

## TOWN OF WARWICK PLANNING BOARD

July 16, 2025

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, July 16, 2025 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

### **Review of Submitted Maps:**

#### ***Old Forge Road, LLC.***

Application for Site Plan Approval & Special Use Permit for the use and construction, re-occupancy and interior remediation and renovation of the existing 87,000± sq. ft. buildings for an Institution of Higher Learning with a maximum of 200 students overnight accommodations, 23 teachers, 12 administrative staff, and 8 support staff (healthcare, kitchen, cleaning, and maintenance) under Use Group 84, and parking area improvements, situated on tax parcels Section 83 Block 1 Lots 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, County of Orange, State of New York. Previously discussed at the Planning Board Meeting of April 16, 2025.

Roger Showalter: Good evening, ladies and gentlemen. Welcome to the Town of Warwick Planning Board public meeting for July 16, 2025. My name is Roger Showalter, I'm the Vice Chairman of the Planning Board, and I will preside over tonight's meeting. Ben Astorino, our Chairman, is away on vacation. Tonight's agenda includes consideration of the application of Beth Medrash Meor Yitzchok College for site plan approval and special use permit. A public hearing was conducted on April 16, 2025, at which time all members of the public were given an opportunity to be heard, and at which time written comments were submitted. Although the public hearing was closed, the Board extended the written comment period through April 26, 2025. Tonight, the Planning Board will further consider the merits of the application. However, this is not a public hearing. There will be no opportunity for comment by the public. Everyone is welcome to observe the Board's deliberation, but again, I will emphasize that there will be no opportunity for public comment tonight. I simply ask everyone conduct themselves in a respectful and attentive manner so that everyone can hear and fully understand the Board's discussion of the application. Thank you. Okay, now, on to our review of submitted maps.

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

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Okay. So, this project, as you recall, was first submitted on December 27, 2023. At the time, the Applicant had submitted documentation suggesting that this was a Type 2 Action, not subject to secret. The question was investigated, and January 17, 2024, the board determined that it was actually a Type 1 Action, and requested a Full Environmental Assessment Form be submitted. That Full Environmental Assessment Form was received on August 14, 2024, by the applicant. On September 18 of that year, the board submitted a lead, or circulated a Lead Agency Notice of Intent to the Town of Warwick Zoning Board, Orange County Health Department, and the New York State Department of Environmental Conservation. At the Applicant's request, the Town of Warwick Planning Board also submitted that Lead Agency NOI to the Warwick Town Board, Orange County Planning, Orange County DPW, the Department of Education, the Warwick Police Department, Tuxedo Union Free School District, Tuxedo Fire District, Greenwood Lake EMS District, the Sterling Forest Partnership, the New York-New Jersey Trail Conference, and the Open Space Institute, those latter organizations having expressed prior interest. On November 20 of 2024, the Planning Board did assume Lead Agency status, and adopted a Part 2 Environmental Assessment Form identifying 21 areas where they believe potential moderate or large impacts could occur, and instructed the Applicant to prepare a draft Part 3 EAF identifying the magnitude, importance, and likelihood of those impacts to occur. That draft Part 3 was received by the applicant on February 6 of this year, 2025. After receiving that, and knowing that over the preceding year that project changes had been implemented by the project sponsor in response to those concerns raised by the Planning Board and in the Part 2 EAF, the Board recirculated the Part 1 EAF application to all the Involved and Interested agencies on March 12, 2025 to inform them of those changes and request if there were any additional environmental concerns. After that, my firm, acting as Planning Consultant to the Town, provided a revised draft Full Environmental Assessment Form, Part 3, dated April 14, and the Planning Board on April 16 of this year opened a public hearing on the action, heard extensive public comment, and extended written comment period through April 26 of 2025. Additional significant public comment was received during and after that time period. The Planning Board agreed that in response to all the comments received that additional information was required before they could make a determination of significance, specifically with nine additional points that were raised by those agencies in public. On June 24 of this year, applicants submitted additional information in addressing those concerns. Those additional submissions were reviewed by HDR, by my firm, and we have received additional public comment on those matters. It is clear that this project has received significant public interest, concerns, and even opposition by public stakeholders and agencies for a host of reasons, but most significantly with regard to the adjacency of Sterling Forest State Park to the project site. There is no question that the park and the surrounding area is important for ecological, environmental, social, cultural, aesthetic, and even economic reasons. In this review, there have been certain undisputed points of fact. First, that the project site has been

previously owned and operated by NYU for approximately 70 years, that the site has existed in its current layout since before 1974 through 2017 when it was decommissioned. Sterling Forest State Park was first purchased and transformed into a state park starting in 1997, and thus coexisted with NYU's laboratory use of the project site for approximately 20 years. NYU operated the facility as a laboratory, and it is substantially different from the applicants' proposed use as a religious college and dormitory. The current disposition of the property is significantly dilapidated with broken windows, peeling paint, deteriorating structure open to the elements, mold, mildew, and the former presence of petroleum bulk storage tanks. The proposed area of new site disturbance proposed by this applicant is 0.37 acres, a little more than one-third of an acre. These improvements are mostly intended to improve site circulation by changing the arrangement and alignment of parking areas. An additional approximately 5,000 square feet of temporary disturbance may be required to replace sewer laterals from the project site. The Applicant is also proposing 11,400 square feet, or approximately a quarter acre, of currently paid parking to be returned to a natural condition. The Applicant is proposing to construct no additional floor area as part of this action, nor to make any significant changes to the exterior fenestration or architectural appearance of the building. The Applicant is proposing to limit occupancy of dormitory rooms to only adult male students and to employ four overnight staff supervisors with no housing for families or children on site. The proposed project sponsor also proposes to utilize up to 36,158 gallons per day of 138,000 gallons of excess permitted potable water capacity and has received valid willingness to serve letters for both water and sewer dated March 14th of 2025. One area of impact identified by the Planning board was impacts to land due to shallow groundwater, steep slopes, exposed bedrock, and the extended construction term of this project sponsor more than 12 months, more than one phase. The applicant has prepared a detailed erosion and sedimentation control plan which has been peer reviewed by the town engineer and her office, HDR. The project incorporates appropriate best management practice to minimize impacts from land disturbance during construction. With regard to added demand on water supply, as previously stated, the applicant is proposing to utilize only a portion of the significant remaining excess capacity from the old and has received willingness to serve letters. The project will withdraw water from a sole source aquifer. The Applicant has remediated two existing petroleum underground storage tanks and will need to remediate any remaining contamination as part of the building retrofit under the guidance and inspection of HDR, the town engineer. Were the project not approved, the existing building will continue to degrade being open to the elements. With regard to habitat, plants and animals and protected wildlife, four separate site visits were made by ERS consultants and reports submitted to the planning board and reviewed by HDR engineering. No critical habitat or protected wildlife was experienced on the site or is likely to be impacted as a result of the one-third acre of project disturbance. The project will incorporate snake fences and on-site snake monitors. Clearing will be restricted to avoid bat impacts and dark sky approved lighting of warm color temperatures is proposed at minimal levels to allow safe use of the site. The applicant has committed to utilizing all native species of plantings in any landscape. The applicant has committed to no changes to the architecture or fenestration of the building and has elected to not install any significant signage. Additional native plantings are proposed along Old Forge Road to additionally screen the property. The Applicant has received two letters of no effect from SHPO. The project site is more than 2,000 feet from the closest mines or forges located in the park. With regard to open space and recreation at Sterling Forest State Park, it's noted that NYU operated the facility as a medical research laboratory on this site for 20 years, during which time more traffic than is proposed to travel

over Old Forge Road traveled to and from the site on a typical weekday. Employees of the facility were free to utilize the park just as future students proposed to potentially use the park as a resource available. Several commenters have noted that the site receives 300,000 visitors per year. That's the park, not the visitor center. The addition of 200 college-age students to an area that receives 300,000 annual visitors should not constitute a significant impact to the recreational resource. While the site is located on an important access road to the visitor center, generally one would assume an improvement in character from a placement of broken windows, inoperable site lighting, cracked pavement, and rusting site equipment, resulting in an overall site appearance similar to what NYU operated. Given the extensive public and institutional comments relating to Sterling Forest State Park, the lead agency has given this issue extensive consideration. The operational limitations that the applicant has self-imposed significantly details the possible moderate and large impacts that were identified as potentially impacting Sterling Forest State Park. Project traffic proposed is well within the capacity of the local roadway. The Applicant is busing students to avoid significant impacts to traffic. They will arrive approximately monthly, corresponding to scheduled breaks in the instructional schedule. Generally, bus arrival and departure will occur separate from regular commuter traffic as it will be done before or after starts of the educational sessions. Traffic on Old Forge is projected to be less than historic traffic during NYU operations. Traffic is also noted as being at lower posted speeds and less volume than currently exists at nearby crossings along Meadow Road. The applicant is proposing to modernize the energy and heating plant on the site. With regard to noise, odor, and light, the Applicant is proposing to remediate the structures and to utilize night sky friendly lighting. The site will be remediated subject to the inspection and oversight of HDR, instituting environmental controls that would reduce the potential impact on human health. With regard to police and fire, the Applicant is proposing on-site security facilities and healthcare professional. The site is generally not farther from community services than other facilities in the area, including the Watch Tower Facilities. So that is the state of the EAF as has been prepared and submitted to the Board. The Board needs to determine if these facts are an appropriate accounting of the impacts that have been raised during the course of the environmental review. If the Board agrees that these are the likelihood of impacts, a Resolution has been prepared adopting a Negative Declaration of environmental significance. If the Board disagrees with these facts and these accounting of potential impacts, it can order the preparation of a Positive Declaration of environmental significance. And that is the matter that's before the Board tonight.

Comment #2: Applicant to discuss project.

Keith Woodruff: In light of what Max had run through as far as the project scope, there hasn't been much changes to the overall design of the plans. It's pretty much in line with what the last set of plans was presented to the Board in March. The only improvements or additions were the additional documentation and reports that were submitted as far as expanding upon the Part 3 EAF to provide the Board more information and answers to the questions that were raised during the public hearing. Aside from that, we do have a copy of the comments from the Town Engineer, for which we don't really have any question unless there's a specific item that she has questions on.

Neil Alexander: I was going to say, I think the other thing is we've had an opportunity, as all of you know and the public knows, the full EAF and the draft Resolutions that you're discussing tonight were on the website. We had a chance to look at them today. We don't have any further comments.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 01/17/24 advisory comments on traffic, landscaping plan and signage, lighting, community facilities, lot consolidation, biodiversity concerns.

Comment #6: OC Health Department – onsite food preparation requires approval (prior to use)

Comment #7: OCDOH – post planning board water supply approval needed to service this project.

Comment #8: OCDOH/NYSDEC – post planning board approvals needed for sewer improvements.

Comment #9: TW Building Department – 06/20/24 – certificates of compliance #16738 and #16737 for removal of oil tanks approved.

Comment #10: Planning Board site inspection took place on November 02, 2024.

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

Comment #12: Turning movements for exiting provided using ladder truck as worst-case scenario; backing up is required in upper lot and driveway. Please review the turning movements in drawing C-104 to ensure that ladder truck does not hit curb.

Keith Woodruff: We will provide that to the Engineer.

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

Keith Woodruff: One question to that, so the property line along Old Forge Road actually runs to the center of the road, so we would request that those property corners not be set, but the property corners to the side and to the rear of the property be the only ones certified to be set.

Vice-Chairman Showalter: Is that okay with my professionals?

Bob Krahulik: From a legal standpoint, there's no issue there.

Comment #14: The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.

Keith Woodruff: Yes.

Comment #15: Applicant to post Performance for Lighting and parking lot reconfiguration and Landscape bond, as well as site inspection fees.

Keith Woodruff: Understood.

Comment #16: Prior to obtaining a Building permit to renovate the building, a Building Permit must be obtained to remediate in accordance with applicable Federal, state, and local requirements, as well as the environmental notes that are included on the site plans. A site inspection escrow of \$20,000 must be provided to the Town to allow the planning board engineer to conduct onsite inspections, as well as conduct desktop work, associated with reviewing reports, etc. This escrow will be established on a time and materials basis due to uncertainties related to the number of samples required, test results, agency directives, and observations/assumptions during the redevelopment process.

Keith Woodruff: Understood.

Comment #17: It is understood that the Owner, Applicant, and the Applicant's consultants maintain full responsibility for the accuracy, adequacy, and safety of workers and future occupants of all aspects of the site plan, designs, execution of the site plan, as well as the remediation and construction efforts at this property.

Keith Woodruff: Understood.

Comment #18: Payment of all fees.

Keith Woodruff: Understood.

Vice-Chairman Showalter: Any board members have any questions or comments previous to moving on? No. Okay, then I would like to ask for a motion for Resolution adopting Part 3 and adopting Negative Declaration and Authorizing Filing of Same.

Mr. McConnell makes a motion for the Resolution Adopting Part 3 and Adopting Negative Declaration and Authorizing Filing of Same.

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

617.12(b)

State Environmental Quality Review (SEQR)

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

**Name of Action: Beth Medrash Meor Yitzchok College**

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for an application for Special Use Permit and Site Plan approval involving the re-occupancy and interior renovation of three existing vacant structures totaling 87,000 square feet, and appurtenant landscaping and parking area improvements on a 7.01 acre parcel of land located at 57 and 61 Old Forge Road, Town of Warwick, Orange County, New York, and

**Whereas**, a letter from the project sponsor's attorney, Neil J. Alexander, Esq., dated December 27, 2023 was received along with several exhibits and a site plan, dated December 27, 2023, explaining the project and among other claims, indicating that the application is exempt from SEQR based on several Type 2 Actions listed at 6 NYCRR 617.5; and

**Whereas**, the Planning Board had considered the claims of the project sponsor, and had determined as follows:

1. With regard to 617.5(C)(2), the project is not a reconstruction of a facility in kind, and therefore this Type 2 action does not apply. The previous facility was a research laboratory, while the proposal is for classrooms, dormitories, libraries and supporting facilities.
2. With regard to 617.5(C)(9), the proposed construction involves more than 4,000 square feet of non-residential floor area and includes residential facilities, and therefore this Type 2 action does not apply.
3. With regard to 617.5(C)(10), the initial construction of an 87,000 square foot school is not a "routine" activity of an educational institution, and therefore this Type 2 action does not apply.
4. With regard to 617.5(C)(18), the action exceeds a Type 1, threshold. Notably, the proposed action proposes, *"an unlisted action, that exceeds 25 percent of any threshold in this section (activities, other than the construction of residential facilities that exceed...in a... town... having a population of less than 150,000 persons or less, a facility with more than 100,000 square feet), occurring... substantially contiguous to any publicly owned or operated parkland...."* The exact amount of non-residential floor area proposed is not known, but seems to exceed 25,000 square feet, the maximum amount under this threshold.

**Whereas**, based on the above information, the Planning Board on or around January 17, 2024 preliminarily classified the action as a Type 1 action, and a Full Environmental Assessment Form (FEAF) Part I was requested; and

**Whereas**, A Full Environmental Assessment Form (FEAF), Part 1, was received from the applicant dated August 14, 2024; and

**Whereas**, on September 18, 2024, the Planning Board noticed its intent to become Lead Agency to the Town of Warwick Zoning Board, the Orange County Department of Health and the New York State Department of Environmental Conservation, which it had determined were involved agencies; and

**Whereas**, The Board further distributed the Notice to the following agencies and parties at the Project Sponsor's request: Town of Warwick Town Board, Orange County Department of Planning, Orange County Department of Public Works, NYS Department of Education, Town of Warwick Police Department, Tuxedo Union Free School District, Tuxedo Fire District, Greenwood Lake EMS District, The Sterling Forest Partnership, NY/NJ Trail Conference, and the Open Space Institute; and

**Whereas**, on or around November 20, 2024, the Planning Board assumed lead agency status having received no objections to its lead agency coordination, reviewed the Full Environmental Assessment Form (EAF) Part 1 for the action and adopted a Part 2 Environmental Assessment Form, identifying the following areas of potential moderate to large environmental impacts:

- a. Impact on Land:
  - i. The proposed action may involve construction on land where depth to water table is less than 3 feet – applicant indicates groundwater elevations as shallow as 1 foot.
  - ii. The proposed action may involve construction on slopes of 15% or greater. – applicant indicates that 49% of the site contains slopes over 15%

- iii. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface – applicant indicates the site contains exposed bedrock
- iv. The proposed action may involve construction that continues for more than one year or in multiple phases – applicant indicates 18-month construction period
- b. Impact on Groundwater:
  - i. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.
  - ii. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer – Veolia indicates improvements needed to increase capacity.
  - iii. Other: Project will withdraw water from a sole source aquifer (Highlands Aquifer System).
- c. Impact on Plants and Animals:
  - i. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government – while proposed disturbance is limited, there is a potential for habitat degradation associated with more intensive, 24-hour occupancy of the project site.
  - ii. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government– while proposed disturbance is limited, there is a potential for habitat degradation associated with more intensive, 24-hour occupancy of the project site.
  - iii. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.
- d. Impact on Aesthetic Resources: While the structures are existing, they have been vacant for some time. Significantly increased activity at the site will impact views from the Sterling Forest Visitor's Center and area trails, which is substantially contiguous to the property site.
- e. Impact on Historic and Archaeological Resources: The project is located in an area identified as sensitive for archeological resources, however, sub items are recommended to be identified as "no or small impact," as there is very limited site disturbance proposed and those are proposed in areas that are adjacent to significant previous disturbance, such as minor expansion of parking areas.
- f. Impact On Open Space And Recreation – Other: The project may diminish recreational resources in the adjacent State Park
- g. Impact on Transportation: Projected traffic increase may exceed the capacity of the existing road network.
- h. Impact on Energy: The project will increase energy usage, but all sub-items are identified as "no or small impact."
- i. Impact on Noise, Odor and Light:
  - i. The proposed action may result in light shining onto adjoining properties.
  - ii. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.
- j. Impact on Human Health:
  - i. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.



- ii. Other: Renovation of buildings may result in the release of lead paint, asbestos, or chemicals used during the previous owner's occupancy as a laboratory.
- k. Consistency with Community Character:
  - i. The proposed action may create a demand for additional community services (e.g. schools, police and fire)
  - ii. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

**Whereas**, in reaction to the potential moderate to large impacts identified by the Lead Agency over the course of its initial SEQR review and/or as part of comments received during normal project review, the project sponsor had made several changes to its proposed project; and

**Whereas**, the Lead Agency distributed a Notice of Project Changes to all involved and interested agencies including the Part 1 EAF, Part 2 EAF, and most recent revised plans as provided by the applicant on or around March 12, 2025; and

**Whereas**, the Lead Agency directed the applicant to prepare a draft Part 3 Environmental Assessment Form based on the potential impacts listed in the Part 2 Environmental Assessment Form; and

**Whereas**, the Lead Agency, having received and reviewed the applicant's draft Part 3 EAF, charged its Planning and SEQR advisor Nelson Pope and Voorhis (NPV) to revise the Part 3 EAF based on discourse and deliberations between the project sponsor and lead agency, submissions by the project sponsor and based on the advice and discussions between the Board and its technical consultants through the course of public workshops and meetings; and

**Whereas**, NPV provided the Lead Agency with a revised draft FEAF Part 3 EAF on April 14, 2025, which was discussed at the Planning Board meeting of April 16, 2025, where a public hearing on the proposed action was opened and closed with the written comment period extended through April 26, 2025; and

**Whereas**, the Lead Agency received significant public and interested agency comments regarding the potential impacts of the project, including those submitted during and after the written comment period, and the Lead Agency has considered all such input and testimony, as well as additional responding testimony of the project sponsor and advice of the Lead Agency's technical advisors; and

**Whereas**, based on public comment received during and after the public hearing comment period, the Lead Agency identified the following matters that required further consideration by the Lead Agency to meet the "hard look" requirement under SEQR and to determine whether significant impacts are likely to result:

1. Whether or not the proposed project is consistent with the policies of the Highlands Regional Plan.
2. Whether or not traffic counts were representative of "reasonable worst-case conditions" being that school was not in session, and the counts were taken in June, when peak tourism traffic tends to be in fall.
3. Whether or not pedestrian use of Old Forge Road by hikers was given appropriate consideration considering proposed daily traffic and monthly bus arrivals and departures.
4. Reference to radioactive isotopes being stored and used on site including tritium, radioactive carbon, sulfur, chromium and lead.

5. Whether or not adequate soil sampling was conducted around the site.
6. The suitability of ambulance services to provide service to the site.
7. Whether occasional events in the on-site auditorium may result in spillover parking along roads and in the park visitor center.
8. Impacts to certain additional species including: Indiana Bat (endangered), Cerulean Warbler (Special Concern), Eastern Box Turtle (Special Concern), Jefferson Salamander (Special Concern), Small-Whorled Pogonia (Endangered), Appalachian Sandwort (Threatened)
9. Potential impact on historic mine and furnace resources that may be present within the Sterling Forest State Park.

**Whereas**, in response to the requested additional information, the Applicant submitted additional materials for the Lead Agency's consideration; and

**Whereas**, the Lead Agency, having reviewed the materials provided by the applicant, instructed NPV to revise the draft Part 3 FEAF to address the Lead Agency's deliberations as regards the additional identified concerns and the additional information provided by the applicant, and the advice of the Lead Agency's technical advisors; and

**Whereas**, the Lead Agency has received the revised Draft EAF Part 3 on July 15, 2025, and has reviewed the revised Full Environmental Assessment Form, Part III and its many Exhibits; and

**Whereas**, the Lead Agency has also received and reviewed a Draft Negative Declaration of Environmental Significance dated July 15, 2025 as prepared by NPV; and

**Whereas**, 6 NYCRR 617.7(a)(1), requires that, "To require an EIS for a proposed action, the lead agency must determine that the action may include the potential for at least one significant adverse environmental impact," and additionally, 6 NYCRR 617.3(h) requires that, "Agencies must carry out the terms and requirements of this Part with minimum procedural and administrative delay... and must expedite all SEQRA proceedings in the interest of prompt review."

**Whereas**, the Lead Agency has received suggestions from a small number of commenters that the Lead Agency should consider matters that are not appropriate to the environmental or zoning process and which the Lead Agency categorically rejects and dismisses, including:

1. Suggestions that the Board treat the application differently based on statements purportedly excerpted from Jewish religious scripture or based on the purported behavior of other Hasidic or Orthodox Jewish groups and individuals; and
2. Innuendo or suggestions that this school would represent a "turning point" or "opening a door;" and
3. Categorization of what is clearly proposed as a dormitory for 200 adult men as a, "large residential community;" and

**Now Therefore Be It Resolved**, that the Planning Board acknowledges the significant interest and concern by the public, stakeholders and agencies with regard to the adjacency of Sterling Forest State Park to the project site, and further acknowledges and recognizes the sensitivity of area environmental

resources, and the ecological, environmental, social, cultural, aesthetic, and economic importance of the State Park to the region; and

**Be it Further Resolved,** that the Planning Board as Lead Agency adopts the EAF Part 3, which sets forth the Lead Agency'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; and

**Be It Further Resolved,** that while the Lead Agency relies on the full record as set forth in the EAF Part 3 and all official Planning Board records, it makes the following specific findings of fact as a point of emphasis:

1. That the project site has been previously owned and operated by NYU for approximately 70 years, and that the site has existed in its current layout since before 1974 through 2017 when it was decommissioned; and
2. That Sterling Forest State Park was first purchased and transformed into a State Park starting in 1997 and thus coexisted with NYU's use of the project site for approximately 20 years; and
3. That NYU operated the facility as a research laboratory, which is substantially different from the applicant's proposed use as a religious college and dormitory; and
4. The current disposition of the property is significantly dilapidated with broken windows, peeling paint, deteriorating structure open to the elements, significant presence of mold and mildew, and past presence of petroleum bulk storage tanks; and
5. The proposed area of new permanent disturbance is 0.37 acres, mostly to improve site circulations; and
6. An estimated additional 5,000 square feet of temporary disturbance will be possibly required to replace sewer line if necessary; and
7. Approximately 11,396 square feet of currently paved parking area will be removed and returned to natural conditions; and
8. The applicant is proposing to construct no additional floor area as part of this action nor to make any significant changes to the exterior fenestration or appearance of the building; and
9. The applicant is proposing to limit occupancy of dormitory rooms to only adult male students and to employ four overnight staff supervisors, with no housing for families or children on-site; and
10. The proposed project proposes to utilize up to 36,158 gallons per day of 138,000 gallons of excess permitted potable water capacity and has received a valid willingness to serve letter from Veolia; and

**Be It Further Resolved,** that based upon the rationale and considerations elucidated in the Part 3 and in the Planning Board's other official records including written and recorded oral testimony received by the project sponsor, public and interested and involved agencies, 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 more specifically that the following impacts among other relevant significant adverse environmental impacts are unlikely to result:

1. a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
3. the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;
4. the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
5. the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
6. a major change in the use of either the quantity or type of energy;
7. the creation of a hazard to human health;
8. a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
9. the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
10. the creation of a material demand for other actions that would result in one of the above consequences;
11. changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
12. two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

**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.

Vice-Chairman Showalter: Do any Board members or Professionals have any comments or concerns? Since the Board and Professional don't have any comments or concerns, we need a motion on the Resolution for Planning Board approval.

Mr. McConnell makes a motion for Resolution of the Planning Board of the Town of Warwick Application of Beth Medrash Meor Yitzchok College for Site Plan Approval and Special Use Permit. The following Resolution was carried 5-Ayes and 0-Nays and 0-Absent

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF WARWICK**  
**APPLICATION OF BETH MEDRASH MEOR YITZCHOK COLLEGE**  
**FOR SITE PLAN APPROVAL AND SPECIAL USE PERMIT**

Whereas, pursuant to the Town of Warwick Zoning Code §164-46, Beth Medrash Meor Yitzchok College has submitted an Application for Site Plan Approval & Special Use Permit for the use and construction, re-occupancy and interior remediation and renovation of the existing 87,000± sq. ft. buildings for an Institution of Higher Learning with a maximum of 200 students overnight accommodations, 23 teachers, 12 administrative staff, and 8 support staff (healthcare, kitchen, cleaning, and maintenance) under Use Group 84, and parking area improvements, situated on tax parcels Section 83 Block 1 Lots 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, and

Whereas, pursuant to the Zoning Code of the Town of Warwick, the proposed use is a permitted use under the Table of Uses - Use Group 84 within the Town of Warwick LC Zoning District, and

Whereas the application complies with the setback and area requirements under the Table of Bulk Requirements of the Town of Warwick Zoning Code, and

Whereas, the Planning Board classified the action as a Type I Action under SEQRA on or about January 17, 2024, and

Whereas, pursuant to the New York State Environmental Quality Review Act (SEQRA), on November 20, 2024, the Planning Board of the Town of Warwick assumed the role of Lead Agency with respect to SEQRA, and

Whereas the applicant submitted a Full Environmental Assessment Form including Part 1 which was reviewed by the Planning Board, adopted a Part 2 Environmental Assessment Form identifying potential moderate to large environmental impacts, and on July 16, 2025, adopted an Environmental Assessment Form Part 3, and

Whereas, a Public Hearing was held on April 16, 2025 at which time all interested parties were given an opportunity to be heard and written comments were received. The written comment period was further extended through April 26, 2025, and

Whereas, the Planning Board considered the environmental impacts and made specific findings of fact with respect to the environmental impacts and the issues to be reviewed under Zoning Code §164-46 as more fully set forth in the Resolution Adopting Part 3 and Adopting a Negative Declaration adopted July 16, 2025 which is hereby incorporated by reference, and

Whereas, on July 16, 2025 the Planning Board of the Town of Warwick passed a resolution under SEQRA determining that the project will not have a significant adverse impact upon the environment and a negative declaration pursuant to SEQRA has been issued.

NOW, THEREFORE BE IT RESOLVED, that pursuant to the Town of Warwick Zoning Code §164-46 the Site Plan Application, and the Site Plan entitled "Overall Plan Beth Medrash

Meor Yitzchok” originally dated December 27, 2023 as amended prepared by Engineering and Surveying Properties LLC be approved subject to the following conditions:

1. OC Health Department – onsite food preparation requires approval (prior to use)
2. OCDOH – post planning board water supply approval needed to service this project.
3. OCDOH/NYSDEC – post planning board approvals needed for sewer improvements.
4. Applicant proposing to combine the two lots into one lot. This comment will be deemed complete when a letter has been submitted to the Town of Warwick Assessor’s office to complete this action.
5. Turning movements for exiting provided using ladder truck as worst-case scenario; backing up is required in upper lot and driveway. Please review the turning movements in drawing C-104 to ensure that ladder truck does not hit curb.
6. Surveyor to certify that iron rods have been set at all property corners other than Old Forge Road.
7. The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.
8. Applicant to post Performance for Lighting and parking lot reconfiguration and Landscape bond, as well as site inspection fees.
9. Prior to obtaining a Building permit to renovate the building, a Building Permit must be obtained to remediate in accordance with applicable Federal, state, and local requirements, as well as the environmental notes that are included on the site plans. A site inspection escrow of \$20,000 must be provided to the Town to allow the planning board engineer to conduct onsite inspections, as well as conduct desktop work, associated with reviewing reports, etc. This escrow will be established on a time and materials basis due to uncertainties related to the number of samples required, test results, agency directives, and observations/assumptions during the redevelopment process.
10. It is understood that the Owner, Applicant, and the Applicant’s consultants maintain full responsibility for the accuracy, adequacy, and safety of workers and future occupants of all aspects of the site plan, designs, execution of the site plan, as well as the remediation and construction efforts at this property.
11. Payment of all fees.

Pursuant to Zoning Code §164-46 (O), the approval shall be deemed terminated if construction is not commenced within 60 months of this approval unless the applicant demonstrates there are no changed circumstances and the approval is reviewed and extended by the Planning Board.

	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>ABSTAINED</u>
	5	0	0
Roger Showalter, Vice- Chairman	X		
Dennis McConnell	X		
Robert Kennedy	X		
Richard Purcell	X		
Vikki Garby	X		

***John, Thomas and Amy Sibilla Family Trust***

Application for Sketch Plat Review of a proposed 4-Lot Conventional subdivision, situated on tax parcel S 27 B 1 L 116; parcel located on the southern side of Amity Road 460± feet west of C.R. 1, (7 Skysail Ln.), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Vice-Chairman Showalter: Mr. Krahulik the Planning Board attorney has recused himself for the John, Thomas and Amy Sibilla Family Trust application. The Planning Board attorney will be Brad Schwartz for this application.

Representing the Applicant: John Cappello, Esq, Brian Friedler from Friedler Engineering.

**General Informational Comments:**

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We have reviewed the EAF Part 1. So, we had originally, the applicant had originally submitted, along with their application, a short EAF Part 1. We had reviewed the short EAF Part 1. And the Applicant had not identified any other Involved Agencies involved with this project. And we also have not identified any other involved agencies with regard to this project. Although not necessary. So typically, we would recommend that this project, based on the uses listed by DEC, Department of Health, and other relevant agencies with regard to Type 1, Type 2, we would recommend that this action be classified as Unlisted. Usually, Unlisted Actions only require a short EAF, although SEQR allows you to require a full EAF if you deem it necessary. While not necessarily something that we recommend, you know, based on the complexity of this project or any special purposes, put out of an abundance of caution, and recognizing that there was past litigation related to prior subdivision application for this property, we are recommending that the Applicant provide a full EAF Part 3. And while there are no other Involved Agencies, we are recommending that the Board circulate the application to potentially interested agencies. Again, out of an abundance of caution. We have provided the board with a resolution for the Board's use. It agrees that this is appropriate in noticing its intent and classifying the action as unlisted. So, the potentially interested agencies that we have identified on our proposed Lead Agency NOI are New York State Department of Parks, Recreation, and Historic Preservation, (SHPO), the New York State Department of Environmental Conservation, the Orange County Department of Health, the Orange County Department of Planning, the Town of Warwick Zoning Board of Appeals, and the Pine Island Fire Department. The Applicant, having seen the draft memo as provided to the board, has submitted a full EAF Part 1. We have reviewed it, and Part 1, and believe it's substantially sufficient, but have suggesting a couple of tweaks. So, I would like to provide the Board a review memo identifying what I suggest are appropriate changes to that form. And if the planning board were to adopt the resolution tonight, we have done in the past, the Applicant could provide a revised FEAF. And when we have determined it is satisfactory, we'll tell Connie, and she can distribute that.



Vice-Chairman Showalter: All right. Do we have a motion for the Notice of Intent of Lead Agency?

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

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

617.6

State Environmental Quality Review (SEQR)

Resolution Noticing Intent to Declare Lead Agency

Unlisted Action

Name of Action: Sibilla Subdivision

**Whereas**, the Town of Warwick Planning Board is in receipt of an application by Amy and Thomas Sibilla ("Applicant") for Subdivision Approval of a 35.7 acre property containing one existing residence into four lots for the purpose of constructing three additional single-family detached residences all with access via a shared driveway to an existing private road (Skysail Lane) ("Proposed Action"); and

**Whereas**, at the Planning Board's request, the Applicant submitted a Full EAF Part 1 pursuant to 6 NYCRR 617.6(a)(3); and

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

**Whereas**, while neither the Planning Board nor the Applicant has identified any other involved agencies for this Proposed Action, out of an abundance of caution and recognizing past litigation related to a prior subdivision application for this property, the Planning Board decided to distribute notice of its intent to serve as lead agency to potentially interested agencies.

**Now, Therefore Be It Resolved**, that the Planning Board classifies the Proposed Action as Unlisted; and

**Be It Further Resolved**, that the Planning Board hereby authorizes circulation of its Notice of Intent to declare itself Lead Agency to all Interested Agencies, upon receipt of Full Part 1 EAF modified to the satisfaction of the Town Planner, notifying them that the Planning Board intends to serve as Lead Agency for the purpose of conducting a coordinated review of the potential environmental impacts of this Proposed Action under SEQR; and

**Be It Further Resolved**, that the Planning Board hereby requires and directs the Planning Board Secretary to circulate the attached Notice of Intent to Declare Lead Agency to the possible interested agencies listed thereon; and

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

Comment #2: Applicant to discuss project.

Brian Friedler: So, this is a proposed 4-Lot subdivision off of Skysail Lane. We are proposing to widen the access, which comes off of the private road, Skysail Lane. The lots range from four acres to a little bit over 15 acres. We've done soil tests. The wells on these lots are drilled. They've been tested. I'll be submitting a report indicating those findings. And that's pretty much it for now.

Comment #3: Conservation Board – pending submittal

Comment #4: Architectural Review Board – pending submittal

Comment #5: OC Planning Department – 05/20/25 advisory comments on coordinating with OCDOH, location of test pits should be included on site plans, limited tree clearing to protect Indiana Bat.

Brian Friedler: Ok.

Comment #6: TW Building Department – 05/02/25 no open permit or violations.

Vice-Chairman Showalter: Do any Board members have any comments or concerns regarding the rest of these comments this evening.

John Cappello: What we would intend to do is just take this letter and give you a response to each one. Brian, going through it, maybe if you could give permission to contact Laura to just clarify any of the comments?

Brian Friedler: Will do.

John Cappello: But in a quick read, they all look like they have certainly addressed it.

Vice-Chairman Showalter: We will list Comment #7 through Comment #29 for the record. Do any Board members or Professionals have any comments or concerns?

Brian Friedler: Ok. We're going to be submitting a more detailed waiver request with our comment.

Vice-Chairman Showalter: Ok. Please get that to Connie.

Brian Friedler: Ok. Thank you.

**Technical Comments:**

Comment #7: NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted.

Comment #8: Planning Board to schedule a site inspection when appropriate.

Comment #9: Applicant to provide all existing easements and/or maintenance agreements to any portion of the access.

Comment #10: Applicant to submit a comprehensive list of all waivers required for this project, including an explanation of why each waiver is being requested in accordance with the standards in §137, Article VI (and any other applicable standard), including any waivers pursuant to §137-26(B), 137 Appendix E, and any others. Please add a table of all waivers required to the subdivision plan.

Comment #11: § 137 Appendix E: The proposed design, method of construction and type of materials to be used shall be shown on the plan and is subject to the approval of the Engineer before construction as well as after the work is completed.

Comment #12: § 137-18(M): Roads in open-development areas. The following standards will apply to roads and common drives within an open-development area subdivision (as designated by the Planning Board according to the provisions of § 280-a of Town Law of the State of New York) consisting of two or more dwelling units or lots:

- a. All open-development area subdivisions shall surface any and all common roads and drives in accordance with the Specifications for Open-Development Area Roads as appended to this chapter.
- b. In the alternative, a subdivider may submit surfacing specifications other than those referenced in Subsection M(1) above, for the approval of the Planning Board upon the advice of the Town Engineer.
- c. No certificate of occupancy shall be granted for any dwelling unit serviced by an open-development area road until that road is constructed according to the approved specifications for the full length connecting to the public road and certified as complete by the Town.

Comment #13: Applicant to show snow storage areas on the plans.

Comment #14: Provide soil test results for the proposed septic systems that have been witnessed by the Planning Board Engineer.

Comment #15: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #16: Applicant to provide a detailed construction, sequencing and staging plan, with appropriate notes, describing how the paved width will be installed, including what measures will be taken to avoid adverse impacts to stone walls, trees, existing vegetation, and other features.

Comment #17: Applicant to provide existing width for Skysail Lane, as well as Amity Road.

Comment #18: Applicant to provide a SWPPP in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements.

Comment #19: The access must be paved in its entirety; a note and a detail shall be added to the plan set.

Comment #20: Applicant to submit a well testing and monitoring report.

Comment #21: Emergency Service Provider Letters must be sent.

Comment #22: §164-46J (114): One-family dwellings shall not exceed one building on each lot. Please add a note to the plan.

Comment #23: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Map Note.

Comment #24: Applicant to provide a line-of-sight profile for each proposed new house location.

**Conditions of Potential Approval Comments:**

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

Comment #26: The liber and page for the Agricultural and Biodiversity notes (Indiana Bat), as well as the Shared Driveway Agreement must be added to the plan.

Comment #27: A performance bond and site inspection fees for the driveway improvements must be submitted.

Comment #28: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #29: Payment of all fees.

***O&R Utilities Substation***

Application for Site Plan Approval and Special Use Permit for the use and construction of utility substation yard, transmission and distribution lines, situated on tax parcel S 46 B 1 L 48.21; project located on the southern side of John Hicks Drive (95 John Hicks Dr.), in the OI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Lino Sciarretta, Esq., from BleakleyPlatt Attorney At Law, Mike Homenick & Alex Iuga from CHA, Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: So, we've reviewed the Applicant's Part 1 EAF. We do have a couple comments. The Applicant identified Orange County Department of Health and Public Works as having approvals but didn't identify what approvals those were. We're asking that the Applicant verify if any of those approvals are actually required. We don't know of any. We don't assume any. The Applicant had indicated a state highway work permit being required from DOT. I wasn't completely sure because I know that there's some, you know, sort of lines going in, but I didn't see it getting anywhere near the state highway. So, again, I would just verify if DOT approval is required. And lastly, the EAF Part 1 just needs to be signed and dated. We recommend that this action be classified as an Unlisted Action. We have prepared a Resolution and Notice of Intent to declare Lead Agency for the board to commence a coordinated review. This notice can't be distributed until the modified EAF is received. If the applicant wishes to revise the government approvals in response to my foregoing comments, that can also be done. Based on our understanding of the project, we believe basically DEC is the only involved agency. We have also identified or prepared a draft Full Environmental Assessment Part 2, identifying several areas of relevant environmental investigation, potential and moderate to large impacts that may occur. These are really intended to give the applicant a head start in addressing these issues because if the Planning Board adopts the Lead Agency resolution tonight, that part two could not be formally adopted until at least 30 days has proceeded. Those are my secret comments. With regard to process, this application is within an agricultural district and will require referral to Orange County Department of Planning. With regard to lighting, a lighting plan has been provided. Because only emergency lighting is proposed, it is exempt from the town's lighting regulations. We did have three notes with regard to landscaping. One is that we recommend a typical habitat restoration planting detail be provided showing the general distribution and spacing of restoration plantings. We can't complete our landscape review until these details are provided. The Applicant can clarify the purpose of the strip of haymaker mix that is being proposed between

the annual and perennial meadowings. Lastly, the SWPPP specifies temporary seating with annual and perennial ryegrass. However, typically projects in an ag district, this came up with the solar project adjacent to this, that temporary cover be oats or Aroostook winter rye depending on when the temporary cover is established as a requirement by the ordinance. The application is not subject to the town of Warwick design standards, and those are my comments.

Mr. Kennedy makes a motion for Establishing Lead Agency as an Unlisted Action. Seconded by Mr. McConnell. The following Resolution was carried 5-Ayes and 0-Nays and 0-Absent.

617.6

State Environmental Quality Review (SEQR)

Resolution Establishing Lead Agency

Unlisted Action

Name of Action: O&R Utilities Substation – State School Rd.

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit approval on Town of Warwick tax lot SBL 46-1-48.21 at 95 John Hicks Drive. The project site is within the OI (Office Industrial) zoning district, Aquifer Protection overlay, and Biodiversity Protection overlay. The applicant is proposing a new substation including electrical equipment, control house building, access roads, grounding, and fencing; and

**Whereas**, a Full Environmental Assessment Form (FEAF) dated was submitted but is unsigned and undated; and

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

**Whereas**, the Planning Board has identified the following potential involved agencies for this Proposed Action:

**NYS Department of Environmental Conservation (Article 24, SPDES)**

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed action as Unlisted pursuant to 6 NYCRR 617.4 and 5, and hereby declares itself Lead Agency for the coordinated SEQR review of this action; and.

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

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

Comment #2: Applicant to discuss project.

Lino Sciarretta: We're proposing a new substation at John Hicks Drive, 95 John Hicks Drive. The reason for the substation is because basically new businesses on John Hicks are going to need additional power. The idea and the plan going forward, while not part of this application tonight, is the existing substation, Wisner Road, that will be, we discussed this at the work session, that will be discontinued once this new substation comes online. But, again, that's a later application for the decommissioning, but I just wanted you to be aware of that. It will be decommissioned at some point once we get this new project approved. The new project is a new substation that involves three transformers, six breakers, and 15 circuit switch gear on approximately 4.11 acres on the site. We are seeking a special permit and site plan from your board for this project. In addition to the equipment I just mentioned and those elements, it also includes outdoor equipment, control house, access road, and grounding and fencing. We did get comments this evening that were provided to me by HDR that just came in tonight, which I know evening, you know, they recite provisions of the law, the special permit, which we agree with. Again, but we'll provide those comments in writing to you all the next submission. With respect to the project, again, this is going to be ultimately a 130-kilowatt substation. They're going to be operating at 69 kilovolts, but it's going to be done so that in the future when we upgrade it to operate 138 kilovolts. So, I have Mike Homenick here from O&R to just give an overview of the site plan, if that's okay with you, Mr. Chairman, just to give a brief overview. Yes. So, Mike, if you could come up and just give a brief overview of the site plan. And then we have other professionals here from operations from O&R and also from CHA engineers that can talk about the project and any questions that the board may have.

Mike Homenick: So, as Leno mentioned, we'll be replacing the existing Wisner substation. The existing station has five distribution circuits that come out of it. The new station will be a significant upgrade to the overall community for both reliability and capacity. We'll be providing 15 circuits out of the new substation. Those circuits provide redundancy to the community. The community will see really no change to their service as the existing station will stay in service while we're building this new one. And then we'll cut over to the new one. Really, the only thing that they would see would be improved service. It will also open up the capacity for additional solar and renewable sources to come into the system as the capacity increases. To go through the site plan, there's an existing pond on the site that was built as part of the GTI project. We're located here between GTI and the Citiva project at the end of John Hicks Drive in the corporate park. We've been in contact and working very closely with the neighbor, Mr. Schluter. He's been very helpful throughout the project and been sort of working very closely with us as we do this. The existing transmission line comes through his property on the neighboring property. We'll be tapping that and providing an 800-foot tap to the new substation for the overhead transmission line. That transmission line is a 69 kV transmission line. As Lino had mentioned, the station is being built for 138 kV. That just allows us in the distant future, if there's ever an upgrade, that the station's already built for that upgrade. That would require us to come back for approvals for upgrading the 69 kV system to 138 kV. That wouldn't happen without the board's involvement.

Mr. McConnell: Excuse me. Are you nervous? You're speaking a little bit quickly. I'm sorry. I have a hard time hearing you.

Mike Homenick: I'm sorry. I apologize.

Mr. McConnell: When you say 138 kV, everybody in the world understands what 138 kV is. I have only the barest clue as to what 138 kV is. It sounds like it's important. Tell us what it is that you're doing.

Mike Homenick: The transmission lines operate at 138,000 volts. That's what we rate the lines at. These lines here are 69,000 volts. Based on the way transmission works, operating at higher voltages allows us to transport electricity more efficiently over longer distances. Those higher voltages is what you see on a transmission line. The transmission facility carries the power throughout the state. The substation is like an off-ramp from the highway to bring that transmission into the community. It comes in at 138 or 69 in this case. The transformers take that from 69,000 volts down to 13,000 volts.

Mr. McConnell: What is it that permitted you to double the transmission rate? What's the improvement in technology that allowed you to go from 69,000 volts to 138?

Mike Homenick: It's basically just the way the wires are configured. It's size of wire. Wire size and height of structures is really all that you would see. That would happen in the future, though. Right now, what we're talking about is only 69,000 volts for that transmission facility. We would have to come back and propose to the board an upgrade of the overall transmission facility that runs from Sugarloaf over to the Hunt substation in Greenwood Lake. That would be a much different project. This here is just the substation using the existing facilities that are there at 69,000 volts.

Mr. McConnell: The wiring you're going to put in is capable of carrying...

Alex Iuga: Just the components within the substation itself will be capable of being operated in the future at that higher power level. They won't be operating at that higher power level now. It's just setting up the substation for that potential future state. The transmission wiring will continue to operate and be put in at the 69,000 volts.

Mr. McConnell: I have a follow-up question. You talk about this will improve reliability. How do you measure reliability? The power isn't being transmitted for X percentage of time over the course of... What's the metric?

Mike Homenick: The Public Service Commission has us report to them different metrics that record the number of outages that happen and the duration of those outages. That's how O&R is measured in our service.

Mr. McConnell: Measured by each individual customer that's out?

Mike Homenick: It is the average number of outages and average length of outages.



Vice-Chairman Showalter: : My power goes out twice a day at my house. Wind blows, whatever, it flicks. It'll go on and off, on and off. This will help with all their local transmission.

Mr. McConnell: I've got another question. My understanding is these transformers in the past have been packed full of PCBs. Are they still?

Mike Homenick: They are no longer PCB-containing transformers.

Mr. McConnell: And the ones that you're going to decommission when this is completed?

Mike Homenick: The ones that are decommissioning, I believe, are PCB-free, but I would have to verify that.

Mr. McConnell: Okay. And so is there, if they are, if they do have PCBs, is there some special manner of handling them so that I don't want to end up like, you know GE in the Hudson River.

Mike Homenick: So, we have environmental contractors that when the station is decommissioned, they come in and they drain that oil, and it's taken for recycling to a facility.

Mr. McConnell: Okay. Thank you.

Vice-Chairman Showalter: Does anybody else from the crew back there have comments that they want to add?

Mike Homenick: No.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending comments

Comment #6: OC Planning Department – pending comments

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

Vice-Chairman Showalter: I believe there will be a necessity for a site inspection.

But we will figure that out as we move along. Do any Board members or

Professionals have any comments or concerns on the rest of these comments?

Seeing none, we will list Comment #8 through Comment #53 for the record. Have a good evening.

Mike Homenick: Thank you.

Comment #8: Bulk zoning table and setback distances should be included on the plans.

Comment #9: Applicable Town of Warwick standard notes added to plans.

Comment #10: §164-46J(31): Public utility, transportation and communication uses shall be subject to such conditions as the Planning Board may impose to protect and promote the health, safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

Comment #11: §164-46.J(53): Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies.

Comment #12: §164-46.J(81): No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard, noise or vibration, smoke, dust, electromagnetic or other disturbance, glare, liquid or solid refuse or wastes or other substance, condition or element in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulation of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

Comment #13: §164-46.J(97): In addition to the landscaping required as a screen against adjacent residential districts, and in addition to that required in parking areas, a minimum area equal to 1/3 of the first 50,000 square feet of building coverage, plus 20% of the square footage in excess of 50,000 square feet, shall be devoted to aesthetic landscaping enhancing such areas as outer courtyards, building perimeters and major vehicular entrances and exits. Such landscaping and planting plan shall be consistent with the Town's Design Standards. Solar panels shall be adequately screened from adjacent properties to minimize views, taking into consideration the need for southern exposure.

Comment #14: §164-46.J(124): In Office and Industrial Park Districts, no side or rear yard shall be required where such yard abuts an operating railroad right-of-way.

Comment #15: §164-46.J(127): The following setback requirements shall prevail for parking, loading, fences, and solar panels: Wall of building: 10 feet, Residential district: 200 feet, Designated protection area: 100 feet, Commercial districts: 50 feet, Side lot line: 15 feet, Rear lot line: 15 feet, Limited access highway: 100 feet, Other public roads: 40 feet, Internal roads: 30 feet.

Comment #16: §164-46.J(131): The minimum floor area for uses in the Office and Industrial Park District shall be 2,000 square feet for the first floor of each principal building.

Comment #17: §164-46.J(132): The minimum distance between buildings in the Office/Research/Industrial Park District is 30 feet or equal to the height of the tallest building, whichever is greater.

Comment #18: §164-46.J(145): Multiple commercial occupancy is permitted in buildings under unified ownership and control.

Comment #19: A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans (intermediate SWPPP).

Comment #20: It is stated in the State School Road Substation SWPPP that the proposed substation was already permitted under the Green Thump Industries (GTI) Warwick Corporate Park SWPPP and that SWPPP's NOI (included as Attachment 7). This NOI was under the prior version of the General Permit, GP-0-20-001. Please confirm that a Request to Continue Coverage was submitted and approved so that this project continues to be covered under the new version of the General Permit, GP-0-25-001.

Comment #21: Section 5.1 of the State School Road Substation SWPPP describes that a hydrodynamic separator unit was designed to provide water quality pretreatment. Calculations for WQv are provided in Attachment 3, but it would be helpful to include additional information in this section of the narrative describing the unit (e.g. model, size, etc.) that is to be used.

Comment #22: In the Substation Underground Distribution SWPPP, there is no content included in Appendix B – Historic Resources. Please include appropriate documentation as described in SWPPP section 2.4 once available.

Comment #23: The Substation Underground Distribution SWPPP narrative contains some incorrect Appendix references. Section 4.3 refers to erosion and sediment control measures and details in Appendix H (should be Appendix B) and Section 4.6 refers to the NOT form being in Appendix K (don't see this included anywhere in the package). Please update these references and include the NOT form.

Comment #24: Note 17 on sheet 2 says "THIS PROJECT WILL NOT RESULT IN ANY DISTURBANCE TO JURISDICTIONAL WETLANDS." Sheets 6 and 7 show limits of disturbance within jurisdictional wetlands. Timber mats are considered temporary disturbance. Cite how long mats are to remain in place (along with the use of gravel if use of timber mats is not feasible).

Comment #25: Applicant should also have a replanting plan (using a Northeast wetlands restoration mix or detention basin seed mix is fine) after the removal of the timber mats to encourage regrowth of native plants and not colonization by invasives.

Comment #26: §164-46 G-3-(t) of town code requires estimates of noise generation.

Comment #27: §164-46 G-5-b of town code may require a traffic impact study.

Comment #28: Applicant to clarify if existing curb on Chancellor Lane being cut for access (Sheet 6). §164-46 G-3-(k) of town code.

Comment #29: Turtle Protection is within Wawayanda Creek water line (sheet 7).

Comment #30: A 60' x 40' structure pad is proposed within 100' wetland buffer. NYSDEC regulates activities within wetland and adjacent areas. Article 24 permit (freshwater wetlands) for the temporary disturbances in the wetland and the 100' adjacent area may be required (sheet 8); applicant to clarify.

Comment #31: Show setback lines on sheet 8.

Comment #32: Grading and construction fence extends past the property line on the south and east property line (sheet 9). Applicant to clarify.

Comment #33: Additional perimeter erosion control should be added along Northwest disturbance before wetland.

Comment #34: Sheet 11, Note 1 specifies installation of construction fence. Show construction fence on this sheet similar to previous sheet.

Comment #35: Sheet 14 Limits of disturbance around gravel structure pad does not match grading and drainage plan.

Comment #36: Please clarify if there is a detail for deer fence shown on sheet 15, if this fence is enclosed, and if there are any access gates for the enclosed area.

Comment #37: The location of the sound survey seems to be quite far from the sensitive receptors identified as well as the property line. Please explain why sound survey was performed at the two locations identified. Neither seem to be near sensitive receptors (residences) or at the property line. Please provide the distance measurements from the sound survey locations to the sensitive receptors and property line. Please provide ambient noise levels at property line and sensitive receptor locations.

Comment #38: The Evaluation of Future Site Sound Emissions does not provide a spectral noise analysis in accordance with the Town of Warwick noise performance standards, Chapter 164-48 section C(3).

Comment #39: The Evaluation of Future Site Sound Emissions does not provide an assessment of corona noise (hissing or crackling when air around high voltage conductors become ionized).

Comment #40: The Applicant to provide octave band noise evaluation and monitoring data.

Comment #41: The Evaluation of Future Site Sound Emissions states that, "Site sound will also be significantly lower in level than the existing ambient sound in the area, making ORU sound likely to be inaudible at residential receptors." Clarify if audibility was assessed on a spectral basis and the assumed background noise conditions.

Comment #42: Please confirm the height of the sound sources being modeled match the heights provided on Page 3 of the Evaluation of Future Site Sound Emissions report.

Comment #43: Although SEQR guidelines were mentioned, the analysis does not include ambient noise levels and does not provide noise levels at the property line, which is the most conservative approach. Analysis also does not show the level of sound pressure level (SPL) increase from existing noise levels at the property line or sensitive receptors. Please provide this analysis.

Comment #44: Although SEQR guidelines were mentioned, construction noise analysis was not provided. It would be helpful to have an explanation for not including a construction analysis or provide either a qualitative or quantitative analysis.

Comment #45: Any existing and all proposed signage must be shown on the plan, in compliance with MUTCD standards.

Comment #46: The hours of operation should be shown on the plans.

Comment #47: Applicant to clarify if there is a proposed septic system onsite.

Comment #48: The 911 address must be shown on the plan.

Comment #49: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #50: Surveyor to certify that iron rods have been set at all property corners.

Comment #51: Surveyor to sign and seal drawing.

Comment #52: Applicant to provide any required Performance Bond, Landscape Bond, and/or site inspection fees.

Comment #53: Payment of all fees.

**Other Considerations:**

1. Planning Board Minutes of 6/18/25 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 6/18/25.

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

2. Planning Board to discuss canceling the 7/28/25-W.S. & 8/6/25-PB Meeting.

Mr. McConnell makes a motion to cancel the 7/28/25-W.S. & PB Meeting of 8/6/25.

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

**Correspondences:**

1. Letter from Alice McMechen, Patricia & Marshall DeBruhl addressed to the Planning Board in regards to Black Walnut Creek, received date 6/23/25.
2. Email letter from Lee Schulz, dated 6/29/25 addressed to the Planning Board in regards to BMMY College.
3. Email Letter from Gavin Maxwell, dated 7/9/25 addressed to the Planning Board in regards to BMMY College.
4. Email letter from Bev Simon, dated 7/9/25 addressed to the Planning Board in regards to BMMY College.
5. Email letter from Michael Sussmann, Esq. dated 7/15/25 addressed to the Planning Board in regards to BMMY College.
6. Email letter from Katie Kynast, NYS Office of Parks, Recreation & Historic Preservation dated 7/16/25 addressed to the Planning Board in regards to BMMY College.

Vice-Chairman Showalter: We received those correspondences. We have them for the record.

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

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

**Mr. McConnell makes a motion to adjourn the Planning Board Meeting of July 16, 2025.**

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