of pumping at water supply well #2. In summary, the long-term hydraulic testing was conducted at a rate of over 21,000 gallons per day in comparison to the projected water demand for the site, which is going to be less than 12,000 gallons per day. The pumping well sustained a pumping rate of 15 gallons per minute for 3 days. Then it was 25 gallons per minute for 4 hours. After the pumping ceased, groundwater levels recovered rapidly in all wells to within 87% to 90% of the pre-pumping levels demonstrated in the elasticity of the Aquifer. No testing had occurred during a prolonged dry period with no recharge meaning there was no precipitation to the Aquifer during this testing period. The available evidence strongly suggest that the proposed expansion of the Serenity Ridge Campground can proceed without significant risks to neighboring well users for the regional Aquifer. The campground's well capacity the Aquifer's resilience and the proposed operational water use below historic levels all support this conclusion.

Chairman Astorino: Thank you. Do any Board members or Professionals have any comments or concerns?

Bob Krahulik: I have a question regarding the occupancy issues, it is clear that the owner could have up to 5 guests. It is clear that the maximum number of people at a campsite is limited to 8 individuals. Could you explain how that either ducktails or is contradictory to the ability to sublease? How does the subleasing work?

Thomas Vega: Basically, a Licensee who enters into a sublicensing agreement they would that particular campsite would be entitled to the same terms that are applicable to the licensing agreement.

Bob Krahulik: The sublicensee has to be an owner or a guest of another owner?

Thomas Vega: That is right.

Bob Krahulik: If an owner has 5 guests, could they operate more guests on site as sublicensees to another unit?

Thomas Vega: They in turn to a sublicensing agreement for another site at 5 additional.

Bob Krahulik: I just want the Board to understand that amongst the owners they could allow each other to bring more guests onto site and share a unit under the sublicensing agreement.

Rick Ferruggia: When it is sublicensed, that site would be vacant.

Bob Krahulik: True, but they could have up to 8 guests in theory come and stay as a sublicensing.

Rick Ferruggia: Only under the 2nd site.

Bob Krahulik: I understand that. I don't know if any Board members have any questions about that. I wanted to bring that to everybody's attention.

Chairman Astorino: Why are we even talking about sublicenses? Here is the deal. You have a certain number of campsites. They get rented to a campsite. Why are we subleasing? What is the reason for that?

Rick Ferruggia: It is an arrangement for a licensee to be able to utilize someone who is leaving the country for a month and they have their unit available. Only a licensee would be able to have an arrangement approved by us and the owner of that other unit to utilize that site in his/her RV unit.

Bob Krahulik: I bring it to your attention because I think the Board's impression is that only an owner or an immediate family member of an owner would ever use the unit. That is not necessarily the case. They could the way it is structured right now sublicense it to somebody else.

Chairman Astorino: What is the Board's take on that? We haven't heard this before. The Board is not comfortable with that.

Bob Krahulik: I think it was everybody's impression it was for an immediate family member. As I drove deep into the agreements, it became clear that other people could use an owner's campsite.

Rick Ferruggia: This was conceived just as a nicety for a licensee to have the opportunity.

Chairman Astorino: Let's not do nicety. That is my opinion. This to me should be clear-cut. We are not here to do niceties as to whoever rents or buys these. This Board is the first to hear about this.

Rick Ferruggia: It would be a nice perk for the owner.

Chairman Astorino: I am not in favor of it.

Mr. Kennedy: It seems to be opening up a door. You have a campsite and the owner is away is not our issue. I am not in favor of it.

Chairman Astorino: It does.

Mr. McConnell: It seems like a solution searching for a problem. I think we should go with what we had talked about in the past.

Chairman Astorino: I personally believe that if this gets approved by this Board, it goes to the Building Department to enforce. I think they should have something clear cut to enforce.

Rick Ferruggia: I do want you to all understand exactly what it is before you just say no to it. It is really a controlled use.

Chairman Astorino: It is controlled by you. Our Building Department has to delve into everything that you do. I personally don't like it. It should not be there. That is my opinion. Do I have a consensus from the Board?

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Mr. McConnell: Yes.

Chairman Astorino: We have a consensus from the Board. Get rid of it.

Bob Krahulik: Ok. As a continuation of our notes here, it would still be subject to the Attorney's review.

Chairman Astorino: That would be fine. It is just something that I do not feel comfortable with.

Mr. McConnell: I haven't seen a copy of this licensing agreement. I would like to see a copy of this licensing agreement.

Chairman Astorino: We will see it. Bob is going to review it diligently. No matter what, it would be a condition that would have to be met. As you had seen, this Board doesn't play games with anything. So, it is pretty clear.

Mr. McConnell: Right.

Chairman Astorino: Does the Board or Professionals have any other comments or questions? This is a Public Hearing. If there is anyone wishing to address the Board on the Serenity Ridge Campground application, please rise and state your name for the record.

Elizabeth DeMartini: I live on Glenmere Ave. The first thing that I want to say about the water is that a lot of our wells are already drying up.

Chairman Astorino: That was a big comment that came from us at the last public hearing.

Elizabeth DeMartini: My well goes to a trickle now.

Chairman Astorino: I personally witnessed the testing myself because I didn't completely understand the moderation of what they had done. It was very intense. It was very well monitored. Our Town Engineer from HDR had a person out there the whole time monitoring it. I believe as a protocol they went out to every resident that was within 1000 feet radius of the property and asked them if they wanted to participate.

Elizabeth DeMartini: Ok. Are you looking at sewage also?

Chairman Astorino: Yes. They have a septic system. That has been approved.

Elizabeth DeMartini: Ok. My main question is that it was 74 in the past as it is now up to 130. These are permanent structures. This is a trailer park.

Chairman Astorino: It is a campground.

Elizabeth DeMartini: My son is in 2nd grade at Golden Hill. The schools are filled. Suppose they are there for 210 days from September to June.

Chairman Astorino: They cannot have school-age children.

Elizabeth DeMartini: They cannot.

Chairman Astorino: They cannot. It is in their agreement. It is not their residence. It is not a trailer park. They cannot use it as their residence.

Elizabeth DeMartini: But they could stay there up to 210 days. Our school can't support 100 more kids. Have you looked into that?

Bob Krahulik: If a child attempts to enroll into the school district, it would be a violation of the licensing agreement. It would also be a violation of their site plan approval. They would have an annual permit that would have to be renewed every year. If we have violations of the conditions of approval, the Building Inspector could refuse to renew their permit and refer the matter back to the Planning Board. This Board would conduct a hearing to determine whether or not the Applicant's license should be revoked. If it is revoked, they would have 6 months to close down the campground and remove all of the trailers.

Elizabeth DeMartini: NYS Law states that every child is entitled to an education. Even with that, is there no way of getting around it that way?

Bob Krahulik: It is possible that a child may enroll. It is possible that the school district may have to accept that child for enrollment.

Elizabeth DeMartini: Correct.

Bob Krahulik: That would trigger an enforcement proceeding on our end which could result in them losing their license to operate all together. Not only would this RV have to be removed, all of the RVs in the campsite would have to be removed if they cannot renew their permit annually.

Elizabeth DeMartini: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Serenity Ridge Campground application.

Alex Kocot: Obviously there are other people that are concerned with what these things are as to these Park Models. I called Joel Harper. He works for the NYS Housing Association up in Lakeland, NY. His first comment was that these RV Park Models are a big problem in NYS. The number one reason is regarding insulation. There is no insulation Code. Any of these types of housing such as single-wide homes have to have insulation Codes. These RV models are basically insulated like a Class 1, Class B, or a pull trailers.

Chairman Astorino: Just like RVs and campers.

Alex Kocot: Yes. Just like campers. They don't comply with the NYS Property Maintenance Codes especially with occupancy limitations, Section 404.4.1 Room Area. These are the guidelines that us as farmers have to abide by when we want to put a trailer in to house our migrant people. Every habitable room shall contain not less than 70 square feet in our rules. Every bedroom occupied by more than one person shall contain not less than 50 square feet per person per floor area. The window requirements need to be sized at 10% of the floor space not the whole thing of the bedroom. 40% of that window needs to be able to be open. That is our guidelines that we have to go by.

Chairman Astorino: Are you talking about migrant housing?

Alex Kocot: Yes. I am talking about migrant house. But they are basically the same thing. They are seasonal.

Chairman Astorino: The migrant housing that we see through this Board or through the Building Department are not seasonal. They could be seasonal. You could choose them to be seasonal. They are single-wide and double-wide homes that would have to go through the Department of Health? Is that correct?

Alex Kocot: Right. The majority of the farmers out here in black dirt get H2A workers from mostly Mexico. They are seasonal. They come in at March. They leave in November or December. Those are the guidelines that we have to abide by.

Mr. McConnell: In order for them to be qualified as residences for your workers. These are not residences. That is the difference. I could have an RV. I could stay in it over night or multiple nights in any campground in NYS that nobody would come in and say that it doesn't meet the insulation, window, or square-footage requirements. It is not meant as a residence and neither are these units are meant as residences.

Alex Kocot: Ok. I know that you are saying that. There is also a table 404.5 the minimum area requirements for a living room one or two people at 70 square feet. They want to put 8 people in. You would need 120 square feet. The dining room area is 80 square feet for 3 to 5 people. You are still talking about a 400-square footage unit here. I spoke to a gentleman Brian Albright. He works at Fairmont Homes in Indiana. They build these RV Park Models. They are built in the same facility as a single-wide trailer. Why are they called RVs? Does anybody know why these Park Models are called RVs? I asked about that. They are small versions of single-wide trailers.

Chairman Astorino: They don't meet the requirements for residential use.

Alex Kocot: They don't have to have the HUD stickers.

Chairman Astorino: But they don't meet the requirements for residential use. You couldn't put them on your farm for migrant housing. Is that correct?

Alex Kocot: I don't know. But still, why do they call them RVs? They use all of the components such as the furniture, the fixtures, the toilets, the showers, Kitchen countertops and appliances. They are really tiny to squeeze them in there. That is why they call them RVs. They look like RVs on the inside. They use all of this little stuff to jam into the place. They are made not to be transferred anywhere. They are made to stay permanent for the end of their life.

Chairman Astorino: If they have to be moved out of there, they would have to move them out. They are not residential units. We know that. If they have to go down the road, they would have to meet DOT's specifications. If this campground gets shutdown, they would have to get them out of there.

Alex Kocot: That was not the point that I was making. We classified these things as RVs. RVs could be packed up and pulled out of there. They would have to be permanently hooked up to sewer, water and electric. You can't just get them out of there in 3 hours.

Chairman Astorino: It is the same hookups as a camper.

Alex Kocot: I spoke to Orange County Department of Health personal. He said because of the change of use to semi-permanent no past approvals would be grandfathered in. That is what the Department of Health guy told me.

Mr. McConnell: What was his name?

Alex Kocot: His name is Brian Foot. He was talking about the 210 days. According to the Department of Health, transient occupancy is 180 days. More than 180 days is considered permanent. You are talking about 210 days. They want to put in 8 people. I need 50 square feet for my place. They want to put people in there with 5 square feet. Where do people sleep at 400 square feet? You are pushing the limits here. What is safe? All of this stuff opens up a can of worms.

Chairman Astorino: We have researched this the same way as you did. I have a Board and Professionals here that are very skilled with what they do. From the start of this, you researched this as your residential units. We've had residential units come before us.

Alex Kocot: You say residential.

Chairman Astorino: Alex, yours are residential units.

Alex Kocot: We shut them down in the winter. Are you guys categorizing what months?

Chairman Astorino: No. If you want to go there and freeze, you could do that.

Alex Kocot: What is the deal about the 210 days?

Chairman Astorino: It is in the Town Code.

Alex Kocot: But that is not with the Department of Health.

Chairman Astorino: The Department of Health did not write the Town Code. The residents in the Town of Warwick had Comprehensive Plans and public hearings. The Zoning was written and it was changed to this. This is what we follow.

Alex Kocot: If I come to you and say, I want to put 2 or 3 of these things behind my shop as a campground for my help.

Chairman Astorino: Put an application into the Planning Board for site plan and special use permit a campground. You can't put them in for your help. For your help, you need residential trailers. You just told me that. You are going to spend the time just like we are doing now and vet it.

Alex Kocot: The bottom line is that we are calling miniature single-wide homes as RVs.

Chairman Astorino: We are calling them RVs because they are noted as RVs. I cannot dispute what they are noted.

Alex Kocot: The industry has changed that name so they could do stuff like this.

Chairman Astorino: We are not the industry. We have to follow the facts. Is there anyone else wishing to address the Board on the Serenity Ridge Campground application?

Daniel Harter: I live on Harter Road. My concern was the water test. She threw a lot of numbers out there. The best that I could come up with is the well is putting out about 15 gallons per minute.

Laura Barca: It was tested. That was the 72-hour pump test.

Daniel Harter: 15 gallons per minute is what it is putting out.

Laura Barca: Yes.

Chairman Astorino: It is more than that.

Daniel Harter: They drained it down and timed it for a minute. Is that what they had come up with?

Laura Barca: It was pumped continuously at 15 gallons per minute.

Daniel Harter: So, they didn't pump it all the way down to find out how much per minute they are getting? You were there. Is that right?

Chairman Astorino: I was there. They do this by the protocol. You don't dry out the well. They pump the well. They take how many gallons per day the uses. This is how you test the well. This is the industry's standard. There are 3 or 4 wells on that property. They pump it and get the longevity of it. Laura, is that correct?

Laura Barca: Correct.

Chairman Astorino: 72 hours at 15 gallons per minute nonstop.

Laura Barca: Correct.

Chairman Astorino: I use to drill wells. When I got done drilling a well, I would pump it out where it was dry. Then, I would put it down for a minute. Then, I would bring it up. What I got per minute is what I got out of that well per minute. The bottom line that I got from that report is you are getting 15 gallons per minute from those wells.

Laura Barca: No. We had done a 72-hour pump test. The purpose of that is to test the longevity. Can you pump 15 gallons per minute for 72 hours and would it affect others?

Chairman Astorino: Or, would it affect the Aquifer?

Laura Barca: Right. At the end, the data showed no affect and rapid recovery. They did a 4-hour stress test.

Daniel Harter: They had done a 4-hour stress test at how many gallons?

Laura Barca: It was 25 gallons per minute.

Daniel Harter: That was done for 4 hours just to see if there was anything affected in the area.

Laura Barca: Correct.

Daniel Harter: The bottom line is that you are only getting 15 gallons per minute out of that well to your knowledge.

Laura Barca: It could produce more.

Daniel Harter: How much more?

Laura Barca: It was pumped at more than twice what 130 units at the campground would use.

Daniel Harter: That was done at 72 hours?

Laura Barca: Yes.

Daniel Harter: It was pumping at how many gallons for 72 hours?

Laura Barca: More than twice of what the campground would use for 130 units.

Daniel Harter: You were telling me 15 gallons per minute for 72 hours.

Laura Barca: Yes. That is correct. That would be 22,000 gallons per day.

Chairman Astorino: The wells never went dry.

Daniel Harter: But you never drained it all the way out to see what you would get per minute.

Chairman Astorino: I am sure there is a log on where those wells were drilled on how many gallons per minute.

Daniel Harter: Let's say it is at 30 gallons per minute. Is there a standard for gallons per minute when you put up a house?

Laura Barca: It is 4 or 5 gallons per minute.

Daniel Harter: If you are getting 30 gallons per minute, how many houses would that be? Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Serenity Ridge Campground application?

Pat Tomaselli: I live on Mountainside Road. I spoke at the last meeting. I asked about the law that states the number of campsites and campgrounds. It seems to be outdated. Maybe it should be revisited upon. You told me that you don't deal with that. You just enforce the Code.

Chairman Astorino: Absolutely.

Pat Tomaselli: That would have to be dealt with the Town Board.

Chairman Astorino: Yes.

Pat Tomaselli: Why did you neglect to tell me that the law cannot be changed because it is an open application?

Chairman Astorino: I did not neglect to tell you anything. The bottom line here is if you want to change the Code, you would go to the Town Board.

Pat Tomaselli: You can't. It is an open application.

Chairman Astorino: It is an open application.

Pat Tomaselli: The law cannot be changed on an open application.

Bob Krahulik: The law can be changed. It would not take away their rights to continue with the project.

Pat Tomaselli: How could they continue with the project if the law was changed?

Bob Krahulik: You can't change the law to outlaw a campground and expect to put them right out of business because you want to change the law.

Pat Tomaselli: Again, with the word campground. Regardless of what all of the paperwork says in front of you, we all know this is a trailer park. There is no one that goes camping for 210 days. The longest I had ever gone camping was for a week in Boy Scouts when I was 10 years old. Going camping for 210 days is not reality. My point is in reality in this room, people don't go camping for 210 days. It is high density low-income permanent housing. I am trying to make a point here.

Chairman Astorino: I will make a point right back at you. It is not low-income housing. That is a horrible statement to make. If it was low-income housing, then they could not live here year-round. It is very disrespectful to say that. How is it low-income housing?

Pat Tomaselli: I am concerned about that they pay taxes in one year, when I pay in three-years for my 1200 square-foot shack.

Chairman Astorino: We all pay quite a bit in taxes.

Pat Tomaselli: That is a concern. I am trying to make a point that a lot of other people don't want to speak up about.

Chairman Astorino: We are here to follow the Town Code.

Pat Tomaselli: The majority of the Town does not want this.

Chairman Astorino: You may be 100% right about that. The problem is it is in the Town Code. You live on Mountainside Road? Is that correct?

Pat Tomaselli: Yes.

Chairman Astorino: Say there is an open piece of property right next to your property.

Pat Tomaselli: I don't want that. That is why I live here.

Chairman Astorino: What happens if that open piece of property comes before the Planning Board? What do we say?

Pat Tomaselli: My point is that you cannot change the law on an open application. Going around with all of this paperwork, what are we really doing here?

Chairman Astorino: We are making sure they follow the Town Code.

Pat Tomaselli: My last point is 74 units with all of the problems and tests, you would double that and there would be no more problems. Is that right?

Chairman Astorino: I did not say that. What I had said was there are 74 units operating right now under a different owner. This Planning Board wasn't here when they first put those 74 units in. We know all about the problems. That is why we are so meticulous on this one.

Pat Tomaselli: I think everyone knows about the problems. It is public knowledge. But to say private security and things like that more tax dollars and more time from emergency services are going to be devoted to that.

Chairman Astorino: Everyone of those emergency service agencies you mentioned were notified. We do that with every application that is before us.

Pat Tomaselli: What are their taxes? Is it about \$23K or \$24K? I am trying to raise some points. I feel like we are going in circles.

Mr. Showalter: To address your tax point, whenever someone builds a home, say you bought a piece of raw land and the taxes are about \$5K a year in taxes. You build your home. You go through the whole building process and get it inspected. In the end, the Town's Assessor would come out and look at the data that the Building Inspector brought back to them. They would then rate what your house is worth. You would then be charged the taxes.

Pat Tomaselli: I know that. That is why I don't want to add onto my house.

Mr. Showalter: It happens with any Applicant. Once they go through the process, then they do their buildout. The Town's Assessor takes a look at everything they have and charges them accordingly. I am sure the tax numbers that everybody had seen would change. That was based on an old assessment on old models. This Applicant has all new models.

Pat Tomaselli: I think everyone in this room with common sense knows what is going on here. It is not a campground. It is a trailer park.

Mr. McConnell: This has been a campground. Have you had a problem with it being a campground?

Pat Tomaselli: I have not.

Mr. McConnell: Instead of Park Models, if these gentlemen had said they just wanted to expand with RVs...

Pat Tomaselli: They woke the sleeping dog. That is the problem. These are not RVs. You don't go camping for 210 days.

Chairman Astorino: They could do that right now.

Pat Tomaselli: That is a problem.

Chairman Astorino: But right now, 74 of these units could be here tomorrow.

Pat Tomaselli: I understand that. That is a problem as well.

Mr. McConnell: If these gentlemen had never mentioned Park Models and one of them is from a dealer as to what you call an RV and they said that they needed to expand this to cover the acquisition cost, they need more revenue. Instead of Park Models, they would sell them as 5th Wheels, would you be here arguing about it?

Pat Tomaselli: I don't know the ins and outs of 5th Wheels, RVs and Campers.

Mr. McConnell: 5th Wheels are fundamentally recognized as an RV.

Pat Tomaselli: Is that what you pull behind a pickup truck?

Mr. McConnell: Yes. So, forget the Park Models. Say they would have bumper pull trailers; would you be ok with that?

Pat Tomaselli: My point is regardless of the law and paperwork; 210 days is not. If you go onto the NYS website

Mr. McConnell: We did not set the 210 days.

Pat Tomaselli: I understand that. I am just voicing my concerns.

Mr. McConnell: The reasonable conclusion is that even these gentlemen won't see any of those people for 210 days. End of problem. According to your definition, nobody goes camping for 210 days.

Pat Tomaselli: They are not going to be camping. They are going to be living there.

Chairman Astorino: No. They are not.

Mr. Showalter: Let's take another look at what we are talking about here. There are 365-days in a year. As I know it right now, the campground is open 365 days a year. Say that he had enough business to rent out all of the spaces. Let us use an example. Say he rents out 100 spaces. He has 100 spaces rented out every day. People are in and out 365 days a year. There would be more traffic and stuff going on in that situation. There would be more campers passing in and out. The Park Models that the Applicant is presenting to us now would actually be less stuff going on.

Pat Tomaselli: I am not concerned with traffic. I am concerned with children and the schools.

Chairman Astorino: There are no children.

Pat Tomaselli: I understand that it is a campground and people won't be living there. But 210 days maximum is a lot.

Chairman Astorino: We have more control over this than it has ever been done just by them coming in front of this Board for the expansion. Our Attorney has been reviewing this licensing agreement numerous times to make sure we don't have these issues. That is our goal. We know what had happened in the past. We don't want to revisit that.

Mr. McConnell: By the way, we live here to.

Pat Tomaselli: I understand that.

Chairman Astorino: Don't forget, we are also the ones that approve subdivisions. You made a point before that you don't want that either. That is what happens in a community. You have zoning, subdivisions, building, and strip malls. You have apartment complexes coming up. It is happening everywhere. It is part of the cycle of a municipality.

Pat Tomaselli: It needs to be done in a fair way. You cannot always say yes.

Chairman Astorino: Absolutely. They have to follow the Code. Is there anyone else wishing to address the Board on the Serenity Ridge Campground application?

Sally Burns: I live at 870 Union Corners Road. I wasn't notified about the welling testing. You said they tested a well at 207 Union Corners Road.

Chairman Astorino: That is the Applicant's property.

Sally Burns: Did they check anybody else's wells?

Chairman Astorino: Letters went out.

Sally Burns: I did not get a letter.

Laura Barca: Letters went out to residents that are within 1000 feet from the well.

Sally Burns: I am adjacent to them.

Chairman Astorino: It is 1000 feet from the well. There is a protocol that we use. It is 1000 feet from the well. I am sure we have documentation. They have to provide us with documentation that they are within that 1000 feet circle.

Sally Burns: I have already sent a letter to the Planning Board.

Chairman Astorino: We have that letter. We have read it. We will note it for the record.

Sally Burns: Ok. Why do we have to let them expand? Why can't they just keep the 74.

Chairman Astorino: They already have the 74.

Sally Burns: See how that works.

Chairman Astorino: That has been working. They have a right to do the expansion with a special use permit.

Sally Burns: They have the right to expand. They asked for it. You don't have to give it.

Chairman Astorino: Absolutely not. We have to vet it. We have to see. They have to meet the Town Code. If you follow the Code and do it right, for us to sit up here and arbitrarily say no... Let's say you wanted to put an addition on your house. Say that your neighbor didn't want it. But you have the right. You meet the setbacks and everything. Does the Town of Warwick say no because somebody doesn't want it?

Sally Burns: There is a difference if I am adding something and it is not affecting their property value.

Chairman Astorino: This property has been here forever. It has been a campground since the 1960's. I haven't seen property values go down yet.

Sally Burns: What they are trying to do is completely different.

Chairman Astorino: No. It is not. We are vetting everything they are doing.

Sally Burns: Then you already have the answers.

Chairman Astorino: I am telling you the facts. Is there anyone else wishing to address the Board on the Serenity Ridge Campground application?

Alex Kocot: You keep saying that they could do the 74 units.

Chairman Astorino: They have it now.

Alex Kocot: How come they don't do any of it? Why do they have to wait for the whole 130 units?

Chairman Astorino: They can't. They are before the Planning Board. They can't do anything on that property right now. They can't put in a gate or anything.

Alex Kocot: They can't even bring in one Park Model.

Chairman Astorino: They can't.

Alex Kocot: Why don't they show the public that these are the greater things than slice bread? Let us see what they look like

Mr. Showalter: Alex, the Applicant's own a park in New Jersey. I am sure you could give them a call and make an arrangement to get a tour of it and see what they look like.

Chairman Astorino: They could tell us right now that they are pulling this application and just put the 74 units in. They would operate as they were. You have somebody that has been trying to put a gate up and monitor this stuff immediately. They have told us that many times at Work Sessions. They can't do any work on the property because they are before the Planning Board. The only time you can do it is when the final maps are signed. This has been going on for about a year now. They are trying to do the right thing. Anybody that has an application before the Planning Board can't do work on the property. When an application is before the Planning Board everything ceases.

Max Stach: Also because of SEQRA, they can't do anything. A big project that is subject to State Environmental Quality Review, cannot move ahead.

Chairman Astorino: We follow the Code. Is there anyone else wishing to address the Board on the Serenity Ridge Campground application?

Alyssa Werner: There are 74 units currently. How many are occupied?

Chairman Astorino: There are 74 occupied.

Alyssa Werner: There are 74 occupied. I question the viability of the water test and the gallons per minute. If you need 5 gallons per minute for a house. If you have 130 units at 5 gallons per minute...

Chairman Astorino: I went up there with HDR. I have no problem with the viability of this test. I went there personally and met with the people that had done the test. If these Professionals on this Board are all charged not just on this application but with every application, I am sure with your Board do the same thing. You know that it better be right. This report we have, I will guarantee you that it will hold up.

Alyssa Werner: It is just that the math and the numbers don't make sense.

Chairman Astorino: Go and talk to the Hydrologist.

Alyssa Werner: I know. But at 5 gallons per minute for a house time by 130 houses, that would be 650 gallons per minute. That is a lot. If you say it is 210 days occupancy, that is about 60% of the year. If you do the math, it is about 390 gallons per minute. As far as we know, it is pretty empty.

Laura Barca: What we had done was take the number of campsites and the number of gallons per day per state standards that a campsite uses and determined the water demand for each campsite.

Alyssa Werner: Did you do that with an occupancy of 8 people?

Chairman Astorino: Yes.

Laura Barca: Then, you would work the numbers from there.

Alyssa Werner: I do also want to reenforce that the McKinney Vento act is a federal mandate about taking school-aged children. My kids have told me that our school district still has school-aged children living at the campground. There are still currently children that live in the campground that goes to school with my kids. It is still happening. Are we going to kick them out now or later? I am concerned because they pay \$23K in taxes. Our school district could not handle 130 units.

Chairman Astorino: I would to bring up about the school age children. It has been brought up numerous times. Those apartment buildings that are being built in Florida.

Alyssa Werner: They will be taxed.

Chairman Astorino: I know they will be taxed. Everything gets taxed. That issue could happen there also.

Alyssa Werner: The units in Cape May cost about \$200K a unit to purchase. If you do the math, it would be about \$30 Million-dollar real estate project. Are they going to be taxed on \$30 Million dollars?

Chairman Astorino: I am sure that the Town's Assessor would go out and re-assess it.

Alyssa Werner: If they re-assess and are taxed appropriately that our school district is funded for the children. I cannot have \$23K fund our school district.

Chairman Astorino: I agree.

Alyssa Werner: That would be a burden on our taxpayers.

Chairman Astorino: As you had heard from our Attorney, if there are school age children, then they would be in violation of their site plan. They would be shut down.

Alyssa Werner: They are already going to our schools.

Chairman Astorino: This agreement now states that they will be shut down. I guess you can say that you are taxing your apartment buildings, you cannot shut them down if that happens to you. Is that correct?

Alyssa Werner: No.

Chairman Astorino: On this application, there is a safeguard here that if they are in violation, your permit would not be renewed. That is better than not having a safeguard.

Alyssa Werner: Once they displaced and not living there, our school district is required to transport them within 50 miles. We have kids right now that we transport them within 50 miles.

Chairman Astorino: Ok. What we have now with this licensing agreement is probably second to none. It is probably the biggest safeguard you would ever have.

Alyssa Werner: Could the Town fine them so they could reimburse our school district?

Chairman Astorino: I have no idea. Could you fine them in the Village of Florida?

Alyssa Werner: We have zero say.

Chairman Astorino: Right. You just said it is a federal standard. Is there anyone else wishing to address the Board on the Serenity Ridge Campground application?

Tom Bekele-Arcuri: Regarding the 210 days a year, does that mean they are empty 155 days a year? I am trying to figure out if that number is for each person who could be there.

Chairman Astorino: No. It is per actual unit.

Tom Bekele-Arcuri: Ok. Thank you.

Chairman Astorino: Is there anyone else in the audience wishing to address the Board on the Serenity Ridge application?

Dan Harter: Mr. McConnell, I am sure that you had misspoken, but you referred to these structures on the campsite as residences? They are not residences. They are campsites. Is that correct?

Mr. McConnell: Correct.

Dan Harter: They are with permanent structures on them.

Mr. McConnell: What makes you say they are going to be permanent?

Chairman Astorino: They are not permanent.

Dan Harter: Because they would be placed in an area that are going to be constructed on a trailer.

Mr. McConnell: Trailers have wheels. That is not permanent.

Dan Harter: Ok. But they are going to be placed in a permanent campsite.

Mr. McConnell: You are playing word games with me.

Dan Harter: The thing is that I am sure you had misspoken because you stated them as residences.

Mr. McConnell: When I was in law school, I didn't deal with hypotheticals.

Dan Harter: You referred them to as residences.

Chairman Astorino: He did not.

Mr. McConnell: What is the question?

Dan Harter: They are not residences. Is that correct?

Mr. McConnell: Correct.

Dan Harter: Ok.

Chairman Astorino: Is there anyone else wishing to address the Board on the Serenity Ridge Campground application?

Dan Harter, Jr., Mayor of the Village of Florida: Is anyone on this panel Florida Union Free School District taxpayers?

Chairman Astorino: No.

Mayor Dan Harter, Jr.: So, this won't impact any of you if this comes to play.

Mr. McConnell: If it impacts the Town, it impacts all of us.

Mayor Dan Harter, Jr.: No, it does not as a Florida Union Free School District taxpayer. It impacts only us. It doesn't impact anyone on this panel. If we have to truck kids to the schools...

Mr. McConnell: That is hypothetical.

Mayor Dan Harter, Jr.: Let's talk about the Jayne Street bridge fix since we are talking about Florida, let's discuss other things.

Chairman Astorino: Dan, if you want to bring stuff up like that, that would be for a different time.

Mayor Dan Harter, Jr.: I bringing up the point that I love that this Board is doing the best they can and putting in as many fail safes as they can.

Chairman Astorino: Absolutely.

Mayor Dan Harter, Jr.: It is still happening. Your fail safes are failing.

Chairman Astorino: They are not in place yet. The fail safes don't exist. It hasn't been approved.

Mayor Dan Harter, Jr.: It is not this Board's fault. The laws were changed to accommodate this project based on what we had researched. The letter I gave you today is a request to get an opinion from your ZBA.

Chairman Astorino: I wish you had given it to us before 4:00 p.m. We could have stamped it in.

Mayor Dan Harter, Jr.: I am putting it on the record now so that you are aware of it.

Chairman Astorino: Thank you. It would have been mentioned on the record tonight because that is the type of guy that I am.

Mayor Dan Harter, Jr.: The reason why I did it this way is because I am trying to stop this project because this will impact my residents and my Village.

Chairman Astorino: I understand. I think you know from the integrity of this Board; we are doing everything possible so that does not happen. That goes for with every project. It is not just for the Village of Florida. It is for every resident in the Town of Warwick.

Mayor Dan Harter, Jr.: I appreciate that. I appreciate your diligence and efforts. The question was about incidences for removal regarding crime. Is there any issue with crime activity from the campsite that has any consequences from their leases if anybody from the Village steals from any business? I am trying to stop this project.

Chairman Astorino: Does that matter if it is the Village of Florida for the Town of Warwick? If you are a criminal, you are a criminal.

Bob Krahulik: The agreements speak to behavior at the campsite.

Mayor Dan Harter, Jr.: So off-site campsite doesn't matter. Is that correct?

Bob Krahulik: I don't think the Applicant has the ability to do much about that if it is off-site campsite.

Mayor Dan Harter, Jr.: Ok. There were requests and discussion about people going in there.

Bob Krahulik: There was a lot of discussion. There are about 10 pages of rules and regulations. It goes up to Rule #96. A good portion of these rules do deal with conduct of the owners and their guests on this property.

Mayor Dan Harter, Jr.: Ok. We are going around the circle. The school district had sent a letter.

Chairman Astorino: We received that.

Mayor Dan Harter, Jr.: The Village of Florida does stand with that letter. We do support their concerns. I would still request based on the changes of the laws that this does get referred to the ZBA for another interpretation of what a Park Model RV is based upon the Town Code. There is nothing that states clearly Park Model RV. We are just under the impression that it falls under RVs. I think it would also be helpful to the Planning Board to have a second opinion.

Chairman Astorino: Ok. Is there anyone else wishing to address the Board on the Serenity Ridge Campground application? Let the record show no further public comment.

Mr. McConnell makes a motion on the Part 3 EAF and Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Adopting Part 3 and Adopting Negative Declaration and Authorizing Filing of Same

Name of Action: Serenity Ridge Campground

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed campground on a 51.6 acre lot consisting of an office and store, workshop, swimming pool, miniature golf and play area, pavilion, and 130 RV sewer camp sites. The project is located on Town of Warwick Tax Map as Section 8 Lot 2 Block 27.14, on Wheeler Road, Town of Warwick, Orange County, New York; and

Whereas, the Planning Board on or around January 17, 2024 classified the action as a Type I action and commenced coordinated review with the Orange County Health Department (Health Department approval of pool and initial approval of travel vehicle parks and campsites), and

Whereas, a Lead Agency Notice of Intent was distributed to all involved agencies dated January 27, 2024; and

Whereas, the Planning Board assumed lead agency having received no objections its lead agency coordination and has reviewed the Full Environmental Assessment

Whereas, the Planning Board on or around April 3, 2024 adopted a Part 2 Environmental Assessment Form, identifying the following areas of potential large impacts:

- a. Impact on Land - Potential for construction on steep slopes, construction taking place for more than one year or in multiple phases.
- b. Impact on Surface Water – Potential for degradation of waterbodies within or downstream of proposed action.
- c. Impact on Groundwater- potential for impact for new water supply wells, or to create additional demand on supplies from existing water supply wells.
- d. Impact on Plants and Animals – potential for reduction or degradation of any habitat used by any rare, threatened, or endangered species, as listed by New York State or the federal government (Upland Sandpiper).
- e. Impact on Aesthetic Resources- Action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.
- f. Impact on Traffic – Projected traffic increase may exceed capacity of existing road network at the project site entrance, and at Bridge Street/Glenmere Ave and South Main Street.

Whereas, the Planning Board is in receipt of significant public and interested agency comment regarding the potential impacts of the project and the Planning Board has considered such input and testimony; and

Whereas, because of changes made to the site plan and landscaping plan by the Project Sponsor in response to identified areas of environmental concern, the Planning Board re-circulated the project to all involved and interested agencies on or around August 21, 2024; and

Whereas, The Planning Board has reviewed the Full Environmental Assessment Form (EAF) for the action including the Part I dated January 31, 2024, Part II dated March 4, 2024; and

Now Therefore Be It Resolved, that the Planning Board adopts the EAF Part 3 as prepared by its Planning Professionals, which sets forth the Planning Board's review and analysis of the various information and testimony received, and provides an assessment of the likely magnitude of impacts, the geographic scope of impacts, the duration of impacts, the probability of impacts occurring, the number of people affected by potential project impacts and other relevant

considerations of environmental consequences that are likely to occur as a result of the action;

Be It Further Resolved, that based upon the Part 3 and other relevant project records, the Planning Board hereby adopts a Negative Declaration of Environmental Significance indicating that significant adverse environmental impacts are unlikely and that an Environmental Impact Statement shall not be required; and

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

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

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

Mr. Kennedy makes a motion on the Warwick HG., LLC application, granting Site Plan Approval and Special Use Permit for the expanded construction and use, Use #75 of a previously approved campground's use and operation from 74 permitted campsites formerly known as Black Bear Campground to 130 campsites, along with various other typical modern campground amenities. The amenities include, but are not limited to, roadway improvements, an entrance gate, pavilion, playground, recreation areas, and wading pool, situated on tax parcel S 8 B 2 L 27.14; project located on the eastern side of Wheeler Road 1400 feet south of Dussenbury Drive (197 Wheeler Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type I Action was adopted on January 17, 2024. A SEQRA Negative Declaration and Part 3 EAF was adopted on October 16, 2024 Approval is granted subject to the following conditions:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: no comments received
4. Architectural Review Board comments: no comments received
5. OC Planning: advisory comments dated 01/02/24: recommends a traffic study, describes the minimum driveway requirements, and interior roads should be designated no parking areas.
6. Applicant to update Sheet 1, Note 26 with information about the existing septic system, including but not limited to, design criteria, and capacity. Note added to Sheet C-12, but additional information needs to be added to the plans.
7. Rental agreements must state that up to 5 guests can visit a campsite at any one time, non-inclusive of "vertical family members." A proposed maximum of 8 overnight guests per campsite is permitted. Guests cannot enter campground unless owner is onsite and grants access. Confirm 210-day limitation to Town Planning Board Attorney's specifications.
8. Applicant to confirm if Sheet 1, Notes 19, 25, and 35 are still relevant.

9. Applicant to revise Sheet 1, Note 24 language to state that if the permit is not renewed every year by the Building Department or the Planning Board, then all campers must be removed within six months.
10. Applicant to include definition of recreational vehicles as per town code and Department of Housing and Urban Development definitions and ensure that proposed campsites are compliant. Notes to be added to the plan.
11. Applicant to submit sample of quarterly report to the planning board; does not need to contain personal information of campers. Sample quarterly report submitted will be reviewed with the Building Department.
12. Drawings only provide a site plan layout that shows the guiderail schematically. Include updated drawing with dimensions and end treatments. Enlarged plans may be needed to provide further detail.
13. SWPPP Table 2 identifies 9.2% of the project area as Type A soils (CnB) but notes 15% in the eNOI. Please confirm numbers.
14. A copy of all declarations cited on the drawings and/or part of the previous Site Plan shall be submitted (e.g., Ridgeline, Ag, Sheet 1, Note 31).
15. Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24.
16. Applicant to provide Landscaping Bond for the proposed plantings, including installation. Applicant to provide Performance Bond for the cost to pave the emergency access, guiderail installation, installation of the access gate, and proposed fencing (stockage and chain link with screening fabric).
17. Payment of all fees.

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

Ron Kossar: Thank you.

Brad Cleverly: Thank you.

PUBLIC HEARING OF Seth Horn & Elenora Lvov

Application for Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 26 B 1 L 69.32; parcel located on the northern side of Deer Pond Road 2352 feet East of Blooms Corners Road (33 Deer Pond Drive), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: John Loch, Engineer & Surveyor from AFR.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Horn Subdivision application.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This action was previously classified as an Unlisted Action by the Planning Board whom declared Lead Agency on September 21, 2022. We have prepared a Short Environmental Assessment form, Part 2 for the Planning Board's consideration identifying adverse changes to natural resources as a potential large impact that could result as part of this action particularly the project site contains wetlands and waterbodies within the Biodiversity Overlay District, suspected to contain Indiana Bat and located on Sole Source Aquifer. We suggest the Planning Board to adopt the Part 2 as prepared and request the Applicant to prepare a draft Part 3 EAF. Also, this project is located within 500 feet of an Agricultural District. It would require GML review. The Applicant has not submitted any outdoor lighting. We have no comments on the outdoor lighting at this time. The same goes with regard to landscaping. We have no comments on the landscaping at this time. The subdivision Regulations do require any isolated trees over 12" DBH and any trees over 24" DBH to be removed and should be indicated on the plan.

Chairman Astorino: Thank you Max. The bottom line is that we cannot take action on this application at this time. Is that correct?

Max Stach: No. The Planning Board would need to adopt the Part 2 EAF as prepared and have the Applicant prepare and submit a draft Part 3 EAF addressing the potential impacts.

Chairman Astorino: You would need the Board to make a motion on adopting the Part 2 EAF. Is that correct?

Max Stach: Yes.

Mr. McConnell makes a motion to adopt the Part 2 EAF as prepared.

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

Comment #2: Applicant to discuss project.

John Loch: The application is for a proposed 2-Lot subdivision, situated on approximately 40 acres. There is an existing house on the property located on Deer Pond Drive. The Applicant proposes to subdivide the property into 2 lots. Each lot would have approximately 20 acres. The proposed house would be constructed off Blooms Corners Road. Both houses would have individual wells and septic systems. We have no intentions of touching any of the wetlands. We have done soil tests on the site for the septic system. There are some comments regarding that matter. We would address those comments.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 03/18/21 advisory comments for proposed lot delineation, wetlands, endangered species (Indian Bat).

Comment #6: TW Building Department 09/30/24 Roof Mount of Solar Panels, number of panels (32036) – expired permit – need to submit final electrical.

John Loch: Yes.

Comment #7: ZBA: Lot 1, minimum lot depth and minimum both side yards appear to fall below but the structure is pre-existing

John Loch: Yes. It was my understanding that we would not need to go to the ZBA.

Chairman Astorino: I believe that is the case.

Comment #8: NYS Parks, Recreation, and Historic Preservation letter is required for land disturbance.

John Loch: We are in the process. We are working on it.

Comment #9: All percolation data must be shown on the plan; can include in a table format with the results for each test for each hole.

John Loch: Will do.

Comment #10: Applicant has shown locations of existing well and septic system on Lot 1 on Sheet 2 call out. The need for a pump should be clarified. The pump calculations must be submitted for the proposed dosing tank for Lot 2.

John Loch: Will provide.

Comment #11: On Sheet 4 the typical trench detail, the typical lot layout, and the typical Eljen trench cross section appear to show both Eljen and absorption trench information; Applicant to update to shown only Eljen (the proposed system).

John Loch: We would be going with an Eljen system.

Comment #12: Callout near dosing tank on Sheet 3 says “2000 Gallon Septic Tank”, but the septic detail indicates 1500 Gallons; Applicant to clarify.

John Loch: It would be 1500-gallon septic tank.

Comment #13: NSF or ANSI certification for Polyok PL-122 Filter must be added to Effluent Filter detail on Sheet 4.

John Loch: Will do.

Comment #14: The plan (Sheet 2) indicates that a distribution box will be used; however, the detail (Sheet 3) indicates that a drop box will be used. Application to pick one design methodology and update the plan accordingly.

John Loch: We would be using a distribution box. We will clarify.

Comment #15: The driveway detail should contain subbase of NYSDOT 304.12 and the top course of NYSDOT Type 6.

John Loch: We will change that.

Comment #16: There is a 50-ft wide access and utility easement shown across a portion of Lot 2 to benefit Lot 1. Applicant to clarify why a portion of the easement is shown in the delineated wetland and if there is a similar proposed easement across existing parcel 26-1-69.31. A note shall be added to the plan stating that the construction of this access may require wetland approvals.

John Loch: Applicant would like to be able to walk into his property. He would like to maintain some rights so he could get in there. If he decides to do anything in the future, he would like to keep it open that there would be the ability conceivably to bring some utilities in. We will put note on plans. We understand that can't happen without further Planning Board approval. It would be just keeping rights across a lot that he would probably sell.

Comment #17: Add more details related to requirements on an intermediate SWPPP (Town Code Section 147.10). Plans should implement at least two better site design practices (1.54 acres of disturbance), more existing conditions, where discharge from disturbance will discharge to, etc.

John Loch: There were different standards on how much disturbance we were doing. We were figuring that the proposed house would be under 1-acre of disturbance. It would lower the amount of things you would have to do to preserve water quality. We would certainly accommodate that.

Laura Barca: Would your limit of disturbance be less than 1-acre?

John Loch: Yes.

Laura Barca: Ok.

Comment #18: Erosion and Sediment Control Notes make several references to Town of Kiryas Joel; specific notes should be. Layout of silt fence should be shown on site plan to prevent washout of driveway.

John Loch: We will change that.

Comment #19: 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." This note is on Sheet 3.

John Loch: Yes.

Comment #20: There is one-page form that needs to be completed by the surveyor.

John Loch: Will do.

Comment #21: The liber and page for the Ridgeline, Agricultural Notes, and Indiana bat must be added to the plan.

John Loch: We will add that to the plans.

Comment #22: Payment in lieu of parkland for one lot.

John Loch: Yes.

Comment #23: Payment of all fees.

John Loch: Yes.

Chairman Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Board on the Seth Horn Subdivision application, please rise and state your name for the record?

Sherry Burke: I am the first house on that side of the street. Where would the road or driveway be coming in? Would it be from Blooms Corners Road or Deer Pond Drive?

John Loch: It would be coming in from Blooms Corners Road.

Sherry Burke: There is a bad turn there.

Chairman Astorino: It has to be vetted for sight distance.

Sherry Burke: There are wetlands located between my property.

Chairman Astorino: We would have to make sure the sight distance for the curve and the wetland would be shown. They would have to me.

Sherry Burke: Ok. Thank you.

Chairman Astorino: Is there anyone else in the audience wishing to address the Seth Horn Subdivision application?

Zack Feldman: I live at 17 Deer Pond Drive. The proposed subdivision is located right behind my house. We were not aware when we purchased the house there would be a subdivision right behind it. We are concerned that it would affect our future property values. We are attracted to the house because of its rural character. Our view is a big part of the value of the land. I was wondering if there is any plan to raise the land and if that would be possible or legal under Town Code?

Chairman Astorino: What do you mean by raise? Are you talking about where they could put the house?

Zack Feldman: Yes. Is there anyway the Town could preserve this land? I know there are some things like the Land Trust. Would something like that be possible?

Chairman Astorino: The Town has a Purchase Development Rights Program. That would be more for active agricultural and large properties. I don't know if you were here for the prior public hearing? This is a small one. This application is only for a proposed 2-Lot subdivision with only one new home proposed. This is why we have Zoning Codes. We follow the Code. They have to follow the Code. As you had heard all of the comments that were mentioned on this application, we don't have everything. We cannot even act on this application tonight. There

would be no action taken tonight until they can get this stuff into us. They have a right to subdivide their property if it meets the requirements. This is where we are vetting to make sure it meets the requirements.

Zach Feldman: What are the restrictions of the land as far as a number of units? Would they have to meet the setbacks?

Chairman Astorino: It is for a proposed single-family home only. They would have to meet the setbacks that are in the Town Code. Everything they do would have to be verified by our Town Professionals.

Zach Feldman: Could anything of this change in the future?

Chairman Astorino: John, how many acres is the property?

John Loch: It is 40 acres.

Chairman Astorino: He is preserving a portion of his own. Is that correct?

John Loch: He would basically be splitting it into 2.8-acre lots.

Chairman Astorino: Ok.

Bob Krahulik: Further subdivision would be extremely challenging but there would be no guarantees.

Zach Feldman: Why would it be challenging?

John Loch: There are wetlands on the site. You cannot do anything in wetlands. That would be unlikely to change.

Bob Krahulik: They would have to get a road into the back. I don't think they could get a road in.

Zach Feldman: You are saying it is possible but it would be difficult.

Chairman Astorino: It would be very expensive to do. To say it would be worth to do it or not, I would say no. That is my opinion.

Zach Feldman: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Seth Horn Subdivision?

James Fox: I live at 13 Deer Pond Drive. We had not seen any of this until we received a letter. We did not have any time to prepare looking at that print. Is there some way that we could look at this?

Chairman Astorino: You could stop at the Planning office to look at the files. It is not the final one yet. They still have work that needs to be done. You could contact our Planning Board secretary.

James Fox: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Seth Horn Subdivision? Let the record show no further public comment. John, when would you be able to get this stuff into us? We could either adjourn the public hearing with a date or without a date?

John Loch: The only item I don't have is a letter from the State.

Chairman Astorino: What are you looking at for that realistically?

John Loch: I have a feeling that we are looking at about 2 or 3 weeks?

Chairman Astorino: Ok. We will adjourn the public hearing to November 20, 2024. To the public, there would be no other letter going out to you. The public hearing will be adjourned to November 20, 2024 at 7:30 p.m. This is your notice.

Connie Sardo: The Planning Board agendas are posted on the Town of Warwick website.

Chairman Astorino: If you have any questions, you could give Connie a call.

Mr. McConnell makes a motion to adjourn the Seth Horn Subdivision Public Hearing to the November 20, 2024 Planning Board Meeting.

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

Review of Submitted Maps:***Pine Island Solar, LLC***

Application for Site Plan Approval and Special Use Permit for the use and construction of a 3.5 MW-AC Photovoltaic Solar Array, situated on tax parcel S 27 B 1 L 16.5; project located on the northern side of CO. Hwy. 1 (312 Co. Hwy. 1), in the RU zone, of the Town of Warwick.

Representing the Applicant: Ryan Clark from Seaboard Solar. Mark Sweeny, Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: This application appears to be an Unlisted Action. We have prepared a Resolution for the Board to declare its Intent for Lead Agency for its purpose to commence coordinated review with NYSERDA, NYS Dept of Ag & Markets, and NYS SHPO. We have prepared a Short EAF Part 2. It is for the Applicant's information as to what would be coming up down the road. This application would require referral to Orange County Planning because it is within 500 feet of County Route 1. The Applicant should submit a lighting plan for any proposed outdoor lighting. The Applicant should submit a landscape plan meeting the requirements of §16-46G(3)(n) of the Code. There are no comments regarding the Design Guidelines at this time. I have prepared a Resolution for the Planning Board's consideration for Intent to assume Lead Agency.

Mr. McConnell makes a motion for Intent To Be Lead Agency.

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

617.6

State Environmental Quality Review (SEQR)

Resolution Notifying Intent to Assume Lead Agency

Unlisted Action

Name of Action: Pine Island Solar

Whereas, the Town of Warwick Planning Board is in receipt of an application for Site Plan Approval and Special Use Permit involving the use and construction of a 3.5 MW-AC Photovoltaic Solar Array situated on a 57.5 acre parcel of land located at 300 County Route 1, Town of Warwick, Orange County, New York, and

Whereas, a Short Environmental Assessment Form (SEAF) Part 1 was received from the Project Sponsor dated September 17, 2024; and

Whereas, after examining the EAF, and upon advice of its professionals, the Planning Board has determined that the following may be involved agencies for the action:

- New York State Energy Research and Development Authority (NYSERDA)
- New York State Department of Parks, Recreation and Historic Preservation (SHPO)
- New York State Department of Agriculture and Markets (NY A&M); and

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to assume Lead Agency status for the review of this action pursuant to 6 NYCRR 617 (State Environmental Quality Review), and the Planning Board Secretary is hereby directed to mail copies of the attached lead agency notice along with the Short Part 1 EAF provided by the project sponsor and a copy of the application to all identified involved and interested agencies; and

Comment #2: Applicant to discuss project.

Ryan Clark: This is a site plan of the Jorgensen's estate. We are in contract to purchase a portion of the estate. The Jorgensen's have since passed away. The property is now in a Trust. We are proposing to put in approximately 17 acres of solar panels in the back field away from C.R. 1. Our main purpose for being here is to determine what the correct setbacks are and property line. We will be subdividing the property.

Chairman Astorino: We would do a site visit with the entire Board. We will set that up. What do we need from the ZBA?

Mark Sweeney: I am the attorney for Seaboard Solar. We have identified at least 3 area variances that are going to be required. They result mostly from the intent to subdivide the property. The way the plan for the subdivision would go is that the solar project would be on a parcel itself with access coming down C.R. 1. The existing dwelling with the pond would be a lot of its own. There would be an additional lot created off the side along C.R. 1.

Chairman Astorino: That additional lot, do you want that as an approved building lot?

Mark Sweeney: Yes. We want that lot for residential purposes. We would like to do the subdivision so that the parcels are created. There are no homes proposed that the new home would be constructed. The idea was to subdivide the existing home. The two things that would benefit from doing those two lots there. One, it would preserve the character of the area along C.R. 1. Due to the topography and the existing woods, we believe the views from C.R. 1 would be minimal. We do know that we would need to prepare a visual simulation and a study for that for the Board to review. We plan on doing that with a formal application.

Chairman Astorino: Yes. Let us do the site visit first.

Mr. McConnell: What is the size of the lot to the west?

Mark Sweeney: It is 4 acres.

Mr. McConnell: Ok.

Chairman Astorino: You would need to submit an application and fees for a subdivision.

Mark Sweeney: Yes.

Chairman Astorino: How tall are these panels supposed to be?

Ryan Clark: 8 feet to 10 feet.

Chairman Astorino: We will schedule a site visit this evening. We would like to see balloons at a 10-foot level all throughout the site. That way we could get a visual of where they would be and what screening would need to be required.

Ryan Clark: We already know where screening would be required.

Chairman Astorino: That is fine. We want to see balloons or poles put up as a point of reference. This way we could see it. We would go from there.

Ryan Clark: Ok.

Max Stach: Did you say single trackers?

Ryan Clark: They are single access trackers. It is where they rotate.

Max Stach: From west to east. Is that correct?

Ryan Clark: Yes.

Max Stach: Is the maximum height 10 or 20 feet?

Ryan Clark: It is not 20 feet. It depends on where they are mounted.

Chairman Astorino: We need to know specifically. We need to know the max height.

Ryan Clark: I think the max height that is designed right now is 10 feet. We will verify that. We will let you know right away.

Max Stach: But the 10 feet is not where the pivot arm is located? You will put up the balloons at maximum height.

Ryan Clark: Yes.

Chairman Astorino: That is what we want to see.

Ryan Clark: Understood.

Chairman Astorino: When would the Board like to schedule a site visit?

The Planning Board and Professionals discusses scheduling a site visit. A site visit has been scheduled for Saturday, November 2, 2024 at 9:00 a.m.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? We will list Comment #3 through Comment #60 for the record. We will see you at the site visit on November 2, 2024 at 9:00 a.m.

Mark Sweeney: We submitted you a memo today, dated 10/16/24 regarding the area in the back 100-foot setback. The setback is generally 200 feet for solar arrays. There is also a footnote in your Code that states if you are adjacent to an active agricultural area that the setback is 100 feet. We have designed this at 100 feet along the area from the agricultural field. The areas in the back closer to the residential areas are 200 feet. We are looking for some direction to identify the proper variances. We would have to make a formal application to the Building Department.

Chairman Astorino: I think that is from the House subdivision?

Laura Barca: Is that House Road?

Mark Sweeney: Yes.

Chairman Astorino: That land is open space. That would never be built. I would assume the 100 feet? Let's have our Attorney take a look at it. We will get back to you. Regarding the ZBA, everything goes to the Planning Board not the Building Department. We would refer you to the ZBA. Get all of the information into us.

Mark Sweeney: Ok. That will be fine. 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 – 10/01/24 #5425 permit for garage has expired, #7419 permit for pool has expired; pool area is overgrown, #26903 permit for re-roof has expired

Comment #7: NYSORHRP – must be sent due to limits of disturbance

Comment #8: PB to determine if a site inspection is desired

Comment #9: OCDPW – must be sent due to entrance onto County Road

Comment #10: ZBA – determination pending

Comment #11: NYSERDA – pending

Comment #12: Applicant to clarify if project is a large-scale solar project (greater than 40,000-sf) or a commercial large-scale project; see §164-22 for definitions. Please add a note to the plans.

Comment #13: Service capacity letters must be submitted.

Comment #14: Add a bulk table with the zoning requirements for installing solar panels on this property [i.e., §164-40M, §164-42G, §164-46J(127)].

Comment #15: Applicant to adhere to setback requirements from internal roads for fencing/solar panels in accordance with §164-46J(127).

Comment #16: Include tax map section, block, and lot numbers on plan.

Comment #17: Include 911 addresses on the plans.

Comment #18: Applicable Town of Warwick Standard Map Notes must be added to the plans.

Comment #19: Applicant to submit the four-step process [§164-41.1E(3)] and show how it was used to site the locations for the solar panels.

Comment #20: Applicant to submit documentation (drawings, separate reports, etc.) to comply with §164-42G Large-scale solar energy installations.

Comment #21: Applicant to submit documentation to comply with §164-46J (53), (81), (97), (127), (131-137), & (154).

Comment #22: §164-46.J(53) requires compliance with the Town of Warwick Design Standards.

Comment #23: Applicant shall clarify on the plans, compliance with the Town of Warwick Performance Standards (§164-46.J(81)). A note shall be added to the plan.

Comment #24: Applicant to show on drawings that existing trees surrounding the solar panels are proposed to remain.

Comment #25: Per §164-46.J(97) additional screening may be required; Applicant to update plans to show compliance.

Comment #26: Applicant to clarify the number of utility poles to be used and if underground connections can be made. Similar previous solar applications have made this connection underground, as the Town of Warwick requires all new utilities to be underground.

Comment #27: Applicant to provide the electrical one-line diagram.

Comment #28: Applicant to provide the electrical drawings showing the quantity and location of inverters and transformers.

Comment #29: Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.

Comment #30: Applicant to clarify how panels will be installed and if soil testing is required prior to installation. Applicant to provide soil boring and test pit results.

Comment #31: A stormwater plan in compliance with Town of Warwick Town Code (§164-47.10 Stormwater Management) and NYSDEC (SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001) requirements shall be submitted.

Comment #32: Provide a brief step-by-step phasing process for solar panel installation on plans.

Comment #33: The proposed grading for the access road must be shown; steeper areas (areas of approximately 10% grade or greater) should have a profile prepared.

Comment #34: Please add compliance with 2020 Fire Code of New York State onto plans.

Comment #35: Applicant to clarify how project complies with 2020 Fire Code NYS 503.1.1 or clarify if an exemption has been granted of the Code Official.

Comment #36: A lighting plan in compliance with §164-43.4 Lighting shall be submitted.

Comment #37: Any proposed signage shall follow §164-43.1 and must be shown on the drawings. If no signage is proposed, then a note must be added to the plans.

Comment #38: Applicant to comply with signage requirements adjacent to utility meters per §164-42G(8).

Comment #39: Applicant to provide structural Engineer of Record for the PV racking structure, for the foundation design, and for the geotechnical report.

Comment #40: Applicant to submit a preliminary “Basis of Design” that provides a summary description of the PV racking system, the type of foundations intended to be used for all electrical and PV equipment, the Risk Category that will be used, and the building code specified for wind, snow, ice, and seismic parameters.

Comment #41: Applicant to provide structural drawings and structural calculations for the PV tracker system, for the tracker foundation / pile system, and for all solar PV auxiliary equipment foundations. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

Comment #42: Applicant to provide project geotechnical engineering report that was used to design all foundations for this project.

Comment #43: The complete electrical design drawing should be included in the next submittal.

Comment #44: 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 #45: The declaration information for the Agricultural, Aquifer, and Biodiversity Overlay Notes must be added to the plans.

Comment #46: Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.

Comment #47: Surveyor to certify that iron rods have been set at all property corners.

Comment #48: Applicant to clarify if there is a power purchase agreement (PPA) with the utilities. Please provide the signed PPA from the utility company.

Comment #49: Since this application requires the approval for a special use, Planning Board to consider making the approval/permit renewable through the building department every year with proof of current ownership of the facility, confirmation that the current owner assumes the decommissioning obligations, & general status report of the operation of the facility.

Comment #50: Applicant to confirm that Orange & Rockland is aware of project and if any upgrades are required (e.g., lines, substation, etc.). The fully executed copy of this agreement should be submitted during the planning board process.

Comment #51: Applicant to submit a copy of the lease/buy agreement between the solar developer and the landowner.

Comment #52: Applicant to confirm the submittal timing for the detailed design, including civil, structural, and electrical drawings (i.e., permit drawings).

Comment #53: Provide declaration information for Agricultural, Aquifer, and Biodiversity Overlay map notes.

Comment #54: Applicant to provide Landscape Bond cost estimate.

Comment #55: Applicant to provide Performance Bond for site inspection fees.

Comment #56: Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney. Applicant to verify if cost of monitoring during decommissioning has been included in the estimate.

Comment #57: Applicant to provide Decommissioning Bond to the satisfaction of the Planning Board Attorney/ Engineer.

Comment #58: The PILOT agreement must be submitted to and accepted by the Town Board.

Comment #59: Applicant to provide the liber and page for access easements and other applicable documents after they are filed in the Orange County Clerk's Office.

Comment #60: Payment of all fees.

Craven Peach Grove, LLC

Application for Site Plan Approval and Special Use Permit for the use and construction of a Class 2 Home Occupation for Bed & Breakfast establishment with more than three bedrooms for rent, situated on tax parcel S 44 B 1 L 50.1; project located on the northern side of NYS Hwy. 17A, 990 feet west of Pumpkin Hill Road (1572 State Hwy. 17A), in the SL zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler, Engineer. Keith Craven, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application is classified as a Type 2 Action given the fact that there is less than 4,000 s.f. of gross floor area. Orange County Planning GML Referral is required as it is within 500 feet of State Highway 17A. We don't have any comments on lighting at this time. Any proposed outdoor lighting should be submitted for review. We don't have any landscaping comments at this time. Any isolated trees over 12" DBH and any trees over 24" DBH to be removed should be indicated on plan. Any proposed landscaping should be submitted for review. We don't have any Design Guidelines comments at this time. Any proposed exterior alterations should be submitted for review against the site Design Guidelines.

Comment #2: Applicant to discuss project.

Brian Friedler: There is an existing 7-bedroom house on this 1-acre piece of property. Currently there is a Class 1 Home Occupation permit that has been issued for the use of 3-bedrooms as a Bed & Breakfast. The remaining 4-bedrooms are for personal use. The Applicant proposes to get 5-bedrooms as a Bed & Breakfast with the remaining 2-bedrooms as personal use.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 10/01/24 Open permit for class one home occupation for 3 bedrooms, bed and breakfast

Brian Friedler: Yes.

Comment #6: OC Planning Department - pending response

Chairman Astorino: Brian, do you have any issues with any of these comments this evening? They seem to be pretty straight-forward.

Brian Friedler: No.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? We will list Comment #6 through Comment #22 for the record.

Does the Applicant wish to be set for a Public Hearing at the next available agenda?

Brian Friedler: Yes.

Mr. McConnell: The work that is going on there now, what is that?

Brian Friedler: Right now, they have a Class 1 Home Occupation permit. They are using 3-bedrooms as a Bed & Breakfast.

Mr. McConnell: There is work going on right now.

Brian Friedler: They are redoing the patio and fixing the retaining wall.

Mr. McConnell: I think it would be hard to have on the notes that no work shall be done.

Chairman Astorino: Yes. Here is the issue. They are before the Planning Board.

Laura Barca: Do they have a building permit to do that work?

Chairman Astorino: The general rule is that no site work happens on the property while you are before the Planning Board.

Bob Krahulik: If it is the type of work that would need a building permit?

Chairman Astorino: Ok. So, this does not need a building permit. Is that correct?

Brian Friedler: They are redoing a patio and steps.

Keith Craven: It is landscaping work.

Chairman Astorino: There is no building permit involved. Is that correct?

Keith Craven: No.

Chairman Astorino: Ok. Bob, are you good with that?

Bob Krahulik: Yes. There is a short retaining wall that is under 3 feet. I don't think you need a permit for that.

Chairman Astorino: No. You do not need a permit for that. Ok. You are ok.

Bob Krahulik: I just wanted to mention that the Class 1 Home Occupation goes away when ownership changes. It is not a new issue.

Mr. McConnell: Ok.

Chairman Astorino: Ok.

Brian Friedler: We ask the Board to set the application for a public hearing.

Mr. McConnell makes a motion to Set the Craven Peach Grove, LLC Site Plan & Special Use Permit application for a Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Keith Craven: Thank you.

Comment #7: NYSDOT – pending comments

Comment #8: OCDOH – A five-bedroom bed and breakfast does not require OCDOH approval. A bed and breakfast is allowed to serve one meal (usually breakfast) without requiring a food service permit.

Comment #9: Planning Board to determine if a site inspection is necessary.

Comment #10: Existing septic system is valid for 7 bedrooms; the same as proposed.

Comment #11: Applicant to demonstrate compliance with §164-43.5 (Class 2 home occupation) with responses to Items 1 through 12. As appropriate, items shall be added to the plan as additional notes.

Comment #12: Town Road Note referencing Town of Warwick DPW on Sheet 1 should be changed to NYSDOT.

Comment #13: The hours of operation should be shown on the plans.

Comment #14: Applicant to confirm the number of employees working at peak activity to support parking calculations.

Comment #15: Use and square footage of both existing buildings should be shown on the plans.

Comment #16: Applicant to confirm surface of parking lot is paved and that parking spaces are striped.

Comment #17: Sheet 1, Class 2 Home Occupation (6-9),(28) notes, please remove the reference to the “Editor’s Note”

Comment #18: Include Agricultural, Aquifer and Traditional Overlay Notes on the drawing set. Update Town Overlay Zone Table.

Comment #19: The declaration information for the Agricultural, Agriculture and Traditional Overlay Notes must be added to the plans.

Comment #20: Surveyor to certify that iron rods have been set at all property corners.

Comment #21: Surveyor to sign and seal drawing.

Comment #22: Payment of all fees.

Mountain Green Partners/Inn The Fields

Application for Site Plan Approval and Special Use Permit for the use and construction of a Lodge with 24 bedrooms, Guest Accommodation Courts with 30 Units total, bar/lounge area in Lodge with 20 seats (Accessory Use 24), Pavilion (Accessory Use 24), Trails, Pool and other Accessory Facilities for guests (Accessory Use 22), and an Existing Residence to be used as a Caretaker's Residence, situated on tax parcel S 43 B 1 L 28; project located on the northern side of Hathorn Road 900 feet east of C.R. 1 (5 Hathorn Road), in the SL zone, of the Town of Warwick.

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

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: At the Work Session, we talked about recirculating this application given that we were under the impression that the application had been changed from its original circulation. I received an email late this afternoon that there was already a recirculation that was done. That was circulated back on November 15, 2023. That was done before I came onto this Board. I believe the Applicant has stated that the plan has not changed since that circulation. It would seem looking at it, that you would not need to recirculate it under those circumstances. We have prepared a short EAF Part 2 that the Planning Board could adopt tonight that identifies several areas of potential environmental impacts such as; Adverse changes to land, - project will result in change in the use or intensity of land. Adverse impacts to traffic – project will result in increased traffic along County Route 1A, Adverse impacts to sewer and water – project will utilize wells on property and five new septic systems, Adverse impacts on Natural Resources – application contains wetlands and waterbodies, is within Aquifer Protection Overlay and Agricultural Protection Overlay, suspected to contain Indiana Bat and Bog Turtle, located on Principal Sol Source Aquifer, and Adverse impacts to soil and erosion – project site contains steep slopes. You could adopt the Part 2 EAF if the Board decides not to recirculate.

Chairman Astorino: It doesn't sound like we need to recirculate. Does the Board agree with that?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Showalter: I am in an agreement with that as long as everybody is in an agreement with their numbers.

Chairman Astorino: What I read in the project description tonight are the correct numbers? Is that correct?

Dan Getz: Yes.

Steve Sullivan: Correct.

Chairman Astorino: Ok.

Mr. Showalter: Ok. I was rather disgruntle over it at the last meeting. As long as we are on the same page with the numbers, I agree.

Chairman Astorino: These are the correct numbers that are stated in the project description. We have that on the record.

Mr. McConnell makes a motion to adopt the Part 2 EAF.

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

Chairman Astorino: Do any Board members, Professionals, and Applicant have any questions on the comments this evening? We will list Comment #2 through Comment #29 for the record. Does the Applicant want to be set for a public hearing this evening?

Steve Sullivan: Yes.

Bob Krahulik: Laura and I had talked about the comment the Applicant had made about doing the approval in phases. While that might be a little unique for site plan approvals, it is a little more common with doing subdivisions. After discussion with Laura, we didn't see anything in the Code that would prevent or prohibit that. If anything, it would make sense to do it in phases. It would avoid segmentation if we look at the entire project. It would allow the Applicant to proceed within phases and allow the Applicant to open in phases without having to build out the entire project all at once.

Chairman Astorino: Let me ask a question to the Applicant. We are vetting the entire project. We would basically be approving the entire project, but you would be building in phases.

Bob Krahulik: Right.

Chairman Astorino: Why don't you just build it in phases?

Laura Barca: The reason why is because there is a certain point where the 72-hour well test would be required. The Applicant wants to get what he can get without doing that pump test first. Then he would do the pump test and carry on from there.

Steve Sullivan: Which would apply to either phase and approval from the County that we expect to get is for 27 units, which would be the option of us either doing the hotel first or the cabins first.

Chairman Astorino: Is it a timing issue for you?

Steve Sullivan: The project is laid out in 6 different phases. Yes, it is a timing issue.

Chairman Astorino: I don't have a problem. I just wanted to understand why. Basically, we are reviewing the whole project as it is. We are not reviewing it in phases. Is that correct?

Steve Sullivan: Yes.

Bob Krahulik: The caveat is that you might get an approval for a Phase 1 and Phase 2. You might get tripped up where something could happen and you won't get approvals for the entire project.

Chairman Astorino: Without doing the testing? Is that correct?

Steve Sullivan: From the County.

Bob Krahulik: For whatever reason. You might be spending money with a shovel in the ground in Phase 1 and Phase 2. You might have an issue and not be able to complete the project.

Steve Sullivan: I am aware of that. We are comfortable with what we know about the well right now.

Chairman Astorino: Ok. It would be at your risk.

Steve Sullivan: Yes. We understand that.

Dan Getz: We had a question regarding the paving. At previous meetings, we had discussed which parts of the project would be paved with asphalt. We had proposed some of the entrance. We were told by the Board that was not enough with the driveway. A suggestion had been made to pave the entire driveway. We do not wish to pave the entire driveway. We don't feel it would be necessary to be asphalt to provide the stable surface. The part that is not asphalt would have compacted Item #4. That would also be a stable surface. At the entrance, the first 500 feet, there are trees along side the road. There is an existing driveway there. It would be widened to 20 feet. There are trees located along both sides of it starting at 500 feet in. We are proposing to pave with asphalt the first 500 feet and the remainder would be gravel.

Bob Krahulik: The Code states that it should be paved. But the Board does have the ability to waive that requirement. There are things you might want to consider like dust control, impact on property owners, and plowing.

Steve Sullivan: We understand. What we are trying to accomplish is a rustic country setting as you drive in. We understand about dust control. I agree with that. We really want to maintain that rustic appeal. We are trying to appeal folks from the city and suburbs. We want people to have a country experience.

Chairman Astorino: We have been out to the site. The Board needs to think about what we would want you to do.

Bob Krahulik: We need to wait for the public hearing to hear from the neighboring properties.

Chairman Astorino: Absolutely. Its on the table. The worst-case scenario would be to pave the whole thing.

Steve Sullivan: I have met with the neighboring property owners. They have seen the plans.

Chairman Astorino: Let's wait until we have the public hearing. We will discuss it then. We need a motion to set this application for a public hearing.

Mr. McConnell makes a motion to Set the Mountain Green Partners/Inn The Fields Site Plan & Special Use Permit Application for a Public Hearing at the next available agenda.

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

Chairman Astorino: We could make that decision on the night of the public hearing. If it would be a waiver, we would grant a waiver.

Max Stach: Dan, do you know that we have comments on the lighting, landscaping and the site Design Guidelines.

Dan Getz: Yes. We will address them with the next submission.

Max Stach: Ok. Thank you.

Laura Barca: You would need the Health Department's approval first actually to have the public hearing.

Dan Getz: Yes. We have submitted a response to their most recent comments earlier this month. That should come in soon.

Laura Barca: Ok.

Dan Getz: Thank you.

Steve Sullivan: Thank you.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 02/14/22 binding comment for site lighting, advisory comments for endangered species, solar panels on rooftops, ag buffer, wetlands, historical and archeology resources

Comment #6: OCDOH granted approval 10/05/24

Comment #7: OCDOH approved needed for water supply, as well as the pool and cantina.

Comment #8: OCDPW – Approval letter dated 08/23/24

Comment #9: Endangered and threatened species and habitat addressed in July 2022 report.

Comment #10: NYS Parks, Recreation, and Historic Preservation no impact letter dated 06/15/23

Comment #11: ZBA variance for 280(a) granted 03/25/24; language appears on Sheet C-102.

Comment #12: Please provide a copy of the NYSDEC Freshwater Wetlands permit application package and an update on NYSDEC's review of the application.

Comment #13: Applicant to clarify the pavilion parking of 0.25 per person using the pavilion.

Comment #14: Traffic Report: Table 4 - The field measurements should be included in the appendix so it can be confirmed against the table. We recommend that the field observation and measurement data should be included in the report.

Comment #15: Traffic Report: Table 3:

- a. The volumes used for the roundabout analysis for Build 2027 don't match the volumes in Synchro reports for Build Phase.
- b. The roundabout analysis results were entered incorrectly.
- c. The roundabout reports should be added to the report.

Comment #16: Applicant to clarify ownership of proposed sight distance triangle along Hathorn Road. The explanation discusses the clearing of the vegetation but not the ownership, in case of future clearing needs; provide further clarification.

Comment #17: Applicant should show a human door in the side of the dumpster detail. This will enable an employee to enter without having to use the large swinging doors.

Comment #18: Applicant to clarify if the lodge building would require water storage for domestic use (NYS DOH) or for firefighting purposes (NYS Building Code). If additional water storage tanks are needed, it is better to place them on the site plan during the planning process.

Comment #19: In SWPPP, the section that is proposed off the east section of the driveway discharges into a wetlands buffer zone/wetland. Applicant to clarify this further. eNOI in Appendix E does not note Wetlands; Applicant to revise.

Comment #20: Provide wheel stops at all handicapped parking spaces where there is no curb.

Comment #21: Add tree protection details for existing trees to remain.

Comment #22: Town code encourages the use of native species. Consider replacing non-native species.

Comment #23: Applicant to clarify; Sheet C-301, Sidewalk/concrete patio detail Note #4, Slopes for sidewalks cannot exceed 8% in front of handicapped accessible parking spaces. Any slope exceeding 5% is considered as a ramp.

Comment #24: Applicant to verify if lighting is proposed. The Lighting Plan must be in accordance with §164-43.4.

Comment #25: The driveway must be paved, or equivalent, in its entirety. The plans should be updated to show this, including an appropriate detail.

Comment #26: Applicable declaration information must be added to the plans.

Comment #27: Surveyor to certify that iron rods have been set at all property corners.

Comment #28: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Comment #29: Payment of all fees.

Other Considerations:

1. Planning Board to discuss canceling the 10/28/24-Work Session & 11/6/24-Planning Board Meeting.

Mr. McConnell makes a motion to cancel the 10/28/24-Work Session & 11/6/24-Planning Board Meeting.

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

2. Planning Board to discuss rescheduling the BMMY College/Old Forge Road #2 site visit from Saturday, October 19, 2024 @ 10:00 a.m. to Sunday, October 20, 2024 @ 10:00 a.m.

Representing the Applicant: Keith Woodruff from Engineering & Surveying Properties.

Keith Woodruff: The Applicants would like to change the site visit from Saturday, October 19th to Sunday, October 20th.

Chairman Astorino: I don't think that would work out with the Board.

Mr. McConnell: Is this at your request?

Keith Woodruff: No. It is the property owner's request.

Chairman Astorino: We understand the reason why. We have a site visit scheduled for Saturday, November 2, 2024 at 9:00 a.m. for another project. How does the Board and Professionals feel about doing it after the Pine Island Solar site visit on Saturday, November 2, 2023 @ 10:30 a.m.?

The Board is in a consensus with scheduling a site visit for the BMMY College on Saturday, November 2, 2024 @ 10:30 a.m.

Chairman Astorino: Bob, are you ok with the waiver?

Bob Krahulik: You have to be ok with the waiver. If you want to enter into the building, you would need to sign the waiver.

Chairman Astorino: Ok. We will see you at the site visit on November 2, 2024 at 10:30 a.m.

Keith Woodruff: Ok. Thank you.

3. Planning Board Minutes of 9/18/24 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 9/18/24.

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

Correspondences:

1. Email Letter from Kathy Moser, Chief Conservation & Policy Officer of the Open Space Institute dated 9/18/24 addressed to the Planning Board in regards to the BMMY College/Old Forge Rd. application.
2. Email Letter from Sally Burns dated 9/20/24 addressed to the Planning Board in regards to the Serenity Ridge Campground application.
3. Email Letter from Sue Wheeler dated 10/10/24 addressed to the Planning Board in regards to the Serenity Ridge Campground.
4. Email Letter from Helen Arena Florida School District addressed to the Planning Board dated 10/16/24 in regards to Serenity Ridge Campground.
5. Email Letter from Jay Westerveld addressed to the PB, dated 10/16/24 in regards to Serenity Ridge Campground.
6. Letter from Village of Florida Mayor Harter, dated 10/16/24 addressed to the Planning Board in regards to Serenity Ridge Campground. **Hand-Delivered to PB at 7:25 p.m.**

Chairman Astorino: We have Correspondence 1 through 6 in our packets and listed for the record.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the October 16, 2024 Planning Board Meeting.

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