

TOWN OF WARWICK PLANNING BOARD
November 20, 2024

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Bo Kennedy,
Rich Purcell, Vickki Garby, Alternate
Laura Barca, HDR Engineering
Max Stach NPV Planners
Bob Krahulik, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, July 19, 2023 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Seth Horn & Eleanora Lvov

Application for Final Approval for a proposed 2-Lot (MINOR) 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. Continued Public Hearing from the Planning Board Meeting of 10/16/24.

Representing the Applicant: John Loch, PLS, Applicant's Surveyor.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: The Applicant had submitted a Part 3 EAF. We had asked for additional information regarding the wetlands. That information had been provided in a Revised EAF Part 3. We do believe that the EAF Part 3 does address the potential impacts of the project adequately. We recommend the Planning Board to adopt the Part 3 EAF and the Negative Declaration. The Resolution for that is in your packets. One other item that we had in our review memo was with the requirement to identify trees over 24" DBH and any isolated trees over 12" DBH. The Applicant has provided aerial photography and site photography to demonstrate the condition of trees on the site. The Applicant has asked that the Planning Board waive that standard.

Chairman Astorino: Max, are you ok with that?

Max Stach: Yes.

Chairman Astorino: Ok.

Comment #2: Applicant to discuss project.

John Loch: There has been no change since we were here before the Board last month. In the scope of the project, we are just trying to clean up some issues addressing the EAF regarding the trees. There are some minor details on the plans in respect to the proposed construction.

Chairman Astorino: Please explain to the public about the project.

John Loch: This property has approximately 40 acres with one existing house on the property. The Applicant proposes to subdivide the property into 2 lots. The existing house would remain on one lot. The Applicant proposes to construct a new dwelling on another lot coming off Blooms Corners Road. There are a fair amount of wetlands through the site. There is also a Biodiversity District. We have a lot of restrictions with respect to what could be done on the property. That is why it is a minimal project.

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 – 03/12/21 open deck permit (16517), open fence permit (18170), and permit for retaining wall (19951) – all these permits are closed. 09/30/24 Roof Mount of Solar Panels, number of panels (32036) – expired permit - need to submit final electrical - this permit is closed.

Comment #7: ZBA: Lot 1, minimum lot depth and minimum both side yards appear to fall below but the structure is pre-existing. No further action, 04/21/21 Workshop.

Bob Krahulik: We could strike Comment #7.

Chairman Astorino: Ok. We will strike Comment #7.

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

Laura Barca: We have received that letter.

Comment #9: Please add the required Eljen notes, including the note for the ASTM C33 Specified Sand (and remove the note for Medium to Course concrete sand from the Eljen trench cross section detail.

John Loch: We have done that.

Comment #10: The description of the proposed 50' wide easement, including the walking trail, shall be submitted for review prior to the filed in the Orange County Clerk's Office

John Loch: No problem.

Comment #11: Surveyor to certify that iron rods have been set at all property corners. There is one-page form that needs to be completed by the surveyor. Applicant requesting a waiver associated with the pins not associated with the lot line change.

Chairman Astorino: That would be a waiver if so desired. We discussed that at the Work Session.

Comment #12: The liber and page for the Ridgeline, Agricultural Notes, 50' easement, and Indian bat must be added to the plan.

John Loch: Will do.

Comment #13: Payment in lieu of parkland for one lot.

John Loch: Yes.

Comment #14: Payment of all fees.

John Loch: No problem.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? This is a public hearing. If there is anyone in the audience wishing to address the Board on the Seth Horn Subdivision application, please rise and state your name for the record. Let the record show no public comment.

Mr. Kennedy makes a motion for the Part 3 EAF and the Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)

Name of Action: Seth Horn Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two-lot minor subdivision. The project is located on Town of Warwick Tax Map as Section 26 Lot 1 Block 69.32, on 33 Deer Pond Drive, Town of Warwick, Orange County, New York; and

Whereas, the Planning Board on or around September 21, 2022 classified the action as an Unlisted action and commenced uncoordinated review, and

Whereas, a Lead Agency Notice of Intent was distributed to all involved agencies on or around September 21, 2022; and

Whereas, the Planning Board assumed lead agency having received no objections its lead agency coordination and has reviewed the Short Environmental Assessment Form (EAF) Part 1 for the action dated February 24, 2021; and

Whereas, the Planning Board on or around October 16, 2024 adopted a Part 2 Environmental Assessment Form, identifying the following areas of potential large impacts:

- a. Adverse impacts on Natural Resources – Application contains wetlands and waterbodies, is within the Biodiversity Overlay District, suspected to contain Indiana Bat, and is located on Principal and Sole Source Aquifer (Northwest NJ 15 Basin SSA).

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, The Planning Board has reviewed the Short Environmental Assessment Form (EAF) for the action including the Part I dated February 24, 2021, and Part II dated October 16, 2024; and

Now Therefore Be It Resolved, that the Planning Board adopts the EAF Part 3 as prepared by the applicant, 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 submissions, the Planning Board hereby adopts a Negative Declaration of Environmental Significance indicating that significant adverse environmental impacts are unlikely and that an Environmental Impact Statement shall not be required; and

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

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

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

Mr. Kennedy makes a motion to waive Comment #11, the pins not associated with the lot line change.

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

Mr. McConnell makes a motion to waive tree topography that meets the requirements as per the Town Planner.

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

Mr. Kennedy makes a motion on the Seth Horn & Eleanora Lvov Subdivision application, granting conditional 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. A SEQRA Part 3 EAF and Negative Declaration was adopted on November 20, 2024. Approval is granted subject to the following conditions:

1. NYS Parks, Recreation, and Historic Preservation letter is required for land disturbance.
2. Please add the required Eljen notes, including the note for the ASTM C33 Specified Sand (and remove the note for Medium to Course concrete sand from the Eljen trench cross section detail.
3. The description of the proposed 50' wide easement, including the walking trail, shall be submitted for Town Planning Board Attorney's review prior to the filed in the Orange County Clerk's Office
4. Surveyor to certify that iron rods have been set at all property corners. There is one-page form that needs to be completed by the surveyor. Applicant requesting a waiver associated with the pins not associated with the lot line change. (WAIVED)

5. The liber and page for the Ridgeline, Agricultural Notes, 50' easement, and Indian bat must be added to the plan.
6. Payment in lieu of parkland for one lot.
7. Payment of all fees.

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

John Loch: Thank you.

PUBLIC HEARING OF Craven Peach Grove, LLC

Application for Site Plan Approval and Special Use Permit for the use 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, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Craven Peach Grove public hearing.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This action is classified as a Type 2 Action per 6 NYCRR part 617 §617.5(c)9 “expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use control”. This project requires GML Referral as it is within 500 feet of State Highway 17A. Regarding Lighting, Landscaping and Design Guidelines, those are not required as there are no exterior changes being proposed.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for Site Plan approval and Special Use permit for a Class 2 Home Occupation. Currently, the property has a Class 1 Home Occupation for a 3-bedroom Bed & Breakfast. The remaining 4-bedrooms is being used for personal use. The Applicants are looking to have a total of 5-bedrooms to be used as a Bed & Breakfast.

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.

Chairman Astorino: That would close that permit out. That is why they are before the Planning Board for a Class 2 Home Occupation.

Comment #6: OC Planning Department - 10/23/24 no advisory comments.

Comment #7: NYSDOT – 11/20/24 no advisory 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: Existing septic system is valid for 7 bedrooms; the same as proposed.

Brian Friedler: Ok.

Comment #10: The declaration information for the Agricultural, and Traditional Overlay Notes must be added to the plans.

Brian Friedler: Ok.

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

Brian Friedler: Ok.

Comment #12: Surveyor to sign and seal drawing.

Brian Friedler: Ok.

Comment #13: Payment of all fees.

Brian Friedler: Ok.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? This is a public hearing. If there is anyone in the audience wishing to address the Board on the Craven Peach Grove Site Plan & Special Use Permit Application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Purcell makes a motion on the Craven Peach Grove, LLC application, granting conditional Site Plan Approval and Special Use Permit (VOTE 5-0-0) for the use 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, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on October 16, 2024. Approval is granted subject to the following conditions:

1. The declaration information for the Agricultural and Traditional Overlay Notes must be added to the plans.
2. Surveyor to certify that iron rods have been set at all property corners.
3. Surveyor to sign and seal drawing.
4. Payment of all fees.

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

Brian Friedler: Thank you.

PUBLIC HEARING OF Mountain Green Partners, LLC

Application for Site Plan Approval and Special Use Permit for the use and construction of a Lodge with 24 bedrooms in hotel/main building, Guest 30 cabins 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, a/k/a ***Inn The Fields***, 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, County of Orange, State of New York.

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

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

Mr. Chairman: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We have received from the Applicant a draft EAF Part 3. It was in good form. We wanted to make a few changes regarding the description and setbacks, the discussion of the SWPPP, the OCDOH approval on water and the description of screening. We have revised the Part 3 EAF that the Applicant had prepared for the Planning Board's consideration along with the Resolution for the Negative Declaration for the Board to adopt. This project requires GML Referral as it is within 500 feet of C.R. 1A. The Applicant has addressed our previous concerns regarding the Lighting, Landscaping, and Design Guidelines.

Comment #2: Applicant to discuss project.

Dan Getz: This project is located off Hathorn Road near the intersection of C.R. 1. There is an existing driveway at 5 Hathorn Road that would be widened. We propose to construct a hotel, accommodation court, pool, pavilion, parking areas and stormwater.

Steve Sullivan: The overall idea is to have a project that follows the concept of a landscaped hotel that would take advantage of its natural setting. We are trying to keep much of the project as green and natural as we can. The tourist accommodation courts are mounted on pilings to minimize disturbance to the ground. The hotel was designed to fit in with the environment. We are trying to minimize the amount of asphalt and pavement. We think the project would be tailored to what Warwick is all about.

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. Binding comment for lighting: a. All exterior lighting shall be LED bulbs. b. Lighting shall comply with International Dark Sky Association standards. c. Light pole height shall not exceed 20'. d. Site plan shall include lighting curfews.

Chairman Astorino: Max, are you ok with the lighting that it meets the Code?

Max Stach: Yes. As revised.

Chairman Astorino: Do any Board members or Professionals have any comment on OC Planning's comments? Max, it seems to meet the Town Code and what the County is asking for. Is that correct?

Max Stach: I am not sure with regards to the County. It does meet the Town Code.

Chairman Astorino: Ok. I don't think the light poles are 20' tall in the Town Code in that zone?

Dan Getz: I believe the limited height of the light poles are 16'.

Chairman Astorino: Ok. It is definitely under from what the County is asking. Is that correct?

Dan Getz: Yes.

Chairman Astorino: The Town Code is more restricted. Ok. Thank you.

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

Comment #7: OCDOH approval needed for SSDS system. OCDOH approval letter dated 10/02/24.

Chairman Astorino: We have that approval letter in our possession. Is that correct?

Laura Barca: Yes.

Comment #8: OCDOH approved needed for water supply. OCDOH approval letter dated 11/12/24.

Chairman Astorino: We have that approval letter in our possession. Is that correct?

Laura Barca: Yes.

Comment #9: Add a note on the plan: "OCDOH approval needed for water use for more than 27 bedrooms." See 11/12/24 OCDOH approval letter for detailed information.

Dan Getz: Ok.

Comment #10: OCDPW – Approval granted in letter dated 08/23/24.

Chairman Astorino: That is for the emergency access.

Dan Getz: Right. This is an access road to C.R. 1. It is for emergency access only. There was not enough sight distance to make it an every day connection. Having the 2 emergency accesses makes it safer.

Comment #11: Status of endangered and threatened species and habitat. Completed on 01/17/24 in July 2022 Report.

Chairman Astorino: We have that.

Comment #12: NYS Parks, Recreation, and Historic Preservation status. Completed on 06/15/23 in No Impact letter.

Chairman Astorino: We have that.

Comment #13: ZBA: A 280(a) variance may be required. Approval granted in letter dated 03/25/24.

Comment #14: Planning Board to determine if a site inspection is necessary. Site inspection conducted on 11/25/23.

Chairman Astorino: We could strike Comment #14. We had done the site visit.

Laura Barca: Correct.

Comment #15: A note shall be added to the plan: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained. Completed on Sheet SK-1, Note 16.

Comment #16: Please provide a copy of the NYSDEC Freshwater Wetlands permit application package and an update on NYSDEC's review of the application. Completed on 11/20/24 in Part 3 EAF, Appendices 2 and 6.

Laura Barca: We have that.

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.

Dan Getz: We had thought that it might not be needed for this project. Those swinging doors are in an area that guests on the property would not be trafficking those.

Chairman Astorino: I think the reason for a human door is for if some employee leaves the swinging doors open. If they go through the human doors, it would be easier to shut. Is that correct?

Mr. Kennedy: Typically, yes.

Dan Getz: We have no problem with that. We will add that to the plans.

Chairman Astorino: Ok. You will add that to the plans.

Comment #18: Add tree protection details for existing trees to remain.

Dan Getz: Ok.

Comment #19: Paved walkway detail should include notes for slope maximums for ADA access.

Dan Getz: Will add that. There won't be steep slopes.

Laura Barca: OK.

Comment #20: Applicant to clarify the Gravel Access Road & Parking detail on Sheet C-202 and the Gravel Driveways & Gravel Driveways & Parking. It is unclear where these details will be used; identify with road stationing.

Dan Getz: Ok. We will update the plans. The first 500 feet of the entrance driveway would be paved asphalt. The first 20 feet of the emergency driveway would be paved to the County's standards. The remainder of the site would be compacted Item #4 with 2" of clean gravel on top.

Comment #21: Applicant to clarify with road stationing where the Entry Drive Pavement detail will be used.

Dan Getz: Ok.

Comment #22: The breakaway fence and Knox Box must be coordinated with the Fire Department.

Dan Getz: Ok.

Comment #23: The driveway must be paved, or equivalent, in its entirety. The plans should be updated to show this, including appropriate details. Applicant requesting a partial waiver.

Chairman Astorino: We had just discussed that to pave a certain portion and keep it natural.

Dan Getz: Yes. We are requesting a partial waiver.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns on that waiver? Let the record show no comment from the Board or Professionals.

Comment #24: Applicable declaration information must be added to the plans.

Dan Getz: Yes.

Comment #25: Surveyor to certify that iron rods have been set at all property corners.

Dan Getz: We had asked the Board for a waiver on this. The property corners would not be changing. There were some iron rods found at the property corners. What is the Board's feeling regarding waiving the iron rods?

Mr. Kennedy: I am ok with waiving the iron rods.

Mr. Purcell: I agree.

Comment #26: Applicant to provide Performance Bond for surface covering of driveways and parking areas, as well as stormwater measures. Landscaping bond to be provided for proposed plantings and associated site inspection fees. Applicant to submit cost estimate subject to Planning Board engineer and attorney specifications.

Dan Getz: Ok.

Comment #27: Payment of all fees.

Dan Getz: Ok.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? This is a public hearing. If there is anyone wishing to address the Planning Board on the Mountain Green Partners application, please rise and state your name for the record. Let the record show no public comment.

Mr. Purcell makes a motion for 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, Adopting Negative Declaration and Authorizing Filing of Same

Name of Action: Mountain Green Partners, LLC

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Hotel (referred to as a “lodge”) with 24 guest rooms (each one-bedroom), 30 one- and two-bedroom tourist cabins containing 38 total bedrooms, , a bar/lounge area in the lodge with 20 seats, an event space pavilion with a maximum capacity of 125 people, trails, a pool and other accessory facilities and an existing single-family detached residence (three-bedroom) to be used as a caretaker’s residence. The project is located on Town of Warwick Tax Map as Section 43 Lot 1 Block 28, on 5 Hathorn Road, Town of Warwick, Orange County, New York; and

Whereas, the Planning Board on or around November 15, 2023 classified the action as a Type I action and commenced coordinated review with the Orange County Health Department and Orange County Department of Public Works, and

Whereas, a Lead Agency Notice of Intent was distributed to all involved agencies dated November 16, 2023; and

Whereas, the Planning Board assumed lead agency having received no objections its lead agency coordination and has reviewed the Short Environmental Assessment Form (EAF) Part 1 for the action dated January 25, 2022; and

Whereas, the Planning Board on or around October 16, 2024 adopted a Part 2 Environmental Assessment Form, identifying the following areas of potential large impacts:

- a. Adverse changes to land – project will result in change in the use or intensity of land
- b. Adverse impacts to traffic – project will result in increased traffic along County Route 1A, Hathorn Rd., and State Hwy. 94S.
- c. Adverse/ impacts to sewer and water – Project will utilize wells on

property and five new septic systems.

- d. 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 and Sole Source Aquifer (Northwest NJ 15 Basin SSA).
- e. Adverse impacts to soil and erosion – project site contains steep slopes.

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, The Planning Board has reviewed the Full Environmental Assessment Form (EAF) for the action including the Part I dated January 25, 2022, Part II dated October 16, 2024; and

Now Therefore Be It Resolved, that the Planning Board adopts the EAF Part 3 as prepared by the applicant and revised by the Board's Planners, 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 submissions, the Planning Board hereby adopts a Negative Declaration of Environmental Significance indicating that significant adverse environmental impacts are unlikely and that an Environmental Impact Statement shall not be required; and

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

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

Seconded by Ms. Garby. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Mr. Kennedy makes a motion to waive Comment #23, a partial waiver on the driveway must be paved, or equivalent, in its entirety.

Seconded by Ms. Garby. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Mr. Kennedy makes a motion to waive Comment #25, Surveyor to certify that iron rods have been set at all property corners.

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

Mr. Purcell makes a motion on the Mountain Green Partners, LLC application, granting Site Plan Approval and Special Use Permit for the use and construction of a Lodge with 24 bedrooms in hotel/main building, Guest 30 cabins 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, a/k/a ***Inn The Fields***, 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, County of Orange, State of New York. A SEQRA Part 3 EAF and Negative Declaration was adopted on November 20, 2024. Approval is granted subject to the following conditions:

1. 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. **Binding comment** for lighting: a. All exterior lighting shall be LED bulbs. b. Lighting shall comply with International Dark Sky Association standards. c. Light pole height shall not exceed 20'. d. Site plan shall include lighting curfews.
2. TW Building Department – 01/26/22 open permit for deck (11451) and open permit for woodstove (11452) – all permits are closed.
3. OCDOH approval needed for SSDS system. OCDOH approval letter dated 10/02/24.
4. OCDOH approval needed for water supply. OCDOH approval letter dated 11/12/24.
5. Add a note on the plan: “OCDOH approval needed for water use for more than 27 bedrooms.” See 11/12/24 OCDOH approval letter for detailed information.
6. OCDPW – Approval granted in letter dated 08/23/24.
7. Status of endangered and threatened species and habitat. Completed on 01/17/24 in July 2022 Report.
8. NYS Parks, Recreation, and Historic Preservation status. Completed on 06/15/23 in No Impact letter.
9. ZBA: A 280(a) variance may be required. Approval granted in letter dated 03/25/24.
10. A note shall be added to the plan: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained. Completed on Sheet SK-1, Note 16.
11. Please provide a copy of the NYSDEC Freshwater Wetlands permit application package and an update on NYSDEC’s review of the application. Completed on 11/20/24 in Part 3 EAF, Appendices 2 and 6.
12. 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.
13. Add tree protection details for existing trees to remain.
14. Paved walkway detail should include notes for slope maximums for ADA access.

15. Applicant to clarify the Gravel Access Road & Parking detail on Sheet C-202 and the Gravel Driveways & Gravel Driveways & Parking. It is unclear where these details will be used; identify with road stationing.
16. Applicant to clarify with road stationing where the Entry Drive Pavement detail will be used.
17. The breakaway fence and Knox Box must be coordinated with the Fire Department.
18. The driveway must be paved, or equivalent, in its entirety. The plans should be updated to show this, including appropriate details. Applicant requesting a partial waiver. (WAIVED)
19. Applicable declaration information must be added to the plans.
20. Surveyor to certify that iron rods have been set at all property corners. (WAIVED)
21. Applicant to provide Performance Bond for surface covering of driveways and parking areas, as well as stormwater measures. Landscaping bond to be provided for proposed plantings and associated site inspection fees. Applicant to submit cost estimate subject to Planning Board engineer and attorney specifications.
22. Payment of all fees.

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

Dan Getz: Thank you.

Steve Sullivan: Thank you.

PUBLIC HEARING OF Etta Hamilton

Application for Site Plan Approval and Special Use Permit for the use and construction of reuse of existing commercial building as nursery school, and construction of parking area and storage shed a/k/a *Elite Strategies, LLC*, situated on tax parcels S 52 B 1 L 9 and 10.2; parcels located on the western side of Clinton Ave. Ext., 400 feet south of Galloway Road (10 Clinton Ave. Ext.), in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Dan Getz from Engineering & Surveying Properties. Elizabeth Cassidy, Applicant's Attorney. Chris Collins, Architect. Etta & Jonathon Hamilton, Applicants. Starke Hipp, LaBella Traffic Engineer.

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

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application qualifies as a Type 2 Action as pursuant to SEQRA given that it is a "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit". The application does require a referral to OC Department of Planning due to its proximity within an Agricultural District, State Highway 94 and a County Road. Notice of Public Hearing must be sent to the Village of Warwick Clerk's office per GML-239-nn. We are not in receipt of a lighting plan. If any new exterior lighting is proposed, a lighting plan should be forwarded for our review. We had some comments regarding plantings. We reviewed the application with regard to the Design Guidelines. It appears that the application is in conformance with the Design Guidelines.

Comment #2: Applicant to discuss project.

Dan Getz: This project is located at the end of Clinton Avenue Extension. It is located just outside of the Village of Warwick. The address is 10 Clinton Ave. Extension. It used to be the old Parkin Plumbing building. The proposal is to remodel that building into a preschool.

Etta Hamilton: We are proposing to convert it into a 4800 s.f. special education school. We would have different programs going on through the day.

Dan Getz: There would be a maximum of 80 students and 14 employees at the school at a time. The building has an existing water connection to the Village of Warwick. We received approval from the Village Board of Trustees to be able to connect to their sewer system. We have prepared a lighting plan. We understand that it needs to get to the Town's Professionals for review. On the lighting plan, there is currently a flood light on a pole. It lights up the existing building and the graveled areas at night. We are proposing to replace that with a number of nicer looking light poles. This lighting would be reduced to minimal levels for security at night. The preschool would not be opened at night. We wouldn't need as much lighting at those times. There was a traffic study performed. We have the Traffic Engineer here with us this evening if anybody had any questions.

Starke Hipp: I am a professional Traffic Engineer from LaBella Associates. We had done a traffic study for the project. As part of that study, we evaluated operations at the offsite intersection of Galloway Road and Clinton Avenue Extension. We looked at traffic volumes during the peak commuting periods of the day. Schools were in session. The counter conducted from September 3, 2024. Schools were back in session at that time. Then we forecasted traffic in the proposed project using the Institute of Transportation Engineers Trip Manual. It is used for a variety of uses including daycare. We had forecasted based on a number of teachers and applied it to the intersection. What we had conducted, we saw that there were no operational constraints at the intersections in terms of level of service. At that intersection, we also looked at sight distance. The sight distance for vehicles exiting Clinton Avenue Extension onto Galloway Road. We measured that to be at 38 MPH. For passenger vehicles the sight distances meet or exceed the sight distances. It does fall short looking to the right due to some vegetation. We also considered the same sight distances with buses. We first measured volume along Galloway Road for a minimum of 3 days for continuously 24 hours. It is a total of 72 hours of data. What we had found was that the volumes along the roadway peaked between the hours of 7am & 9am and then at 4pm & 6pm. Our counts that we had based our study on were done during the peak periods. However, the school would operate around the 8:30am period and the 2:30pm period which are outside of those peak times. Our study is looking at a very conservative view with the most volume on the road.

Chairman Astorino: Laura, HDR has reviewed this. Is that correct?

Laura Barca: Correct. The other thing that you had done in the traffic study was to provide a conservative analysis as you assumed that no bussing was going to take place. I believe that bussing would take place.

Starke Hipp: What we had done was the reference we had made to this was from the Institute of transportation manual. It provides a number of trips generated by the site during the peak hours. It does not provide a breakdown of those trips. It states that 35 vehicles are entering and 31 vehicles are exiting. In the evening, it is 31 entering and 34 exiting. It does not say that 5 of those vehicles would be buses. Because that

heavy vehicles and buses are considered in the operating analysis, we assume that 5 of those 34 or 31 vehicles would be buses. That percentage is taken into accounting in our Synchro software model that we use that DOT requires for all analyses. That is how it is considered. The trip generation is based on ITE. I think the 5 that we had come up with was generally half of the student population would be bused. That would be assuming an 8-person bus would be 5 buses. That was how we came up with that.

Chairman Astorino: When you say an 8-person bus, are you talking about suburban. Is that correct?

Starke Hipp: Yes.

Chairman Astorino: You are not talking about a full-scale 60-passenger bus.

Starke Hipp: No.

Chairman Astorino: Is that clear? When you are talking about buses, I am thinking those nice yellow school buses that goes down Kings Highway that seats 52 kids. You are talking about a suburban. Is that correct? We need to clarify as to what is a bus? Laura, HDR had reviewed the traffic study. Is that correct?

Laura Barca: Correct.

Max Stach: When you enter into it the Synchro model, you are just saying a heavy vehicle. Is that vehicle defined as the 8-passenger or does it do the modeling based on a large school bus?

Starke Hipp: It doesn't say if it is a small school bus or a large school bus. We just state heavy vehicles. That is how we classify it. You could consider it almost like a passenger vehicle. We consider it as a vehicle in the model.

Max Stach: When they looked at how it would affect congestion, they used the same class as a full-size bus even though it is going to operate more like a car. The model would have said that it would take a longer turn to make a movement than it actually would. That means it is conservative.

Chairman Astorino: Ok. Thank you.

Dan Getz: Chris Collins had designed the architectural changes to the buildings.

Chris Collins: The goal by the design of the building was really to take cues from other architecture within the Village & Town of Warwick. The Hamilton's had requested to mimic some of the newer buildings that are around and also try to incorporate it with color, texture and natural materials with the surrounding neighborhood.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 07/02/24 no violations.

Comment #6: OC Planning Department – 07/11/24 comments on stormwater concerns due to NYSDEC wetlands, preparing a lighting plan and fencing around necessary areas.

Chairman Astorino: Laura & Max, are you ok with the stormwater?

Laura Barca: Yes. We reviewed it.

Dan Getz: We do have fencing.

Chairman Astorino: The lighting plan still needs to be reviewed. Is that correct?

Max Stach: Yes.

Comment #7: Applicant to clarify connections to the Village of Warwick water and sewer; Village of Warwick resolution.

Chairman Astorino: We have that.

Comment #8: Applicant to show water and sewer connections on drawings.

Dan Getz: We added that. We sent it to the Village's engineer for review.

Comment #9: Add a sign to details indicating which handicapped spaces are van accessible. Please add a sign legend on Sheet C-103. Also, one of the one-way arrows appears to be headed the wrong way (C-103 by parking space D10).

Dan Getz: Right. The confusion with that is that there are different types of signs. We had added a legend on the plans.

Laura Barca: Ok. Thank you.

Comment #10: Applicant to be aware that the 100' buffer for NYSDEC wetlands could be changing to 300'. Although the regulations are a new, a path to "grandfathering" the project could be to have SEQRA complete and an approved site plan before January 01, 2025.

Dan Getz: Understood.

Comment #11: Applicant to confirm that tree protection does not overlap with pavement. Please confirm the size of the trees along property line to confirm tree protection is sufficient.

Dan Getz: I don't have the size of the trees. I know that one of the trees is 16" DBH. They are located right along the property line. There are other trees off the property. The plans show a location to put a fence to allow for the construction of the driveways while protecting much of those trees as possible. There are some trees that are too close that we propose to move. We will clarify.

Comment #12: Sheet 1, General Note 15 states that access must be granted to two parcels; applicant to clarify if parcel 52-1-23 requires access.

Elizabeth Cassidy: That parcel is the Town's parcel of the back half of the Korins. They have a Village parcel. Our declaration does incorporate that tax lot and the owners signing off the declaration for the access.

Chairman Astorino: Bob, are you going to review that?

Bob Krahulik: Yes.

Comment #13: Applicant to grant an access easement across northern portion of Clinton Ave Extension or right-of-way parcel, to the two neighboring properties which use it for access to village road.

Elizabeth Cassidy: That will be done by a declaration.

Bob Krahulik: The Applicant is proposing to take responsibility for all maintenance.

Elizabeth Cassidy: Generally, it would be all maintenance. But there is a provision in the declaration that if one of the neighbors messes it up or does something to mess up the road, they would be responsible for it. Generally speaking, the Hamiltons have agreed to take the responsibility for the maintenance of that road.

Comment #14: Applicant to create unimpeded access across the right-of-way parcel (Clinton Ave Extension). Applicant to add driveway, to create this access. Proposed driveway must comply with § A168-19.

Dan Getz: Agreed. We will revise that.

Comment #15: Applicant must request permission to convert Clinton Ave Extension into a private road. Submit Quit Claim Deed.

Elizabeth Cassidy: The Town Board did grant permission pursuant to Highway Law to essentially abandon Clinton Ave Extension. We have submitted by email to the Town Clerk as well with a copy to Connie a Quit Claim Deed by email on September 10th.

Chairman Astorino: Ok.

Comment #16: Provide slopes and cross slopes for all sidewalks surrounding the building; Slopes greater than 8% are considered a ramp and have requirements for slope, handrails, length of ramp, etc. Any slope exceeding 5% requires a handrail. Spot elevations should be added to confirm that area is not too flat, which would create ponding if not sloped for drainage.

Dan Getz: Agreed. We will revise the plans accordingly.

Comment #17: Please confirm the fire truck vehicular turning envelope is continuous.

Dan Getz: Yes.

Comment #18: Fire truck overhang envelope at the southwest area of the parking lot, the overhang seems to cross out of the gray asphalt onto a structure. Please confirm this is ok or otherwise adjust the turn.

Dan Getz: It is ok. That is actually not the structure. It is crossing near but not through the dumpster area. There is a concrete pad that extends out to the front of the dumpster area to help when the truck comes to pick up the trash from the dumpsters. It was the concrete pad that was on that diagram. It should have been labeled. We will correct that.

Laura Barca: Ok. Thank you.

Comment #19: Please explain the use of the cutaway vehicle and why it is presumes to back out and not follow the full loop to exit. Update turning movements for both turning diagrams.

Dan Getz: We did update that diagram and submitted it to show it going around rather than doing a K-Turn.

Laura Barca: Ok.

Comment #20: Applicant to clarify the choice of vehicle used for the second turning diagram.

Dan Getz: Ok.

Comment #21: Traffic Report, Existing Traffic Volumes – Table 1 presents AM and PM peak hours that don't match the discussion in the following paragraph (for example – table not 7:00-8:00am peak hour and text refers to 7:00-9:00am peak hours).

Comment #22: Traffic Report, Existing Traffic Volumes – Table 1 presents AM and PM peak hours that don't match the discussion in the following paragraph (for example – table not 7:00-8:00am peak hour and text refers to 7:00-9:00am peak hours).

Comment #23: Traffic report Table 2 – Please provide the field observation sheets for the sight distance evaluation

Starke Hipp: Ok. I have sent those along to Dan. We will provide those.

Dan Getz: Yes. We will provide those.

Comment #24: Traffic report – Applicant to clarify who would be responsible for the clearing of the vegetation to open up the sight distance along the southern side of Galloway Road. Please update report based on the vegetative clearing.

Starke Hipp: The vegetation that is in question, if it is within the public right-of-way, it would be cleared by the jurisdictional agency which is NYSDOT.

Chairman Astorino: Would they be notified from the Applicant on what the plan on doing? They would have to be notified if they want to do this project. Is that correct?

Starke Hipp: We could notify the resident's engineer.

Chairman Astorino: Get something from the NYSDOT saying that they would clear that to make it a safe distance.

Comment #25: Traffic Report, section 3 – Please specify the total compounded growth rate used.

Starke Hipp: We used ½% annually for 4 years. I believe it is around 102% growth.

Comment #26: Traffic Report- please provide detailed calculation for Table 3 (Summary of Peak Hour Trip Generation).

Starke Hipp: There was no calculation that was conducted to develop the volumes in Table 3.

Comment #27: Traffic report, capacity analysis – Please explain how increase in traffic on the NB approach resulted in decrease in delay, although there are less gaps for vehicles to cross the intersections and a longer queue.

Starke Hipp: The volume that we counted on the northbound which is the Clinton Ave Extension approach. During the peak hours there was only one vehicle coming out of the roadway.

Chairman Astorino: Laura, all of these traffic comments will be addressed. Is that correct?

Laura Barca: Yes. That would be done if the Board grants conditional final approval.

Comment #28: Planning Board to coordinate with Fire Department.

Chairman Astorino: That is something we could discuss. That is talking about the accesses in and out.

Comment #29: Applicant to consider using a more native plant species as encouraged by the Town of Warwick Design Standards.

Dan Getz: Right. We will do that. We propose them to be deer resisted types of trees. They will be placed on the plans.

Comment #30: Applicant to submit landscaping and performance bond cost estimates (for engineering review) and form of the bond (for attorney review).

Dan Getz: Will do. We also need to submit sign details. We will submit that.

Comment #31: Declaration information for required documents filed in Orange County Clerk's Office must be added to the plans.

Dan Getz: Yes. Will do.

Comment #32: Surveyor to certify that iron rods have been set at all property corners.
Waiver requested.

Dan Getz: We request a waiver of the iron rods.

Chairman Astorino: There would be no changes to the property lines.

Dan Getz: Right.

Comment #33: Surveyor to sign and seal drawing.

Dan Getz: Yes.

Comment #34: Payment of all fees.

Dan Getz: Yes.

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

Starke Hipp: Regarding the notification to the NYSDOT about clearing the vegetation, I just wanted to make sure with getting the NYSDOT clearing the vegetation doesn't hamstring the project from progressing forward. Would notifying the resident be acceptable and getting confirmation from them that they are aware of it?

Chairman Astorino: We would need a confirmation. As a Board, we want to make sure it is a safe sight distance. That is what we are here for. We want to make sure that is done.

Max Stach: I think he meant the Resident Engineering DOT.

Chairman Astorino: Yes.

Starke Hipp: I just wanted to reiterate that the stopping sight distance is a necessary safety when it comes to sight distances. That is met here. Intersection sight distances are meant for passenger vehicles. It just for buses when only looking to the right. I just wanted to make sure that was clear for the record.

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

Mr. Kennedy: Regarding the peak commuting time that was from 7am to 8am, I feel like from 8am to 9am is a pretty busy time as well.

Chairman Astorino: I agree.

Mr. Kennedy: I have traveled at that time between 8am and 9am. It seemed that traffic is heavier at that time based on local commutes, whether it would be Warwick, Goshen, north New Jersey, etc... The same issue happens in the afternoon at 4pm, it backs up to Forester Ave. Those numbers should be accounted for.

Chairman Astorino: Yes. It does. I agree.

Starke Hipp: I would stay that the numbers are accounted for. We did observe the traffic volume for 72 hours. We do consider those traffic volumes.

Mr. Kennedy: Does it change the percentage?

Starke Hipp: I would say that it would not change the percentage. We accounted the volumes on Galloway Road for 72 hours. We also accounted from all approaches. Those were conducted from 7am to 9am and then from 4pm to 6pm. Then we pulled the peak hour from there. The peak hour from 7am to 9am was from 7am to 8am. The peak hour from 4pm to 6pm was from 4:30pm to 5:30pm. What you had observed. It has been recognized.

Chairman Astorino: What would the hours of operation be?

Jonathon Hamilton: We are pretty flexible with the hours of operation. We could start the times when we want them to be. We just don't want to be during the time of when the elementary school starts. The high school starts way earlier. The standard time is between the 8am & 9am period. Then there would be the 4pm to 5pm period. There would be some parents that could drop off kids before or after school times because their parents are commuters.

Chairman Astorino: Do you follow the same as the school district's calendar year?

Jonathon Hamilton: The same calendar as the school district but a different time period when starting and releasing. We are flexible with times. Normally, it would be before or after the elementary school.

Chairman Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Board on the Etta Hamilton Site Plan & SUP application, please rise and state your name for the record.

Denis McLaughlin: I live next door. Thank you for the opportunity to speak. Looking at these plans, they are nice plans. Anything that involves children, we all admire. I've met Johathon a couple of times. He is a very nice person and a gentleman. He has answered all of my questions. His staff has done the same. I would like to continue that relationship. For the past 22 years, my family and I have been very fortunate to live on a dead-end road. My neighbors and I have enjoyed a peaceful small road. The neighboring building was previously a plumbing business. For the large majority of our time at our home, there has only been one work vehicle driving past our house. The nursery school/daycare would have a significant impact not only on the road but also to all of the families that live on that road. I also fear that the impact on my own family members every day life as well as our home property values would be affected. In regards to traffic, I am extremely hopeful that the traffic design works. Unfortunately, on the plan, it is a very tight turn upon entrance and egress. It is very hard to make a left turn onto Galloway Road. I have been living there for 22 years. I see traffic backed up all the way to Larry's Deli. In regards to the traffic study, it wasn't mentioned about cars going out. Right now, there are only 3 of us going out. There is myself, my wife and my neighbor. If there are 80 students leaving and there is an emergency at my house or my neighbor's house, there would be a problem getting out. I have concerns about that. Would the road be widened?

Would the road be striped for parking spaces? Would there be signage in front of my house? Who decides in the enrollment numbers? We would like to continue with the quiet enjoyment of our home. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Etta Hamilton application?

Walter Parkinson: I live at 11 Galloway Road. I have been living there for 30 years. In the past 5 years there has been a significant increase in traffic. I don't know when they had done this traffic study. There has been 15 minutes at times where I cannot get out of my own driveway. That is not just during the peak hours. It happens all day long. What drives down Galloway Road are not just passenger cars. There are delivery trucks and school busses that drive down that road. There have been Jones Chemical trucks driving down that road. It is noisy. I am use to it. I don't like it. I don't like to add to it. I have concerns with the lighting plan. The 2nd floor of my house will be looking at those lights. I want to make sure those lights are shielded.

Chairman Astorino: Absolutely.

Walter Parkinson: I was on the Recreation Commission in Yorktown, we put up ball fields where we had night lights that were completely shielded from the neighbors. It could be done.

Chairman Astorino: Absolutely. That is in our Design Standards.

Walter Parkinson: Ok. There is a creek. That creek floods. They would have to mitigate that problem. The traffic is my biggest concern.

Chairman Astorino: The Applicant's Professionals had done a traffic study. Our Town Professionals review the traffic study. We review everything to make sure that we are satisfied.

Walter Parkinson: Ok. Most of the residents here this evening is that their major concern is regarding traffic. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Etta Hamilton application?

Patrick Donovan: I live at 22 Galloway Road. I live on the corner. I have traffic concerns. It takes me 5 to 10 minutes at times to either get out or across the road on Galloway. I have been living there for 20 years. I live right on the corner where you are talking about removing the bush.

Chairman Astorino: What bush is there?

Patrick Donovan: It is a seasonal grass bush on the corner. I believe it is located right on my property.

Chairman Astorino: It is right on your property. Is it not on the DOT right-of-way?

Patrick Donovan: I believe it is right on my property. I don't know if it is on a survey or about removing it?

Chairman Astorino: But if it is in the NYSDOT right-of-way, they have a right to it.

Patrick Donovan: Yes. But if it is on my property, I would leave it. The traffic is a nightmare. I could park on that road. If I park my car on the side of my house on Clinton Ave Extension, we have 40 cars going back and forth and having other people park on that side of the road, I don't see how it is feasible.

Chairman Astorino: Are you parking in your driveway or on the Village Street?

Patrick Donovan: It is the Village Street. I can park on the Village Street. I don't know how this would work with 40 to 50 cars going through. Just like the last gentleman had said, in the last 5 to 10 years traffic has considerably increased. I have been living there for 20 years now. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Etta Hamilton application?

Dave Sliter: I live at 18 Galloway Road. I am also representing Corwin Florist. I didn't catch about what was said about the declaration.

Elizabeth Cassidy: I will make sure you would get a copy of the declaration.

Chairman Astorino: Are you a part of that easement?

Dave Sliter: Apparently.

Elizabeth Cassidy: What we are looking to do is give you an easement to Clinton Ave Extension over that property.

Dave Sliter: Ok.

Elizabeth Cassidy: You have access to the front because you have a separate tax lot. We would give you an easement to have access to Clinton Ave Extension. I brought a copy of it. I will give you a copy.

Chairman Astorino: Elizabeth, I think that should be done soon.

Elizabeth Cassidy: Yes.

Chairman Astorino: Bob after all of these easements is prepared, they would go to you for review.

Bob Krahulik: Yes. That would be done before the maps are signed. We would see fully executed copies. They would have to be recorded with the Orange County Clerk. This would all be done before the maps are signed.

Dave Sliter: Living on the road, the traffic is a challenge. Making the left-hand turn, is that road going to stay currently the way it is?

Chairman Astorino: Yes.

Dave Sliter: It is not a direct 90-degree turn. It is an awkward turn.

Starke Hipp: There is no intention to change the configuration.

Dave Sliter: That ought to be part of the discussion as well. If there is going to be an increase in the number of cars, something should be done in that Village Street.

Chairman Astorino: That is why our Town Professionals are reviewing the traffic study. We have notified the Village as well. Is there anyone else wishing to address the Board on the Etta Hamilton application?

Judy Hicks: I think what would impact the traffic is that I have heard that a nursery school, preschool, and daycare are all different. They would all have different kind of hours. Is a preschool different than a daycare?

Jonathon Hamilton: Our special needs are usually a time period when the parents have an opportunity to work. A parent with a special needs child normally doesn't work a full day. They usually work a partial day. Normally that time period is from 8am to 4pm. We have the flexibility to move that in order to avoid the problem with the elementary school's exit time. You will hear tonight how special needs works. We are learning it. There will be experts in it.

Judy Hicks: It is an all-day program. Is that correct?

Jonathon Hamilton: It is an all-day program. There are some before. There are some after. That is only because of the parent's work schedule.

Judy Hicks: Ok. It is a daycare for special needs children.

Jonathon Hamilton: There are some integrated classes with some special needs kids as well as mainstream that work together.

Judy Hicks: Are the parents responsible to get them to the preschool/daycare?

Jonathon Hamilton: Most of the time they would have the opportunity to bus in. It would depend on where they live and where the bus routes are.

Judy Hicks: What are some of the hours? Is it a year-round timeframe?

Jonathon Hamilton: It runs with the school-year. There is a summer program. It is limited to that.

Judy Hicks: Do we have a number as to how many children?

Jonathon Hamilton: At max capacity, it would be 80 students. The buses hold 16 students. They are the smaller buses. Let's just say about 8 students per bus would be 40. It would all depend where the need is.

Chairman Astorino: The max capacity would be 80 students.

Jonathon Hamilton: Right. In the beginning through the programs that we had, it takes a long time to build up to 80 students.

Chairman Astorino: As a Planning Board, we have to take a look at the max capacity.

Judy Hicks: I live at 3 Clinton Ave Extension. The edge of my lawn abuts up right to the road. There is no curb and shoulder. I have safety concerns. I really don't want people parking on the lawn. Thank you.

Chairman Astorino: I don't think that would be an issue. They can't do that. Is there anyone else wishing to address the Board on the Etta Hamilton application?

Dave McDougall: I am a long resident of the Village. I have concerns about the traffic. I live on 5 Clinton Avenue. There would be a lot of parents rushing through there with trying to get their kids to the daycare so that they could get to work. There would be a lot more traffic than what everyone is used to there. There needs to be something done. Everyone will be cutting through. I have concerns with traffic on Galloway and Clinton Ave. When you pull out of Clinton Avenue onto Galloway Road and you are looking at the extension, there is a lot of brush that hides your view. The brush needs to be cleared from there. They should put up signs for no through traffic and slow down for children. There should be a cop or two sitting there. I don't want people speeding through my neighborhood. In the past few years, the population has gone up. Something has to be done with the traffic and save our neighborhood. I heard you talk about the numbers with traffic. When it comes to the real deal, it is a different story.

Chairman Astorino: It is our avenue as a Board to review the numbers. Anyone can speed through a neighborhood. They are morons. It happens all the time. People need

to respect going through there. If people are speeding, they should be pulled over and ticketed.

Dave McDougall: There should be a few more cops sitting there. There should be more signs. I just want to keep it safe. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Etta Hamilton application?

Dan Depew: I am here as a family member supporting Denis and Jamie McLaughlin and Judy Hicks. I appreciate at the time you gave us at the last meeting to speak about the concern of the Town and what everyone believed to be a paper street. I was surprised that the Quick Claim Deed was still being mentioned as a requirement of the Planning Board's notes. Based on other research it seemed as if the Town never owned the roads. There was no need for any type of exchange of properties. I would like to understand that.

Bob Krahulik: The purpose of the Quick Claim Deed was to clear any questions as to whether or not the Town had an interest in the property. The Town has no interest in the property. It never did.

Dan Depew: Ok. Thank you. As far as the protection for the residents whose only access is that parcel/road onto Clinton Avenue Extension, my concern is that we have a great owner who is here accepting the responsibility to take care of that road. They could decide to sell the school to another person or company to run the school. I am concerned that issue is going to be a perpetual learning curve as that property changes hands forever.

Chairman Astorino: Do you mean the maintenance?

Dan Depew: Yes. I do understand that the Planning Board has the authority to its approval to make this part of the requirements for their approval and that it would be filed with the County. I do fully understand that. Another avenue that the Planning Board might consider is that you might create a drainage district for stormwater retention ponds to make sure those ponds would be maintained if the owner is not doing it. You also have the ability to create a lighting district to make sure that lighting is maintained. You would also have the ability to create a road maintenance district. I would suggest and ask that the Planning Board consider the creation of a road maintenance district that would have the sole tax paying member of it be this property. That way if they take care of it, then that is fine. But in the event in the future, it becomes a problem the folks who own the property would have the house that wouldn't have been able to exist without that access and right-of-way in which it was intended to be a Town Road would not be left to suffer. I would ask that the Planning Board seriously consider that. Regards to the parking issues, it looks like you have a lot of ideas and work that your Professionals have reviewed in regards to the number of spots that are needed for the maximum occupancy that is being

proposed. However, I have kids myself in school. There are events that the school holds from time to time whether it would be recitals, graduations and special events. How would they adhere to keeping the parking available for when all of the parents and grandparents shows up for that special day. What would it do to Judy Hick's lawn that day? I am concerned about that. I am also concerned about the adverse side of it and to something that Denis had said. I would ask for that to be looked at. At minimum, I would ask the Planning Board to consider having signage along the street or on the land that is in the Town that states that area of the street on Mr. Sliter's side of the property and on McLaughlin's side of property that no parking would be allowed on that curb for school-based parking.

Chairman Astorino: That would be on the school's property. Bob, please answer that.

Bob Krahulik: The Town never had an interest. It is private property.

Chairman Astorino: The signage would be on the school's property. Is that correct?

Bob Krahulik: Does the Applicant feel it would be beneficial? They could offer it. There is no requirement for it.

Chairman Astorino: I understand that. But it would make sense to put up a couple of no parking signs there.

Dan Depew: I think it would make sense. It would be up to the Planning Board in this jurisdiction.

Chairman Astorino: A couple of no parking signs does make sense. That would be the Applicant's enforcement. It is not the Town's enforcement. We could add it to the site plan.

Dan Depew: I think it should be on the site plan. It would be enforceable the same as a handicap sign would be. In regards to the disputed DOT of what is laid out in the traffic safety plan. I go to many Planning Board meetings that deals with this lot. Normally when you have a state agency like that where a traffic plan is pointing out that there is a potential issue that may need to be mitigated on a state right-of-way or a state area, it is not normally accepted that a notice telling the state that this may be an issue is normally acceptable especially when parking and traffic has been brought up so much by the public here tonight. I really think that leaving the public hearing open to the next meeting. If with no state comment leaving it open for written feedback from that before making a decision would be really important. Traffic and safety are a huge priority from the folks that spoke tonight. I think it is a key to not have their consent feedback to what the recommendations are. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Etta Hamilton application.

Kacie Grieco: I am the Deputy Director of Child Care for Orange County. As the residents had said, Orange County is experiencing tremendous growth. That growth has led to 187 children wait list for services in Orange County. The families and children need the spaces that are going to be created through this project with the NYS Office of Special Education through the State's Department of Education. These programs are highly sanctioned to be 5-hour programs and specified if the children would be receiving speech occupational therapy or physical therapy. The Hamilton's are going to be offering 32 special education identified slots in this new program in this community. This would be a tremendous value and asset to this community. I think that fully outweighs the traffic concerns.

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

Amanda Panetta: I am a school Psychologist. I could contest to that. We have so many 4-year-olds that don't have any related service. We have students that don't have any programs that don't have any related service provider facilities. It is not just for Warwick. It would be for all of our babies that become students in our school-aged programs. It awesome to have not only for myself but also for our community. My son went through the Village Daycare Center. They are safe. Their quality of character is amazing.

Chairman Astorino: Is there anyone else wishing to address the Board on the Etta Hamilton application?

Violetta Quezada: I work for the district in the Special Education Department. I have a letter from my director. She couldn't be here tonight. We totally support the commitment of Ms. Etta Hamilton. Right now, we have approximately 10 kids waiting for programs. We have 20 kids in another district that is very far. Some of the kids go like an hour away even to Rockland County to get these services. We would appreciate to have this local so our kids don't need to commute so far. We would like to read to the Board the letter from Warwick Valley Central School District for the record as follows:

Dear Members of the Warwick Town Hall:

My name is violet Quezada and I am reading this on behalf of Elizabeth DeFrancesco, the Director of Special Education for Warwick Valley Central School District who is unable to attend this evening.

I am writing to express my enthusiastic support for Etta Hamilton's proposal to construct a new special education center here in Warwick. This initiative is not only timely but also critically necessary for our community.

As you may know, there is a growing demand for high-quality, appropriate placements for our youngest learners in the Committee on Preschool Special Education.

This is an opportunity for our children to receive the special education support that is proven to make a profound difference in their development and long-term success.

Etta Hamilton's vision to build this new center will directly address a crucial need. It will provide a safe, nurturing environment where children can thrive academically, socially, and emotionally.

In addition to its immediate benefits, this new center will strengthen our community as a whole. Warwick has long been and will continue to be a leader in inclusive, high-quality early childhood education, attracting families and professionals committed to supporting children in all abilities.

I strongly urge the members of this Board to approve this project.

Chairman Astorino: Thank you. Is there anyone else wishing to address the Board on the Etta Hamilton application?

Nick Mangel: I just wanted the record to be clear that there are numerous parents here that are in support of the Hamilton's. We are not here as traffic specialists or engineers. We would leave the traffic concerns to the professionals that have done the report and are reviewing the report. I wanted the record to know that we know the people that are running this. We know they have been life long residents. The Village Daycare that the Hamilton's run, you get respect, safety and protection of the kids. I am sure that this project would mirror that. We have seen that so far.

Chairman Astorino: Thank you. Is there anyone else wishing to address the Board on the Etta Hamilton application?

Jamie McLaughlin: I live on Clinton Avenue Extension. I also work at Kings School. I have seen what a wonderful job these individuals do there for school. It is run very well. That in fact is a school. It is an absolute nightmare at pickup and drop-off times with the amount of parking and cars. If this project gets approved, would the hours of operation be limited?

Chairman Astorino: It is in the Code. The hours of operation are in the Code that they would have to abide by. That would be the same with the Design Standards, lighting, stormwater, traffic, etc... It is a permitted use in the zone. That is why they are before the Planning Board.

Jamie McLaughlin: Ok. My concern is the safety of the kids with the traffic study. A fire truck cannot make a right-hand turn into our road. A bus would not be able to make a left-hand turn out of our road. The road would definitely be impacted on the Village's part. It is not the Town.

Chairman Astorino: This Board has reached out to all of the emergency services. As you have heard in our comments, there would be another level of reach out to the emergency services.

Jamie McLaughlin: My concern are accidents. The Applicants does a wonderful job. The teachers are amazing.

Chairman Astorino: Yes. By everyone that had spoken tonight that is a testament for the people. You should take that to heart. We as a Board understand that. The Planning Board looks at the safety issues. That is the biggest concern. That is why I have Professionals on this Board and are instructed by this Board to make sure it is done correctly. It is reviewed by this Board and its Professional at 110%. Is there anyone else wishing to address the Board on the Etta Hamilton application?

Elizabeth Cassidy: There was discussion about a potential district. As part of the standard form of declaration, we require a declaration to the Town that if we fail to maintain, the Town could do so and then bill it back. There is a mechanism in place. I did have an experience before with one of my other Planning Boards that I work with that there was concerned about large events and parking. As a condition of the approval, I am sure the Hamilton's would be more than happy to is have a safety plan with the Chief of Police.

Chairman Astorino: That could be an issue on that road. I would think you would need to plan accordingly if at all to have that. It sounds well to have an event. There are other places in this community that you could have an event. It would be safer. The event could be held at Mountain Lake Park or down at the Manor House located in Warwick Woodland Park. It might be at the school site, but it would save a lot of grief.

Jonathon Hamilton: We agree with that. We need to continue to self-grade our kids. We probably do events probably 3 times a year max. We have other locations. One location is at the Good Shepard Church. There is a big backyard located there. We have the biggest playground in the whole County in childcare. It could hold up to 300 people. If we have an event for graduation or a summer program, we could hold it at the Good Shepard Church location.

Chairman Astorino: That would be a good idea. Let's put a note on the plan to that effect. We all love to celebrate our children. We just want to make sure it is safe.

Elizabeth Cassidy: We would put a note on the plan to that effect.

Chairman Astorino: Ok. Is there anyone else wishing to address the Board on the Etta Hamilton application?

Brianna Hamilton: We are only in operation on week days. If someone is having a family reunion, there would be people in the street. That would happen on a weekend. That would not happen on a week day.

Chairman Astorino: You would never know that. We just wanted to make sure it is done correctly. Is there anyone else wishing to address the Board on the Etta Hamilton application? Let the record show no further public comment. Does the Board or Professionals have any comments or concerns?

Bob Krahulik: I have a question for the Applicant. Would you be serving children older than 5 years of age? The reason that I bring it up is that you are seeking approval for the operation of a nursery school. A nursery school is defined as an Institution for daytime care or instruction of children from 2 to 5 years of age. If you are going to fall outside of that limitation and perhaps also seeking approval in something addition such as a State Accredited school. Before the Planning Board decides to give approval for a nursery school, I wanted to make sure you are certain that you are operating a nursery school rather than something other than a nursery school.

Jonathon Hamilton: There would not be any children over 5 years old. Regarding the licensing, the maximum age limit is 5 years old. Someone might be born on December 2nd and they might be 5-1/2 by the time they leave out. The intention is to be between the ages of 3 and 5 years old.

Chairman Astorino: There would be no greater than that.

Jonathon Hamilton: No greater.

Chairman Astorino: Bob, are you comfortable with that?

Bob Krahulik: Yes.

Chairman Astorino: Do any Board members have any further comments or concerns? Is the Board comfortable with that?

Mr. Kennedy: Yes.

Mr. McConnell: Yes.

Chairman Astorino: I have a question for our Engineer. Regarding the traffic report that HDR had reviewed, are you comfortable with the traffic report?

Laura Barca: Yes. As long as they adequately address the comments.

Chairman Astorino: I understand that there are traffic comments that need to be addressed.

Laura Barca: Yes.

Chairman Astorino: If this application does get approved by the Planning Board, it would be a conditional approval. If the conditions of the approval are not met, the site plan maps would not be signed-off. The approval would go nowhere. I have a question for our Planner. Max, are you ok with it?

Max Stach: The one issue is that, I would want the condition of the approval to be subject to lighting review.

Chairman Astorino: Yes. The lighting review would have to meet the Town Code. If not, it goes nowhere. The lights would have to be shielded. There was a resident that had brought that up this evening. It was a very good point brought up. We need a motion from the Board to close the public hearing.

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 Comment #2 to waive the certification of iron rods have been set at all property corners.

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

Mr. Purcell makes a motion on the Etta Hamilton application, granting conditional Site Plan Approval and Special Use Permit for the use and construction of reuse of existing commercial building as nursery school, and construction of parking area and storage shed a/k/a ***Elite Strategies, LLC***, situated on tax parcels S 52 B 1 L 9 and 10.2; parcels located on the western side of Clinton Ave. Ext., 400 feet south of Galloway Road (10 Clinton Ave. Ext.), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on July 17, 2024. Approval is granted subject to the following conditions:

1. OC Planning Department – 07/11/24 comments on stormwater concerns due to NYSDEC wetlands, preparing a lighting plan and fencing around necessary areas.
2. Applicant to clarify connections to the Village of Warwick water and sewer; Village of Warwick resolution.
3. Applicant to show water and sewer connections on drawings.
4. Add a sign to details indicating which handicapped spaces are van accessible. Please add a sign legend on Sheet C-103. Also one of the one-way arrows appears to be headed the wrong way (C-103 by parking space D10).
5. Applicant to be aware that the 100' buffer for NYSDEC wetlands could be changing to 300'. Although the regulations are a new, a path to "grandfathering" the project could be to have SEQRA complete and an approved site plan before January 01, 2025.

6. Applicant to confirm that tree protection does not overlap with pavement. Please confirm the size of the trees along property line to confirm tree protection is sufficient.
7. Sheet 1, General Note 15 states that access must be granted to two parcels; applicant to clarify if parcel 52-1-23 requires access and subject to Town Planning Board Attorney's review.
8. Applicant to grant an access easement across northern portion of Clinton Ave Extension or right-of-way parcel, to the two neighboring properties which use it for access to village road to Town Planning Board Attorney's specifications.
9. Applicant to create unimpeded access across the right-of-way parcel (Clinton Ave Extension). Applicant to add driveway, to create this access. Proposed driveway must comply with § A168-19 to Town Planning Board Attorney's specifications.
10. Applicant must request permission to convert Clinton Ave Extension into a private road. Submit Quit Claim Deed.
11. Provide slopes and cross slopes for all sidewalks surrounding the building; Slopes greater than 8% are considered a ramp and have requirements for slope, handrails, length of ramp, etc. Any slope exceeding 5% requires a handrail. Spot elevations should be added to confirm that area is not too flat, which would create ponding if not sloped for drainage.
12. Please confirm the fire truck vehicular turning envelope is continuous.
13. Fire truck overhang envelope at the southwest area of the parking lot, the overhang seems to cross out of the gray asphalt onto a structure. Please confirm this is ok or otherwise adjust the turn.
14. Please explain the use of the cutaway vehicle and why it is presumes to back out and not follow the full loop to exit. Update turning movements for both turning diagrams.
15. Applicant to clarify the choice of vehicle used for the second turning diagram.
16. Traffic Report, Existing Traffic Volumes – Table 1 presents AM and PM peak hours that don't match the discussion in the following paragraph (for example – table not 7:00-8:00am peak hour and text refers to 7:00-9:00am peak hours).
17. Traffic Report, Existing Traffic Volumes – Table 1 presents AM and PM peak hours that don't match the discussion in the following paragraph (for example – table not 7:00-8:00am peak hour and text refers to 7:00-9:00am peak hours).
18. Traffic report Table 2 – Please provide the field observation sheets for the sight distance evaluation
19. Traffic report – Applicant to clarify who would be responsible for the clearing of the vegetation to open up the sight distance along the southern side of Galloway Road. Please update report based on the vegetative clearing.
20. Traffic Report, section 3 – Please specify the total compounded growth rate used.
21. Traffic Report- please provide detailed calculation for Table 3 (Summary of Peak Hour Trip Generation).
22. Traffic report, capacity analysis – Please explain how increase in traffic on the NB approach resulted in decrease in delay, although there are less gaps for vehicles to cross the intersections and a longer queue.
23. Planning Board to coordinate with Fire Department.
24. Applicant to consider using a more native plant species as encouraged by the Town of Warwick Design Standards.
25. Applicant to submit landscaping and performance bond cost estimates (for engineering review) and form of the bond (for attorney review).
26. Declaration information for required documents filed in Orange County Clerk's Office must be added to the plans.

27. Surveyor to certify that iron rods have been set at all property corners. Waiver requested.
(WAIVED)
28. Surveyor to sign and seal drawing.
29. Payment of all fees.

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

Dan Getz: Thank you.

Etta Hamilton: Thank you.

Jonathon Hamilton: Thank you.

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Review of Submitted Maps:***St. Stanislaus Church 2nd Amended Lot Line Change***

Application for Sketch Plan Review and 2nd Amended Final Approval of a proposed Lot Line Change, situated on tax parcels S 13 B 1 L 1.11, 1.4 and 17.2; parcels located on the northern side of Cty. Hwy. 1 570 feet west of Pulaski Hwy., in the SL/LB zones, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Stephen Mandracchia, Applicant's Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a Type 2 Action granting of individual setback and lot line variances and adjustments. The Planning Board may enter the determination into the record by motion and vote. No further SEQRA action is required. The project site is within an Agricultural District and within 500 feet of a county road, and there the application must be forward to Orange County Planning for GML 239-n review.

Comment #2: Applicant to discuss project.

Stephen Mandracchia: This is a follow up to the application that was made last year which resulted in the formation of the deeding from a neighbor to St. Stanislaus Church which is Lot #11. The Applicant now seeks to do a land swap with the owners of Lot #1.4. A portion of Lot #11 would be transferred to Lot #1.4. A part of Lot #11 would also be part of Lot #17.2. This application would be deed transferring and changes to the lot lines.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 10/30/24 parcel 13-1-1.4 expired permit #31301 for rear addition: 16' X 12' Mudroom, full bath and laundry, rear deck 12' X 13'9", front porch 6' X 6'

Chairman Astorino: You would need to contact the Building Department about the expired permit.

Stephen Mandracchia: Ok.

Comment #6: OCDPW – pending

Chairman Mandracchia: Connie, was this sent to OCDPW?

Connie Sardo: Yes.

Comment #7: OC Planning– pending comments

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

Chairman Astorino: I don't believe we need to do a site visit for this lot line change. How does the Board feel?

Mr. Kennedy: Agreed.

Mr. McConnell: Agreed.

Mr. Purcell: Agreed.

Comment #9: Applicant to show square rule §137-21.K(1). Requesting a waiver.

Comment #10: Applicant to show buildable area §137-21.A. Requesting a waiver.

Chairman Astorino: We don't have an issue regarding those waivers. There is no construction proposed.

Comment #11: Applicant to update tax ID's in all locations on the drawing. The large parcel is 13-1-17, the "top finger" is 13-1-11, and the parcel with the home is 13-1-1.4.

Stephen Mandracchia: Will do.

Comment #12: Town of Warwick Standard Notes must be added for lighting.

Stephen Mandracchia: Will do.

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

Stephen Mandracchia: Will do.

Comment #14: Surveyor to sign and seal drawing.

Stephen Mandracchia: Will do.

Comment #15: Payment of all fees

Stephen Mandracchia: Will do.

Bob Krahulik: We need to add a Comment #16, Review of proposed deeds to Town Planning Board Attorney's specifications.

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

Mr. Kennedy: No.

Mr. McConnell: No.

Mr. Purcell: No.

Stephn Mandracchia: We ask the Board to waive the final public hearing.

Chairman Astorino: I don't have a problem with that.

Mr. Kennedy makes a motion to waive the final public hearing.

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

Chairman Astorino: Max, do we need to do anything with SEQRA?

Max Stach: All you need to do for the record is to state a motion by vote to that the application is a Type 2 Action.

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

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

Chairman Astorino: We need a motion for granting conditional final approval.

Max Stach: The Board cannot make that motion yet. We need to hear back from Orange County Planning.

Chairman Astorino: Ok. We cannot grant conditional final approval yet. We will need to wait to hear from Orange County Planning.

Connie Sardo: It was sent to Orange County Planning.

Stephen Mandracchia: Ok. Could we be put onto the next meeting?

Chairman Astorino: Yes. We will put the St. Stanislaus Church application on the December 18, 2024 Planning Board meeting.

Stephen Mandracchia: Ok. Thank you.

Rumaldo Castro Caguana & Maria Saul Loja

Application for Site Plan Approval & Special Use Permit for the tree removal greater than 0.25-acre (Chapter 150) and a Class II Home Occupation for parking of two large commercial trucks, situated on tax parcel S 49 B 2 L 50.2; project located on the eastern side of Barrett Road (335 St. Rte. 94S), in the RU zone of the Town of Warwick.

Representing the Applicant: Elio Qorri, from LAN Associates.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: Type of Action. This is a Type II action per 617.5 (c)(18) “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part”

GML Referral. This project will need to be referred to the Orange County Department of Planning for GML 239-m review as it is within 500 ft. of a state highway (94S) and a municipal border.

Lighting.

We are not in receipt of a lighting plan. If any exterior lighting is proposed, a lighting plan should be forwarded for our review.

Landscaping.

We recommend additional plantings to screen the truck parking area for the Class II Home Occupation from all adjacent residences and rights-of-way.

Design Guidelines.

We are not in receipt of architectural drawings. If any structures or exterior alterations to existing structures are proposed, plans should be forwarded for our review.

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

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

Comment #2: Applicant to discuss project.

Elio Qorri: This property is located at 335 State Route 94S. It is located in the RU zone and the Aquifer Protection Overlay District. The lot size is 7.18 acres total. The property is primarily wooded. It contains 3 main structures. It has access on to State Route 94S. There is a graveled driveway. The 3 structures are as follows: One main residential dwelling, 1.5-story framed garage and a 1-story garage. The Applicant received a Violation Notice back in March for business use Chapter 154 and also for tree cutting and excavation over ¼-acre without a permit Chapter 150. Our survey revealed that the limit of tree cutting was at approximately 26,900 square feet which is 0.62 acres that is located adjacent to Barrett Road. The Applicant has submitted a site plan for tree clearing for more than ¼-acre. The applicant has also submitted a site plan for special use permit for a Class 2 Home Occupation. The Applicant is looking to obtain approval after the fact for the tree clearing. They would like to park 2-commercial vehicles on their property for Professional Keylor Tree Service, Inc. The last time we had discussed if the business does qualify for landscaping services. The landowner has provided me with a certificate from Rockland County for a license classification for tree servicing and landscaping. I could provide that licensing to you. We are proposing to plant 29 Arbor Vitae and Malus Domestica Honey Crisp trees at that location. We are also proposing to park 2 commercial vehicles on the property. They propose not to make any other changes, no lighting changes, and no modifications to the driveway. There would be no modifications made to the structures.

Comment #3: Conservation Board

Comment #4: Architectural Review Board

Comment #5: TW Building Department – 09/06/24 Notice of Violation #20240-0029 issued on 03/21/24 for illegal business; still operating. Notice of Violation #2024-0030 for tree cutting.

Comment #6: OC Planning Department – 09/04/24 advisory comments - owner must mitigate impacts for increased traffic, existing driveway should be moved outside of the functional area of intersection.

Comment #7: NYSDOT – entrance permit application required

Chairman Astorino: You would need to obtain an entrance permit from NYSDOT.

Elio Qorri: It is only for 2 vehicles.

Chairman Astorino: I understand that. It is located on a state highway.

Laura Barca: Right. It has to be coordinated with NYSDOT.

Elio Qorri: Ok. We will coordinate with them.

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

Chairman Astorino: Would the Board like to do a site inspection?

Mr. Kennedy: It doesn't matter to me. I see it all the time.

Chairman Astorino: I see it to. We drive by it all the time. Laura, are there any other comments to discuss in your comment letter? Nothing can happen tonight. They need to go to NYSDOT. Do any Board members or Professionals have any comments or concerns?

Elio Qorri: Regarding Comment #35, iron rods to be set at all property corners. There are pins on the property. We are not proposing anything new.

Chairman Astorino: You could ask the Board for waiver of the iron rods.

Elio Qorri: Ok.

Max Stach: I have a question. This application is for a proposed home occupation. It is also a home. There should be some clarity here. You had said that no outdoor lighting is proposed. I assume there would be some kind of a cherry picker vehicle that would be stored on site.

Elio Qorri: There would be two of those vehicles stored on site.

Max Stach: Those are not insignificant pieces of equipment from a price standpoint. Is that correct? I just wanted to be sure that you are not planning to put up a flood light and calling it a residential flood light. You say that is ok to do. Any exterior lighting has to be approved by the Planning Board once this becomes a Class 2 Home Occupation.

Mr. McConnell: It seems like we are trying to find hoops to jump through so that they could park 2 vehicles on the property.

Chairman Astorino: We are not trying to find it. The Applicant's are trying to find it. Dennis, I agree with you.

Mr. McConnell: It seems like you have a commercial spot by Warwick Rentals. It seems like everyone's time would be better served if you could find a place and simply pay somebody to allow to park the vehicles. It would seem simpler to do rather than going to the NYSDOT and having a site visit. It seems like we are struggling to find a solution to what ought to be fairly simple.

Chairman Astorino: Dennis, they are before the Planning Board regardless for the Chapter 150.

Mr. McConnell: That was because of cutting down the trees.

Chairman Astorino: They are before us no matter what.

Mr. McConnell: Ok.

Elio Qorri: I believe they have about 5 large vehicles and a few trailers. They are definitely utilizing that aspect. Not all vehicles are always in use. There is really no use for the business owner to pay for additional parking when they have a 7-acre property.

Mr. McConnell: Does the Chapter 150 require the NYSDOT?

Laura Barca: Once it is in front of the Planning Board, if the driveway entrance is off a State or County Highway regardless of what they are doing, the Planning Board has to coordinate with them. We cannot make that call. They need to make their own decision.

Mr. McConnell: Ok.

Elio Qorri: At that point if the NYSDOT does request that they do work to the driveway, it would still be a lot cheaper than parking the vehicles somewhere else.

Chairman Astorino: Yes. Do any Board member or Professionals have any comments or concerns? We will List Comment #9 through Comment #37 for the record. Does the Applicant wish to be set for a public hearing at the next available agenda?

Elio Qorri: Yes.

Mr. Purcell makes a motion to Set the Rumaldo Castro Caguana & Maria Saula Loja 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.

Elio Qorri: Ok. We will coordinate with Laura. We will then resubmit for the 3rd meeting in January. Thank you.

Comment #9: Town of Warwick Standard Map Notes must be added to the plans. Applicant to add SWPPP note and State Highway Note.

Comment #10: Applicant to submit complete Application for Site Plan and Special Use Approval Form.

Comment #11: Landscape screening may be required to screen large trucks.

Comment #12: 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 #13: §164-43.5.A.(8) should be added as a note on the plan. (A use permit, to be issued by the Building Inspector, shall be required for all home occupations.)

Comment #14: Applicant to add a note to that plan stating that this home occupation will allow two large commercial vehicles to be parked on the property. There are no employees, no signage, and no commercial deliveries permitted to the property as part of this home occupation.

Comment #15: §164-46.J (9) Only customary household appliances and equipment shall be used, and no offensive noise, vibration, glare, dust, odors, heat, fumes, smoke, or electrical interference, shall be detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises. Applicant to demonstrate compliance.

Comment #16: Applicant to show properties within 300 ft on plans.

Comment #17: Service capacity letters are required to be submitted to the Fire Department, Police Department, and DPW Commissioner.

Comment #18: Applicant does not provide any sediment or erosion control measures on the plans.

Comment #19: The hours of operation should be shown on the plans.

Comment #20: The 911 address(es) must be shown on the plan.

Comment #21: Applicant to clarify use and class occupation of each existing building and show square footage on plans.

Comment #22: §164-46.J(7) The lot on which the home occupation is proposed must meet the minimum lot area and setback requirements set forth in the Table of Bulk Requirements for the district and any accessory structures proposed to house the home occupation similarly must meet all setback and related bulk requirements.

Comment #23: §164-46.J(53) Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies to the extent possible for an existing building/property (screening or trucks).

Comment #24: Applicant to show distance between wetlands and limits of disturbance on plans. The jurisdiction and any appropriate buffers of the wetland must be shown on the plans.

Comment #25: §164-43.5 A(11): Applicant to clarify number of vehicles used to operate business and include information on plans

Comment #26: §150-5. Permit Procedure should have all requirements completed.

Comment #27: §150-9. Permit procedure for commercial timber harvesting: all requirements should be shown on plans.

Comment #28: §150-11. Commercial and noncommercial forest stand improvement standards must be followed.

Comment #29: Applicant should clarify if land disturbance is complete, or if additional land disturbance will be disturbed/filled. This should be shown on the plans in plain view.

Comment #30: Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).

Comment #31: Include a detail for tree planting area showing locations of all proposed trees and seeding.

Comment #32: §150-4(A)5. A performance bond may be required to ensure conformance to all applicable standards and requirements.

Comment #33: A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate, including installation.

Comment #34: The declaration information for the aquifer protection overlay must be added to the plans.

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

Comment #36: Surveyor to sign and seal drawing.

Comment #37: Payment of all fees.

BMMY College/Old Forge #2

Application for Site Plan Approval & Special Use Permit for the use and interior renovations of the existing 87,000± sq. ft. buildings for an Institution of Higher Learning with 200-students with 12 to 18 professors/administrators with overnight accommodations, Use Group 84, and parking area improvements, situated on tax parcels S 83 B 1 Lo 2 and L 5.1; parcels located on the south Eastern side of Old Forge Road 0 feet South Eastern of Sterling Pines Road (57-61 Old Forge Rd.), in the LC zone, of the Town of Warwick. Previously discussed at the Planning Board Meeting of 9/18/24.

Representing the Applicant: Neil Alexandar from Cuddy & Feder, LLP. Keith Woodruff from Engineering & Surveying Properties.

The following review comments submitted by HDR:

Neil Alexandar: I am here on behalf of the Applicant. We were last in front of the Board on 9/18/24. We had our site visit. We were at a Work Session. We are still widening down on a couple of things. I think that Max's colleague noted that we need to get a draft Part 3 EAF. I am work on that. We hope to get that to you soon.

Chairman Astorino: Ok. Let's get to Comment #1 for Planning Board to discuss SEQRA. I will then list the rest of the comments for the record. They are the same comments from the September 18, 2024 Planning Board meeting.

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a Type 1 Action. The Planning Board circulated a Lead Agency NOI and classified the action on September 18, 2024. We had at that time recommend a Part 2 EAF to the Board identifying several areas of impact that we are recommended the Applicant to address in a Part 3 EAF. This includes Impact on Land, Impact on Groundwater, Impact on Plants and Animals, Impact on Aesthetic Resources, Impact on Historic and Archaeological Resources, Impact on Open Space and Recreation, Impact on Transportation, Impact on Energy, Impact on Noise, Odor and Light, Impact on Human Health, and Consistency with Community Character. If the Planning Board agrees with the possible impacts that may occur with regards to this project as I had previously identified in the Part 2 EAF, you could adopt that Part 2 EAF by a simple motion and vote by the Board.

Chairman Astorino: We have discussed that. We are in an agreement.

Max Stach: Ok. Regarding lighting, I had provided some comments. You had given us a lighting plan. I did not want you to have to wait for that. I might have a couple more comments on that. I am in the process of reviewing the landscaping plan. I felt that it was good to give you this was because part of the lighting concerns has to do with the location of this site. It is located in the middle of a state park. The wildlife and nocturnal wildlife are typically we look for something to be very red or amber hued and not blue light. Blue light could impact wildlife. I looked at the lighting plan. The gist of my comments is, could we go with a Lithonia amber fixture around the lower

parking area and the proposed path light area? The Lithonia amber fixture the LED's don't have the blues.

Neil Alexandar: Ok. They would be warmer.

Max Stach: They would be better than warm. Most LED's have the blue phosphor. These don't have the blue phosphor. The other thing I am asking is that you lower the lights especially the path lights. I believe the parking areas are well lit in terms of the intensity. That path seems to be bright. The other thing that you are proposing is a fixture where you are actually looking at the lit part of the bulb and putting them at 6-feet. You would be walking down this path looking at light bulbs. That would not be good for your night vision. Could you come down like a bollard style light?

Neil Alexandar: Yes. We have no objections in theory with anything that you are saying. We would just have to run it through our insurance carrier.

Max Stach: Yes. That is why I wanted to give this to you. I might have a couple more details as far as what the Code requires. I just wanted to get these general comments out to you.

Neil Alexandar: Yes. Understood. We get where you are going. We just have to talk to our insurance carrier about light safety issues.

Chairman Astorino: We understand you are working on these comments. The Planning Board had done a site visit on the inside of these buildings. They need some work. At this point, do you have any questions on the comments this evening?

Neil Alexandar: We are working through them.

Chairman Astorino: Our Professionals are available to go over these comments. You are at the point where we could set your application for a public hearing at the next available agenda. That would mean you have to address these comments. We will list Comment #2 through Comment #67 for the record. These comments haven't changed since September. We need a motion to adopt the Part 2 EAF.

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

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

Ms. Garby makes a motion to Set the BMMY College/Old Forge Road #2 Site Plan and 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: Keep in mind that the application has been set for a public hearing. It doesn't mean we have to have a public hearing. It means that there is still a lot of work that needs to be done.

Neil Alexandar: Understood.

Keith Woodruff: We plan on having a meeting with Laura Barca. We would go through these comments and itemize them to make sure we get everything done with the next submission.

Neil Alexandar: In our next submission, could we send it to the County again one more time? They seemed to not fully appreciate that this is an Institution of Higher Learning under your Use Code as opposed to it is not a private school.

Connie Sardo: I have resent that to Orange County Planning.

Neil Alexandar: I understand that. You did everything right. The County is not picking it up with that on their comments.

Chairman Astorino: When you resubmit, we could resend it to Orange County Planning.

Max Stach: For the record, I owe you Landscaping comments.

Neil Alexandar: Ok.

Max Stach: Do you want that on the current submission or the next submission?

Keith Woodruff: You might as well have the Landscaping comments on the current submission. We could incorporate those comments in the next submission.

Max Stach: Ok.

Chairman Astorino: Does the Board or Professionals have anything further? Let the record show no further comments.

Neil Alexandar: Thank you.

Keith Woodruff: Thank you.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 06/20/24 – certificates of compliance #16738 and #16737 for removal of oil tanks approved.

Comment #6: OC Planning Department – 01/17/24 advisory comments on traffic, landscaping plan and signage, lighting, community facilities, lot consolidation, biodiversity concerns.

Comment #7: OC Health Department – onsite food preparation requires prior approval.

Comment #8: OCDOH approvals needed for water main extensions and improvements.

Comment #9: OCDOH/NYSDEC approvals needed for sewer main extensions and improvements.

Comment #10: Planning Board to determine if a site inspection is necessary.

Comment #11: Applicant states that proposing to combine the two lots into one lot. This comment will be removed when a letter has been submitted to the Town of Warwick Assessor's office to complete this action.

Comment #12: Town of Warwick §164-46.J(25) requires that the state accredited private schools shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such. This does not apply if the school is a nursery school.

Comment #13: Applicant to clarify if there will be onsite residences for teachers and administrators and include location in architectural plans.

Comment #14: Applicant to confirm if married students will be if attending and if yes provide appropriate accommodations.

Comment #15: Applicant to clarify if boys, girls, or boys and girls will be attending this school.

Comment #16: All features/room types or uses shown on the Appendix I plans should be called out. Applicant to confirm that internal architectural drawings for renovations will be submitted.

Comment #17: Applicant to demonstrate how overnight accommodations at a private school are permitted in the Town of Warwick Town Code. Applicant to provide notice from NYS Commissioner of Education pursuant to 8 NY ADC Sec. 126.5 with regards to overnight accommodations. Applicant to submit accreditation from US Department of Education.

Comment #18: Applicant to clarify the condition (meaning what lines are usable and what lines are not useable) of the existing utility lines (e.g., water, sewer, drainage). Additional land disturbance may be required to repair existing or install/replace new utility lines.

Comment #19: Applicant to revise lighting plan to include lighting for all aspects of East and South building parking lots, as some areas do not meet minimum requirements for lighting levels.

Comment #20: Provide lighting for the parking lot and all outdoor walkway areas.

Comment #21: Sheet C-101 should be updated to label several unidentified shapes on the plan. Applicant to add a key to differentiate to better identify shapes and line types shown.

Comment #22: Applicant to show applicable Town of Warwick standard notes.

Comment #23: The hours of operation should be shown on the plans. Applicant to obtain approval from the State for overnight accommodations to allow for 24-hour schedule. Hours of operations (24-hr) should be added to the Drawings (perhaps as a note under the Bulk Requirements table).

Comment #24: Applicant to submit academic schedule/calendar per school year.

Comment #25: The Applicant shall demonstrate adequate traffic access in accordance with §164-46E(1), including but not limited to existing road, intersections, and access features with proposed traffic and how/when the students will arrive and depart.

Comment #26: Parking calculations in accordance with §164-46E(2) are to be provided for all students, teachers, and all deliveries made to the school. All proposed uses (of all rooms) must be shown on the drawings to be able to confirm parking requirements.

Comment #27: The interior circulation system shall be demonstrated to be adequate in accordance with §164-46E(3); turning radii of vehicles must be shown for all vehicles proposed to enter the project site.

Comment #28: §164-46E(4) requires reasonable year-round landscape and screening from adjacent residential lots and streets. Lines of sight profiles may be required to demonstrate the adequacy of the screening.

Comment #29: The character and appearance of the proposed use must be in general harmony with the surrounding neighborhood §164-46E(5). Applicant to provide narrative describing compliance.

Comment #30: Applicant to update drawings with the height and type of lighting fixtures shown on the plans. Site lighting is required to comply with the Town of Warwick lighting code §164-43.4.

Comment #31: [§ 164-43.2\(7\)](#); Natural landscaping can count as part of the existing can count as part of the 15-percent requirement for landscaped materials. Applicant to clarify if existing vegetation is to remain in proposed parking area near west building.

Comment #32: [§ 164-43.2\(7\)](#): In parking lots with eight or more off-street parking spaces, a minimum of one canopy tree having a caliper of at least three inches and 10 shrubs shall be planted for each eight parking spaces, trees to be planted in median dividers, landscape islands or such locations; to relieve the monotonous expanse of asphalt and provide shade. Please address for south parking lot.

Comment #33: §164-46J(53) Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies to the extent possible for an existing building/property.

Comment #34: All existing and proposed signage must be shown on the plan per §164-43.1. This includes depicting the location and related signage for any handicapped accessible parking spaces. Indicate locations of all proposed signs (stop, no parking, fire lane, etc.) and stop bar on the plans that correspond to the sign schedule and details. Revise sign schedule to be in accordance with current MUTCD standards for sign type, numbering, size, color, etc. Revise sign schedule on Sheet C-301 to include signs related to parking, drop off and crossing areas. Stop signs and one-way signs should also be added. All proposed signage must have a detail associated with it.

Comment #35: Applicant to include striping (and a striping detail) in driveway to show access route for handicapped parking spaces in both driveways.

Comment #36: All accessible parking spaces should have shortest route of access to entrance of building. Applicant to revise plans to show the planned access route to entrances for all accessible spaces. This can include a curbed ramp.

Comment #37: Add wheel stops to each accessible parking space. Provide slopes and cross slopes for all sidewalks surrounding the building; Slopes for curbs cannot exceed 8% in front of handicapped accessible parking spaces. Any slope exceeding 5% is considered as a ramp.

Comment #38: Provide the minimum, maximum and spot grades for all handicapped spaces and access aisles, either on details or site plan; ADA guidelines require that the slope in all directions be less than 2.08%.

Comment #39: The proposed use shall be carried out in a manner that protects historic and natural environmental features, §164-46E(6); applicant to provide narrative.

Comment #40: The level of service for all utilities must be confirmed with each service provider §164-46E(7). Applicant to provide Service capacity letters (utility, water, sewer, highway, police, ambulance, fire, and school).

Comment #41: Applicant to clarify if fire sprinklers are required. If yes, applicant to provide information and approval for that additional water supply.

Comment #42: A site inspection may be required to ensure that emergency service providers (e.g., fire, police, ambulance) are able to access the site in order to respond to an emergency situation §164-46E(8).

Comment #43: Applicant shall demonstrate compliance with §164-46E(9) for noise, fumes, vibration or lighting.

Comment #44: The Town of Warwick Performance Standards represent the minimum requirements for any proposed use, see §164-48. Applicant to demonstrate compliance. Applicant to submit a plan of their proposed machinery and submit a signed affidavit acknowledging they will conform with the applicable performance standards of the machinery. Include relevant aspects of §164-48 in said plan.

Comment #45: In accordance with §164-46E(10), the planning board shall impose any additional conditions as may be reasonably necessary to assure continual compliance with the conditions and that the safeguards can be responsibly monitored and enforced.

Comment #46: Applicant to provide all environmental reports (e.g., environmental site assessment reports, NYSDEC spill reports, NYSDEC Petroleum Bulk Storage data) completed for this property to date.

Comment #47: Applicant should clarify its expected need for air sampling within the existing building, including where the samples should be collected and what these samples should be analyzed for.

Comment #48: A note should be added to the plan: If any environmental conditions are discovered during site re-development or construction (e.g., additional tanks, buried material, historical contamination within buildings, soil contamination, or groundwater contamination), it is the Owner/Operator's responsibility to report as necessary and address to manage these conditions in accordance with all local, state, and Federal requirements. Regulations that may be applicable include NYSDEC Part 260, 364, and 375 criteria. Any sampling and analysis that is required should be implemented in accordance with NYSDEC DER-10.

Comment #49: §164-46E(12)(a) states the location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, the size of the site in relation to the use, its site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residence district or conflict with the normal traffic of the neighborhood. Applicant to confirm compliance.

Comment #50: §164-46E(12)(b) states that the location and height of building, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use the adjacent land and building or impair the value thereof. Applicant to confirm compliance.

Comment #51: §164-46G (1) to (4) contain site plan requirements. Applicant to confirm that all items have been submitted and provide narrative to indicate where each item has been submitted.

Comment #52: §164-46G (5) contains additional information that the planning board may require to be submitted: (a) analysis of fiscal impacts to the Town and (b) a traffic impact study and analysis. Planning Board will make this determination after additional information has been submitted by the Applicant. Fiscal impact analysis should be submitted.

Comment #53: The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.

Comment #54: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet O-100, General Note 15

Comment #55: Applicant to clarify proposed shift in western treeline and if trees are to be removed. Applicant to show on landscape plans where trees will be removed and clarify how they will “limit removal of trees”.

Comment #56: Traffic study should include bussing pick-up and drop-off schedule.

Comment #57: In reference to the Trip Gen Letter, Applicant to confirm if the end of June consider a typical month of traffic in the Town of Warwick.

Comment #58: Please have the consultant update table 2 section 3 in the Trip Gen Letter to show both AM and PM peak hours trips and student bus trips, as discussed in the paragraph below. The table should include all type of trips and peak hours to show the total expected trips.

Comment #59: The discussion at the end of section 3.0 only mentions the AM peak hour (20 existing and 56 future). There should be a discussion about the PM peak hour trips as well.

Comment #60: Please have the consultant explain how they calculated the ITE trips for land use 760 and 528.

Comment #61: Applicant to clarify if there will be any construction activity (trips) involved in refurbishing the structure from a NYU research facility to a Talmudic boarding school.

Comment #62: Parking Lot Map C-102 – Parking lot by the east building – there are 11 spaces (including the 2 ADA spaces in the north side and not 12 as marked).

Comment #63: Parking Lot Map C-102 – Parking lot by the west building – there are 10 spaces (including the 2 ADA spaces in the west side and not 9 as marked).

Comment #64: Surveyor to certify that iron rods have been set at all property corners.

Comment #65: The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.

Comment #66: Applicant to post any Performance and/or Landscape bond, as determined by the Planning Board.

Comment #67: Payment of all fees.

Other Considerations:

- 1) Planning Board Minutes of 10/16/24 for PB approval.

Mr. Kennedy makes a motion to approve the PB Minutes of 10/16/24.

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

- 2) Planning Board to discuss changing Workshop & Regular meeting time schedule to 7:00 p.m.

Chairman Astorino: That would start on January 1, 2025. Is everyone good with that?

Mr. Kennedy: Yes.

Mr. McConnell: Yes.

Connie Sardo: The Planning Board is good with the Workshops and Regular meeting times to start at 7:00 p.m. I have sent a memo to the Town Board regarding that.

Chairman Astorino: Ok. Thank you.

- 3) Planning Board to cancel the 11/25/24-W.S. & 12/4/24-PB Meeting.

Mr. McConnell makes a motion to cancel the 11/25/24-W.S. & 12/4/24-PB Meeting.

Seconded by Ms. Garby. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Correspondences:

1. Email correspondence from Judith Hicks, dated 11/15/24 addressed to the Planning Board in regards to Elite Strategies nursery school.
2. Email correspondence from Denis McLaughlin, dated 11/19/24 addressed to the Planning Board in regards to Elite Strategies.
3. Email correspondence from Rodger Friedman Sterling Forest Partnership, dated 11/19/24 addressed to the Planning Board in regards to BMMY College.

Chairman Astorino: We have received Correspondences. They are listed for the record.

Privilege Of The Floor For Agenda Items!!

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

Rodger Friedman: I have a question that relates to the BMMY College. Most of us that live near the Sterling Forest area are so inspired by the response to the fire that is burning there now. It has been burning since November 9th. The human response has been all inspiring. The Town Supervisor Jesse Dwyer has been fantastic. We are grateful. But, the fact of the fire does bring up an additional concern for the occupation of those buildings by 200 or 300+ staff in a 24-hour residential situation. That is another thing that I think the Board should consider. Thank you.

Chairman Astorino: Thank you. Is there anyone else wishing to address the Board on any of the agenda items? Does the Board or Professionals have anything further?

Bob Krahulik: I have a recommendation. The Board and Professionals should drive by that logging operation located at 335 State Route 94 S. They are shameless with the amount of construction equipment that they store on the property.

Max Stach: Bob is talking about the Rumaldo Castro Caguana & Maria Saula Loja application. He is stating that they are storing excessive logging equipment.

Chairman Astorino: If that is the case, and if they get approval from the Planning Board, they would be in violation. Is that correct?

Bob Krahulik: They would right now. They have already been cited with a violation of the Code. They would be happy with if they could store 2 construction vehicles on the property if you drive by. You would get a sense of how visible this is. I think it is stretching the idea of a Home Occupation.

Chairman Astorino: I think Dennis had hit it on the head. The Chapter 150 is one thing. That is why they are really in front of the Planning Board. For the Home Occupation, does it really meet it?

Bob Krahulik: Just take a drive by there and take a look at it.

Chairman Astorino: Ok. We will take a look at it.

Bob Krahulik: Ok.

Mr. McConnell makes a motion to adjourn the November 20, 2024 Planning Board meeting.

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