

TOWN OF WARWICK PLANNING BOARD
September 18, 2024

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, September 18, 2024 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Ball Farm, LLC

Application for Preliminary Approval for filing a 14-Lot Cluster subdivision in Sections and an Application for Final Approval for Section I to consist of a proposed 4-Lot Cluster Subdivision, and Special Use Permit for 1-Affordable Home, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick, County of Orange, State of New York. The proposed subdivision was classified by the Town of Warwick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), as a Type 1 Action. All interested parties will be given an opportunity to speak.

Representing the Applicant: Kirk Rother, P.E.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Ball Farm public hearing.

Chairman Astorino: Thank you.

The following Preliminary Approval review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We had previously prepared a Full EAF Part 2 identifying several areas of potential impacts as follows:

- a. Impact to Land - Construction over steep slopes
- b. Impact to Land - Construction for more than one year

- c. Impact to Surface Water – Construction within or adjoining freshwater wetlands and class C(t) stream.
- d. Impact to Surface Water – Potential for soil erosion, siltation or degradation of receiving waterbodies
- e. Groundwater – New water supply wells (2 new wells)
- f. Impact on Plants and Animals – Loss of any threatened or endangered species
- g. Impact on Ag Resources – Action may sever, cross or limit access to ag land
- h. Impact on Ag Resources – Action may irreversibly convert ag land
- i. Impact on Aesthetic Resources – Action may be visible from scenic resource visible during routine travel by residents. This lot is located in the Ridgeline protection overlay.
- j. Impact on Historic and Archeological Resources – Action is located in an area designated as sensitive for archeological sites.

Max Stach: The Applicant has provided a draft Part 3. We had reviewed it. We had provided the Applicant comments. The Applicant had revised the EAF Part 3. It was well written and thorough and recommend the Board to adopt a Negative Declaration of environmental significance that there would unlikely be significant adverse impacts and that a DEIS would not be necessary. It would recommend and it would be up to the Planning Board's discretion to adopt the EAF Part 2 and Part 3 and the Negative Declaration as prepared.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Kirk Rother: The application before the Board is for a proposed 14-Cluster Lot subdivision situated on approximately 40-acres of land located on Ball Road on the southside of the property across from Ridgfield Road, Kenilworth Lane, Brady Road and the Village Municipal boundary. The property is located in the SL zone. It is currently improved by the existing Ball farmhouse. As part of this process, we first developed a Yield Plan to determine how many lots could be set forth with the Town's Zoning. Once we had satisfied the Planning Board that this would support the number of lots that we are requesting, we then had done a Four-Step Design in which we had identified primary and secondary conservation areas. Looking at the map, those areas include an existing stream that runs down along Ball Road. There are some steep slopes that we tried to avoid. The secondary conservation area is primarily agricultural lands. It is also located in the RL-O District. The shaded green area on the map would remain in agriculture. The green dots on the map indicate permanent open space. The barn would remain on the agricultural parcel. The blue shaded area is the existing Ball Farm. The pink shaded area is the proposed new development. There are 12 new lots. There are 14-lots total. One lot is the farm piece, Lot 2 is the Ball farmhouse and there are 12 new proposed lots in the pink shaded area on the map. We are here in front of the Planning Board to ask for Preliminary subdivision approval. Once the Planning Board grants Preliminary subdivision approval, this would go to the Orange County Department of Health for their review of the wells and septic systems. After that has been done and satisfied, we would come back before the Board for Final Approval.

Chairman Astorino: Do any Board members or Professionals have any questions?

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/07/23 advisory comments (a) connectivity items (e.g., sidewalk), (b) lighting, and (c) a bioretention system to manage stormwater.

Comment #6: TW Building Department – 08/25/23 overgrown property and dwelling in disrepair

Chairman Astorino: That is the old Ball farmhouse which would be repaired.

Comment #7: Applicant to provide NYS Parks, Recreation, and Historic Preservation letter. 06/10/24 OPRHP No Impact Letter.

Comment #8: Applicant needs to apply to the Town Board to opt into the AP-O Overlay District.

Kirk Rother: Ok.

Comment #9: These metes and bounds have been added; the surveyor must sign/seal plan.

Kirk Rother: Yes.

Comment #10: Sheets 1, 3, and 4 show a no-mow 100-ft buffer area; planning board to determine if screening is needed.

Chairman Astorino: That would be located between the farm the agricultural piece and the potential subdivision.

Kirk Rother: Right. Looking at the map at the 100-foot area, The Cluster Subdivision Regulations requires 100-foot setback to agricultural lands. In this instance it would be on the piece that remains with the barn. We are proposing that this would be a no-mow area. The Town Code indicates that it should revert back to its natural state. The question would be if you would want additional plantings in the vicinity of that buffer.

Chairman Astorino: That would be something that we could discuss. Letting it go to weeds would not help the agricultural property. We would need to have a discussion about that. This is a sectionalizing plan. We could talk about that between Section II. There would be time that would be needed for the Health Department's approval. I think that we should think long and hard about that. It is not a smart plan.

Kirk Rother: Ok.

Comment #11: Applicant to clarify the 15% slopes as opposed to those of 25% and up. The colors used at the moment are too similar to be useful.

Kirk Rother: Ok. We had addressed this. If not, we could change the colors to make it better.

Chairman Astorino: You could go over that with Laura.

Kirk Rother: Ok.

Comment #12: Sheet 1, Notes 16, 17, and 23 have been added describing the responsibilities of the Town and the HOA. Additional information needed to clarify the shape of the cul-de-sac.

Kirk Rother: Right. We had talked about that.

Chairman Astorino: I like the hammerhead one. I am not a big fan bulb. It takes a lot of resources for the Town to plow it. That is my opinion. The Board might have a different opinion.

Comment #13: Applicant to include Town of Warwick Road Cross Section detail in revised plans.

Kirk Rother: Ok.

Comment #14: Street trees are required per §137-19.B(5). Applicant to add to the plan with locations and landscaping table (botanical name, common name, size, quantity).

Kirk Rother: Will do.

Comment #15: Applicant to file declarations for all drainage easements with the Orange County Clerk's Office.

Kirk Rother: Yes.

Comment #16: All well and septic location to be approved by the Orange County Department of Health (OCDOH). OCDOH to witness soil testing, as well.

Kirk Rother: Yes.

Comment #17: 911 addresses must be obtained from the Building Department and then shown on the plan.

Kirk Rother: Yes.

Comment #18: Applicant to request permission from the town to install drainage pipe under Ball Road and in ROW.

Kirk Rother: We will do that. So that the Board is aware and this would be applicable in the future phase, the stormwater pond located here on the map was supposed to go under the access road along Ball Road and down into this adjoining lot. The stream is located right in the back of that. Jon Shafron is the Builder who would develop this project. He plans to build a house on this lot. He gave himself an easement to allow the Town. We would just have to make sure the Town is ok with it.

Chairman Astorino: You would need to prepare a detail for that.

Kirk Rother: Yes.

Comment #19: Applicant to include a detail on the plans to show a sectional view of the pipe in ROW, see §A168a. Add a note to the plans stating that the ROW must be properly restored after pipe installation.

Kirk Rother: Yes.

Comment #20: Applicant to include an easement in the plan to address the pipe on parcel 219-1-1.2, shown on Sheet 3 of 11 from overall Subdivision Plan.

Kirk Rother: Will add.

Comment #21: Applicant to include a bar scale for Sheet 8 of 11 the Erosion Control Plan from overall Subdivision Plan.

Kirk Rother: Ok.

Comment #22: Applicant to provide draft eNOI in Appendix A. The eNOI can be pdf'd from the nform website.

Kirk Rother: Will do.

Comment #23: Applicant to include a legend for the CRISPR figure provided in Appendix B.

Kirk Rother: Ok.

Comment #24: The Ridgeline Overlay Area must be shown on the plan.

Kirk Rother: Ok. I will show it on the Cover Sheet.

Comment #25: Applicant to clarify the lot selected to be the affordable housing lot.

Kirk Rother: Right. We propose Lot #1 to be designated as the affordable home lot. It is closer to the Village.

Chairman Astorino: We had verified that at the site visit.

Comment #26: Sight distance triangle descriptions and maintenance requirements must be shown on the plans.

Kirk Rother: Ok.

Comment #27: 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."

Kirk Rother: Ok.

Comment #28: Surveyor to certify that iron rods have been set at all property corners.

Kirk Rother: Yes.

Comment #29: Notes for the Ridgeline, Aquifer Protection, and Open Space must be added to the plan.

Kirk Rother: Yes.

Comment #30: The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes (including maintenance) must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.

Kirk Rother: Yes.

Comment #31: Affordable Housing documents must be submitted. The liber and page must be shown in the drawings.

Kirk Rother: Ok.

Chairman Astorino: You would also need to go before the Town Board for the Affordable Housing.

Kirk Rother: Ok.

Comment #32: Payment in lieu of parkland for 10 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Laura Barca: That is only for 10 lots because Section I has 3 Lots.

Comment #33: Payment of all fees.

Kirk Rother: Yes.

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

Mr. Showalter: Regarding the pipe under the road, would we be digging up our freshly paved road? Kirk, could you bore a hole under it? We just spent money on that road.

Chairman Astorino: The road came out very nice. Roger, the issue is that they would have to pull the old pipe out. Kirk, you would be adding a new pipe. Is that correct?

Kirk Rother: There is not an existing pipe located under the road.

Chairman Astorino: Then Mr. Showalter has a valid point.

Mr. Showalter: Could he put the pipe in where the culvert is? Could he add the pipe in through the culvert so he wouldn't have to tear up the good road?

Chairman Astorino: Yes. We could have a discussion about that. Mr. Showalter, I agree with you. That would make sense.

Mr. Showalter: They did a good job on that road. I don't want to go over a bump for the next 30 years.

Mr. McConnell: Are there notes relevant to the AP-O that we are asking them to apply for?

Chairman Astorino: Yes. They would have to be shown on the plan.

Mr. McConnell: Ok. That is not mentioned here for the notes to be on the plans.

Kirk Rother: All of the notes are on the map already.

Mr. McConnell: Ok.

Bob Krahulik: Regarding the pipe, would that line up with the easement across the street?

Kirk Rother: Yes. We created an easement across the street for the purpose of this pipe. We might not use it. But at least it is there if we need it.

Chairman Astorino: Let's have a discussion about where we could move it. This is for the preliminary public hearing for Section I and Section II. Is that correct?

Kirk Rother: Yes.

Chairman Astorino: We will open the public hearing. Do any other Board members have any comments or concerns? This is a preliminary public hearing for the Ball Farm Subdivision application. If there is anyone in the audience wishing to address the Board, please rise and state your name for the record.

Kathryn Cassie: Regarding the open space, who owns the open space? Could it be used by anybody?

Chairman Astorino: No. It is privately owned. Kirk, who would continue to be the owner or would it be sold to another person?

Kirk Rother: The open space right now is part of the proposed agricultural parcel which is owned by Maskers Orchard currently. They intend to continue farming it.

Kathryn Cassie: Is the open space opened in perpetuity?

Chairman Astorino: Yes. It is deed restricted.

Kathryn Cassie: Ok. Could it be used for agricultural purposes?

Chairman Astorino: Yes.

Kathryn Cassie: Was that whole property zoned agricultural?

Chairman Astorino: The property is located in the SL zone. It is in agricultural.

Kathryn Cassie: How do you get houses on it?

Chairman Astorino: It is zoned SL zone, in the Town of Warwick which means Suburban Low Density. It allows you to do building on it. You are removing some of the property out of the agricultural, you would have to file in NYS to approve that you are a farm. This was Maskers Orchard. You will hear from the next person that is going to speak is that they hay that as of right now. That is the Cradle property that hays it. They have the right to do this as long as they follow the steps. That is why they are here.

Laura Barca: Every Zoning District has multiple uses that are allowed in that zone. Historically this entire property the use was agricultural. It wasn't zoned agricultural. Its use was agricultural. Now what the Applicant proposes to do is split the property up where a portion of it would remain as an agricultural use and a portion of it would have residential use.

Kathryn Cassie: But the agricultural use would no longer be able to be zoned as residential?

Chairman Astorino: No. The open space is deed restricted. If this subdivision goes through, it would be deed restricted property. There would be no further subdivision. That is the point of doing a Cluster subdivision.

Kathryn Cassie: Is it 3-acre zoning?

Chairman Astorino: It depends what zone you are in.

Kirk Rother: It is in the SL zone which means Suburban Low Density. It is 3-acre zoning. We had prepared a different plan that showed the whole property developed with 3-acre lots with a proposed road. We proved to the Board that was a viable plan. We arrived at a lot count. We threw that plan in the trash. We then came up with a Cluster subdivision plan. When Maskers Orchard came to me and asked me to come up with a development for this, one of the things they asked me to do was to make sure the houses did not go past the existing barn as viewed from up on the hill at Maskers Orchard. The Balls were selling the property. They did not want to see the whole property developed. They wanted to preserve the view of the farm field that you see from Ball Road. Victor Ludmerer told me that one of his conditions were to make sure all of these houses were behind the barn.

Kathryn Cassie: Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Colleen Daly: I have a question regarding the proximity of the road to the barn. I wanted to know how much of a variance we have around the barn in order to pull the wagons? I know that we would have to move our elevator because I think that it would hit the road on the eastern side.

Chairman Astorino: Do you mean the road that is going in?

Colleen Daly: Yes. The new one. On the eastern side of the barn, we have our elevator. We would have to move it to another side which has a very extensive incline. Would we be able to utilize this road here in order to bring the wagons up? If this would be a no-mow area, it would not work out.

Chairman Astorino: Colleen, we would have a discussion about that.

Colleen Daly: Ok. I am just concerned about the operation of it.

Chairman Astorino: I believe and I don't want to speak for the Applicant, I don't see why they wouldn't let you use it. It would be a Town road. Anybody could drive on a Town road.

Colleen Daly: The proposed dwelling, how close would that be to the barn?

Kirk Rother: 100 feet.

Colleen Daly: Ok. Has there been a traffic study done?

Chairman Astorino: It is not warranted for a traffic study. We had discussed that at length. The number of trips per day doesn't warrant a traffic study for this size of a subdivision.

Colleen Daly: I am the property manager at Warwick Meadows. The concern about that is that we already have traffic flow coming through there because GPS keeps directing people to go through there. I have concerns with construction vehicles going through there.

Chairman Astorino: Have you talked about putting signage up there?

Colleen Daly: We have signage. We don't have much ample room at the top for any of those types of larger vehicles to turnaround. My concern is when they would be doing construction, would they be directed to come off NYS Route 17A rather than Brady Road? If they are coming down Brady Road, they would likely go through our development at some point and time. I am afraid that there would be some issues.

Chairman Astorino: I think they would find out rapidly in the spring when the culver gets done, it would be closed for a while. When the culvert is closed, you would be going through NYS Route 17A.

Colleen Daly: Perfect. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Geoffrey Bishop: Are they going to be single-family homes?

Chairman Astorino: Yes.

Geoffrey Bishop: Would the sewage be able to handle these homes?

Chairman Astorino: Yes. The Town's Professionals that are sitting here; Laura Barca and Temi Alao from HDR are the Town's Planning Board Engineer, Bob Krahulik, Town Planning Board Attorney, Max Stach and Danielle Dreyer from Nelson Pope Voorhis, Town Planner. These Professionals work for the Town of Warick Planning Board. They do not work for the Applicants. The Applicants have their own professionals. They bring the information to us. Our Town's Professionals review the information. We make sure that it meets our Code.

Geoffrey Bishop: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Jeff Brown: I live in the neighborhood off Kenilworth Lane. I have concerns about traffic. Coming out of Kenilworth Lane, there are cars that fly down the hill. There is a blind turn going up the hill. Traffic is already challenging. During apple season, traffic is horrendous. There is more congestion. Traffic is my concern.

Chairman Astorino: Speeders and running Stop signs are enforcement issues. There is speed limits posted in the Village. There are speed limits on the Town roads. Unfortunately, people don't heed to them. We could make a mention to the Police to have a car sitting there. I think that would help. I think with having the Police write out numerous tickets for people speeding up or down that hill or running a Stop sign might help. This happens all over. It is not just your area. It is a shame that it happens.

Jeff Brown: Has there been any thought about changing the intersection with Ball Road and Kenilworth Lane? It is a weird angle there.

Chairman Astorino: With the Village and the way that culvert is there, I don't think that would be possible to do. As I had mentioned earlier, that culvert will be replaced. That is a FEMA project. It is an expensive FEMA project. They are going to replace everything there. That is why it hasn't been paved all the way.

Jeff Brown: Thank you. I just wanted to voice my concerns.

Chairman Astorino: Thank you. Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Barry Moellman: We moved there before Ridgefield was put in. The traffic that has increased is horrendous especially during apple picking. The previous gentleman talked about traffic issues coming down the hill. It is even worse with traffic going up the hill.

It is completely dangerous. You had talked about enforcement. Since 1987, I haven't seen a police car sitting at that intersection watching traffic. They do sit by the fire station. People are driving down that hill at least 45 MPH.

Chairman Astorino: Is the speed limit in the Village 25 MPH?

Barry Moellman: The speed limit in the Village is 25 MPH all the way.

Mr. Showalter: I live up the hill. I have been living there now for 34 years. I have noticed recently more police on the road because I travel on the road to work around 7am and come home around 6/6:30pm.

Barry Moellman: But what you see is the Police cruising. They are not stationed there. The Police sit at the fire station frequently.

Mr. Showalter: In their defense, it would be kind of hard to park down there because the road is narrow.

Barry Moellman: It is dangerous there.

Chairman Astorino: I could talk to Chief Rader about that issue. It is a valid concern. We see it all the time. I could mention it to the Chief of Police. He could make a determination about that.

Barry Moellman: They have a radar sign up that they put down by the fire station. That is a straight road. Even if you are speeding, you could see it. They don't put it up by the curb where you can't see it.

Mr. Showalter: You have a valid point.

Barry Moellman: It is very dangerous.

Shirley Moellman: Why can't that developer change that road to a better intersection?

Chairman Astorino: They cannot change that intersection?

Shirley Moellman: But you talked about changing the culvert.

Chairman Astorino: That is just a culvert pipe under the road. You are dealing with the Village and Town with the culvert that takes a lot of water. It has to be there. You cannot change that.

Barry Moellman: Regarding the affordable housing? What does that mean?

Chairman Astorino: The Town of Warwick had in their Code for 20+ years affordable housing. I don't like the term affordable housing. It is workforce housing. It is a lottery system that allows a fireman and/or a teacher for the affordable housing. Someone that works in the Warwick Valley School District could put their name in a lottery system for the affordable housing and go for it.

Shirley Moellman: What about putting up a traffic light or caution light?

Chairman Astorino: That Village or the Town wouldn't put a traffic light there. The traffic doesn't warrant it. Is there anyone else wishing to address the Planning Board on the Ball Farm Subdivision application.

Kathy Conroy: Regarding the affordable housing and the lottery system, what kind of lottery is it? Is there a price level of houses that would be put there?

Chairman Astorino: It would be a deed restricted house. You would get it at a reduced rate. The developer would understand that they would have to build this home and sell it at a reduced rate. It has never been done before in the Town of Warwick. We will have Bob Krahulik, the Town's Planning Board Attorney explain the affordable housing.

Bob Krahulik: It would only be one house in the entire development that would be considered an affordable home. It is not the entire development to be considered affordable housing.

Kathy Conroy: Ok.

Chairman Astorino: It is a requirement.

Bob Krahulik: The Town of Warwick says if you have a subdivision with 10 or more lots, for every 10 lots one home must be an affordable home.

Kathy Conroy: That would be the house that goes into this lot.

Bob Krahulik: Correct. The house would have to be sold at a price allowed for a family making 80% of the median income in Orange County.

Kathy Conroy: How many houses does this subdivision include? Is it 14 houses?

Kirk Rother: Looking at the map, there are 14 lots total proposed. The green lot with the barn is one lot. The blue lot is the Ball farmhouse, which is two. Then there would be 11 market rate lots and the one affordable lot which is located here in the corner.

Kathy Conroy: Ok. Thank you.

Bob Krahulik: The lottery system is a Tier Lottery. Tier 1, would be comprised of people that work for the Town, Villages and School Districts. Tier 2, would be comprised of volunteers for the emergency services and that live in the Town of Warwick. Tier 3, would be for any volunteers for emergency services that work in Orange County. It would be more likely that someone would come from Tier 1.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Anthony Monet: I live at 1 Ridgefield Road. I have concerns about traffic and safety. When you come up from South Street Extension, the Ball house is located there. It is pretty tight.

Chairman Astorino: You are right. There would be substantial clearing done there to make the sight distance better along the Ball house side. The Planning Board was there for a site visit. The numbers proved it. We had seen it with our own eyes to make sure there is adequate sight distance as cars comes around there.

Anthony Monte: Ok. It gets very tight there. I deal with the traffic. I am the first house over there. The traffic is insane. I have been living there 15 years. My concern is not only the traffic, I also have safety concerns. There are many people that walk there. There are many people that walk their dogs. Regarding the safety aspect of it, the Village has been putting in a lot of sidewalks in a lot of the areas. Do you know if they are thinking about bringing up the sidewalk on South Street Extension onto Ball Road?

Chairman Astorino: That would be the Village. That is not the Town.

Anthony Monte: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Lenore Franzese: I am on the Board of the HOA at Warwick Meadows. I have lived there 30 years. I know that you had said that this subdivision doesn't warrant a traffic study. We have heard from people in this room that Kenilworth is a dangerous intersection. I have lived here before Ridgefield Meadows has been built. When that was built, it had increased traffic along Ball Road. With the amount of traffic that gets generated by Maskers from the end of August until Columbus Day, I cannot believe there is not a warrant for a traffic study.

Chairman Astorino: We know there is a lot of traffic. We don't need to do a study to tell us that Maskers Orchard has a lot of traffic from August to October. We get that. We do know how many car trips per day coming out of here.

Max Stach: With this subdivision, it would be 11 trips ends per day. During peak hour between 7am and 10am in that period, you would have about 10 or 11 vehicles exiting that road because there are 10 lots. It is about 1.1 or 1.2 for peak hour in the a.m.

Lenore Franzese: Right. I see what you are saying. You are saying that the proposed additional subdivision would not generate more traffic. But what this meeting has brought to light is that there is a dangerous situation going on. Maybe there could be something done like putting in a blinking light or an additional Stop sign.

Chairman Astorino: The Stop signs are there. You would have to stop. That would be an enforcement issue. It is a problem.

Mr. McConnell: You would also have to understand that we don't have the authority to require that.

Lenore Franzese: Who should we right to about that regarding signage?

Mr. McConnell: You would talk to the Town Board about that.

Lenore Franzese: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Barry Moellman: Regarding deed restrictions, I have worked in Michigan where deed restrictions could be lifted.

Chairman Astorino: They are filed with the County. They can't be lifted. This is not Michigan. Is there anyone else wishing to address the Board?

Anthony Monte: You mentioned that they would have to put in a pipe through the culvert?

Chairman Astorino: They have to put a pipe in somewhere under Ball Road.

Anthony Monte: How long do you think the road would be closed?

Chairman Astorino: That there would be for about one day.

Kirk Rother: There are two things that would be going on. They would be replacing this existing substantial culvert that was damaged during hurricane Ida. That is a FEMA project.

Chairman Astorino: That would take a while. That is at the end of Ball Road. Everyone there would be noticed by signage.

Kirk Rother: For us, we intend to put in a pipe here located on the map that would be crossing the road.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm Subdivision application?

Julie Gluckstein: I am located on Ridgefield Road. What would be happening with the Ball house? Would nobody be living there?

Kirk Rother: The Ball house would be renovated. It would be rehabilitated.

Julie Gluckstein: Ok. It is going to be a house. Is that correct?

Chairman Astorino: It is still a house.

Julie Gluckstein: I live on Ridgefield Road. I have traffic concerns. I am trying to figure how we would get out when traffic is not moving.

Chairman Astorino: I don't think you would have bumper to bumper traffic on Ridgefield Road or with this subdivision coming in or out.

Julie Gluckstein: We have that on Ball Road.

Chairman Astorino: I understand that. You had said coming out of Ridgefield Road to Ball Road. From Ridgefield, you would have a couple of cars. The trouble is that once Ball Road is backed up, you would be waiting no matter where you are.

Mr. Showalter: I would like to give the residents of Ridgefield Road some advice. Ridgefield Road is not the Town's jurisdiction. It is the Village. There is a road at the top that goes up through those condos that they shutdown. There was an access road. Maybe you could bring that matter up to the Village.

Chairman Astorino: That would be a good idea.

Julie Gluckstein: That was closed because nobody wanted to take care of the road.

Mr. Showalter: That would be under the Village of Warwick's jurisdiction. You should contact the Village and try to put for that access road to be reopened.

Julie Gluckstein: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Ball Farm application? Let the record show no further public comment.

Mr. Kennedy makes a motion for the Negative Declaration.

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

617.12(b)
State Environmental Quality Review (SEQR)
Resolution Authorizing Filing of Negative Declaration

Name of Action: Ball Farm Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of the proposed subdivision approval and special use permit for a 14-lot cluster subdivision, to include 1 affordable lot and served by individual well and septic, designated on the Town of Warwick Tax Map as Section 53, Block 1, Lot 37.2 located at 56 Ball Road, Town of Warwick, Orange County, New York.

Whereas, the Planning Board on or around July 19, 2023 classified the action as Type 1 and coordinated review with the Orange County Health

Department (Realty Subdivision), and the Town of Warwick Zoning Board of Appeals; and

Whereas, the Planning Board assumed lead agency having received no objections to it lead agency coordination and has reviewed the Full Environmental Assessment Form (EAF) Part 1 for the action dated 1/24/24; and

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

1. Impact to Land - Construction over steep slopes
2. Impact to Land - Construction for more than one year
3. Impact to Surface Water – Construction within or adjoining freshwater wetlands and class C(t) stream.
4. Impact to Surface Water – Potential for soil erosion, siltation or degradation of receiving waterbodies
5. Groundwater – New water supply wells (13 new wells)
6. Impact on Plants and Animals – Loss of any threatened or endangered species
7. Impact on Ag Resources – Action may sever, cross or limit access to ag land
8. Impact on Ag Resources – Action may irreversibly convert ag land
9. Impact on Aesthetic Resources – Action may be visible from scenic resources and visible during routine travel by residents. This lot is located in the Ridgeline protection overlay.
10. Impact on Historic and Archeological Resources – Action is located in an area designated as sensitive for archeological sites.

Whereas, the Planning Board has reviewed the EAF Parts I, II, and III against the Criteria For Determining Significance, and has considered such impacts as disclosed in the EAF, and

Now Therefore Be It Resolved, that the Planning Board adopts the EAF Part 3 as prepared by the Project Sponsor and based on the findings and conclusions relating to probable environmental effects contained within the EAF Parts 2 and 3 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.

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

Mr. Kennedy makes a motion on the Ball Farm, LLC application, granting Preliminary Approval for filing a 14-Lot Cluster subdivision in Sections, and Special Use Permit for 1-Affordable Home, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 18, 2024. Preliminary Approval shall expire on September 17, 2027.

§137-12D. Filing in Sections. At the time the planning Board grants plat approval, it shall permit or may require the plat to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the plat. In accordance with §276 of the Town Law, the applicant may file a section of the approved plat with the County Clerk if said section constitutes at least 10% of the total number of lots contained in the approved plat. In these circumstances, plat approval on the remaining sections of the plat shall remain in effect for three years from the filing date of the first section. When a plat is filed by section with the County Clerk, the applicant shall, within 30 days, file with the Town Clerk the entire approved preliminary plat. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the County Clerk and the required improvements have been installed in such section or a bond covering the cost of such improvements is posted.

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

Chairman Astorino: What this means to the public, this would now allow this application to go to the Orange County Health Department for the testing of the wells and septic systems. They would come back to us with the results. For Section I, you would try to go for a final approval on Section I. Is that correct?

Kirk Rother: Yes. Would you like me to explain to the public about this?

Chairman Astorino: Yes.

Kirk Rother: What you are hearing about is a subdivision being done in sections. There would be Section I and Section II. NYS Town Laws allows us to file a map in sections. What the Applicant would like to do is file this map into two sections. Filing the map means we would record it with the County Clerk's office. The lots would be created. We are looking to file this subdivision in two sections. Section I of the subdivision would include the farm lot that would be retained by Maskers Orchard. It would include the Ball farmhouse, Lot 2 which would also be retained by Maskers Orchard. Looking at the map, the shaded in the pink area would be one lot which would be sold to the developer. We are going to create that lot as a separate lot so that a new home could be constructed on that lot. We are asking the Planning Board to give final approval on the 4 lots. We would then go to OCDOH then come back to seek final approval on the rest of the land.

Chairman Astorino: Ok. Is the Board ok with that? We would now go through HDR's comments for final approval for section 1.

The following Final review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Chairman Astorino: Max, that has not changed. Is that correct?

Max Stach: Correct. The SEQRA Negative Declaration that the Planning Board had adopted was for the subdivision in its entirety not just for the Preliminary approval.

Chairman Astorino: Ok.

Comment #2: Applicant to discuss project.

Chairman Astorino: Kirk, you had just discussed the project in Section I. Is that correct?

Kirk Rother: Yes.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/07/23 advisory comments that relate to Section 2 (a) connectivity items (e.g., sidewalk), (b) lighting, and (c) a bioretention system to manage stormwater.

Chairman Astorino: These do not apply here.

Comment #6: TW Building Department – 08/25/23 overgrown property and dwelling in disrepair.

Chairman Astorino: That comment does reflect to Section I.

Comment #7: Applicant to provide NYS Parks, Recreation, and Historic Preservation letter. 06/10/24 OPRHP No Impact Letter.

Kirk Rother: You have that letter.

Laura Barca: Yes. We do.

Comment #8: The agricultural part of Lot 3 is shown as being part of Lot 14; Applicant to update plans.

Kirk Rother: Will do.

Comment #9: Design and detail for proposed rain garden must be provided.

Kirk Rother: Ok.

Comment #10: These metes and bounds have been added; the surveyor must sign/seal plan.

Kirk Rother: Yes.

Comment #11: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #12: 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 #13: Applicant to provide access easement for Lot 2 over Lot 3. Description to be submitted to for review.

Comment #14: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #15: A metes and bounds description shall be provided for the proposed open space.

Comment #16: Applicant to submit a declaration for Ridgeline, Aquifer Protection, and Open Space.

Kirk Rother: Yes. Will do.

Comment #17: The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes (including maintenance) must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.

Kirk Tother: Ok.

Comment #18: Payment in lieu of parkland for 3 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Kirk Rother: Ok.

Comment #19: Payment of all fees.

Kirk Rother: Yes.

Chairman Astorino: Is there any stormwater on Section I?

Kirk Rother: No. The only improvement is going to be the one lot.

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

Max Stach: There are two issues that you might want to resolve now noting which lots are involved. If you approve this final subdivision that the agricultural lot could be conveyed. I think you had an outstanding issue about the buffer.

Chairman Astorino: It is still part of this subdivision. Is that correct?

Max Stach: No. After you file this, they don't have to come back to the Board except when they come back to resubdivide Lot 4 which this open space lot would no longer be part of. It would be separately owned. When they come back to do the other 10 lots, this opens space lot won't be part of that application anymore.

Kirk Rother: Max is technically correct. It is a question regarding the mowing and tree plantings.

Chairman Astorino: I don't find it wise to not mow it. It would create weed growth and be very unsightly.

Max Stach: Could you do a wildflower meadow mix or something like that?

Bob Krahulik: Is it the idea of the buffer to protect the future houses on Lot #4?

Chairman Astorino: Yes. That would be the whole point of the buffer. You would still want to protect the agricultural land. Let's make a note to show landscaping to the Town Planner's specifications. That would still give us the authority to regulate what happens there. It would give us time to think about what the best approach would be.

Max Stach: The other issue is the sight-line clearing. You might want to do that now. The reason being would be that Ball Farm lot won't be partied to that 10-lot subdivision.

Chairman Astorino: The access to that subdivision, you would have to have safe access. Is that correct?

Max Stach: Yes.

Chairman Astorino: Section II would not be approved if that clearing has not been done.

Kirk Rother: Max, we are already creating an easement over that lot for the drainage improvements and the clearing.

Max Stach: Ok.

Chairman Astorino: Ok. That would be a note for Section II to provide the easement to the Town Planner's specifications. Do any other Board members or Professionals have any comments or concerns? Does the Applicant wish to waive the final Public Hearing for Section I?

Kirk Rother: Yes.

Mr. McConnell makes a motion to waive the Final Public Hearing for Section I.

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

Mr. Kennedy makes a motion on the Ball Farm, LLC application, granting conditional Final Approval for Section I to consist of a proposed 4-Lot Cluster Subdivision, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 18, 2024. Approval is granted subject to the following conditions:

1. The agricultural part of Lot 3 is shown as being part of Lot 14; Applicant to update plans.
2. Design and detail for proposed rain garden must be provided.
3. These metes and bounds have been added; the surveyor must sign/seal plan.
4. 911 addresses must be obtained from the Building Department and then shown on the plan.
5. 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.”
6. Applicant to provide access easement for Lot 2 over Lot 3. Description to be submitted to for review.
7. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
8. A metes and bounds description shall be provided for the proposed open space.
9. Applicant to submit a declaration for Ridgeline, Aquifer Protection, and Open Space.
10. The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes (including maintenance) must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.
11. Payment in lieu of parkland for 3 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
12. Sheet 1, 3, and 4 show no-mow 100-ft. buffer area; provide screening to Town Planner’s specifications.
13. Site distance easement to Town Planning Board Attorney’s specifications.
14. Payment of all fees.

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

Kirk Rother: Thank you.

Review of Submitted Maps:***Jennifer Mante Family Trust***

Application for Site Plan Approval for the use and construction of a new single-family residence located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 73 B 9 L 15; project located on the eastern side of State Highway 210 0.0 feet south of Greenwood Lake Terrace (390 Jersey Ave.), in the SM zone, of the Town of Warwick.

Representing the Applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Danielle Dreyer: This application is Type 2 Action. Construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections. The Applicant provided a Short EAF, Part 1. No further SEQRA action is required.

Comment #2: Applicant to discuss project.

Kirk Rother: The application is for site plan approval for a proposed single-family home on an existing vacant approximately .9-acre lot located on Jersey Ave., with frontage on Greenwood Lake. The reason for the application is because it is located within “A Designated Protection Area” of Greenwood Lake.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 9/4/24 no advisory comments

Comment #6: TW Building Department – 09/06/24 Covered structure on shoreline of lake with deck, trailer storage for many boats, 3 accessory storage buildings near property lines not permitted.

Chairman Astorino: You would need to take care of that with the Building Department.

Comment #7: NYSDOT: pending submittal

Kirk Rother: Yes.

Comment #8: Town of Warwick Standard Notes must be included on the plans.

Kirk Rother: Yes.

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

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Purcell: Yes.

Ms. Garby: Yes.

The Planning Board discussed scheduling a site visit for the Mante Site Plan application. A site visit has been scheduled for October 16, 2024 @ 6:00 p.m.

Comment #10: Applicant to provide the engineered plan that includes the septic shown.

Comment #11: Applicant to clarify if the septic system has been installed. The septic system will require a New York Professional Engineer's certification that it is functioning properly.

Kirk Rother: Ok.

Comment #12: Applicant to clarify how General Note 8 relates to the proposed garage.

Comment #13: Property owners within 300-ft of this property must be added to the plan.

Comment #14: The limits of disturbance must be shown on the plan, as well as the area of distance (in sf and acres).

Comment #15: Applicant to clarify size and purpose of structure on shoreline with deck.

Kirk Rother: I am ok with Comment #12 through Comment #15.

Comment #16: Applicant to include rear yard setback on plans.

Kirk Rother: Yes.

Bob Krahulik: When you set your rear yard setback at 30 feet, we don't think the house would be within the setback. You could go for a variance or move the house. You are showing 40 feet to the water line. That is not the property line.

Kirk Rother: Ok. If we decide to leave it there, then I agree with you.

Bob Krahulik: I don't know what your plans are with the 3 sheds. They should be located 5 feet off the property line if you are going to keep them. I think they need to be 10 feet apart from each other. We will double check on that.

Comment #17: Include 911 address on plans.

Comment #18: Additional information must be added to demonstrate compliance with §1A168-19 Driveways (paving first 25-ft, add paving detail, etc.).

Comment #19: Additional information must be added to demonstrate compliance with §79-3 Construction specifications for driveways (paving, culvert pipe if necessary, slope of driveway indicated, etc.).

Comment #20: Show number of bedrooms of proposed single-family dwelling on plans.

Comment #21: 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 #22: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Comment #23: Surveyor to certify that iron rods have been set at all property corners.

Comment #24: Payment of all fees.

Kirk Rother: I am ok with Comment #17 through Comment #24.

Chairman Astorino: We will see you at the site visit on October 16, 2024 @ 6:00 p.m.

Kirk Rother: Ok. Thank you.

Beth Medrash Meor Yitzchok College (Old Forge Road, LLC #2)

Application for Site Plan Approval & Special Use Permit for the use and construction of undertake re-occupancy and interior renovations of the existing 87,000± sq. ft. buildings for an Institution of Higher Learning with 200 to 300-students with 12 to 18 professors/administrators with overnight accommodations Use Group 84, and parking area improvements, situated on tax parcels S 83 B 1 L 2 and L 5.1; parcels located on the south Eastern side of Old Forge Road 0 feet South Eastern of Sterling Pines Road (57-61 Old Forge Rd.), in the LC zone, of the Town of Warwick. Previously discussed at the PB Meeting of 1/17/24.

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

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: At the last meeting of January 17, 2024, we spent time discussing if this application would be a Type 1 or Type 2 Action. My recommendation at that time was that the application be classified as a Type 1 Action. The Applicant's had suggested that it would be a Type 2 Action. Based on the minutes, I think the Planning Board did not make a determination at that time. However, since that time, the Applicant has provided a Full EAF Part 1 which is what you need to proceed as a Type 1 Action. I still recommend that it would be considered a Type 1 Action. At the Work Session, we discussed that this Board was the only identified Involved Agency at that time. Our Attorney Mr. Krahulik looked into the interpretation of accreditation. There may be some question as to whether this satisfies. If that is the case, then this would likely involve the ZBA. At the Work Session, we discussed about having the Planning Board declare Lead Agency and to consider a Part 2 which is really the first step in this first phase of SEQRA. What I am recommending is that in case the ZBA is needed in this instance so that we would not have to restart SEQRA, is that the Planning Board notices its Intent To Be Lead Agency to the ZBA, which starts coordinating review which is required for Type 1 Actions that the Planning Board classifies the action as a Type 1 Action. We have correspondences from three public agencies that have asked to be copied on all SEQRA proceedings. Those agencies should be copied on anything we do SEQRA wise consistent with the statute. What I have done so as not to postpone the Applicant to consider the type of and the Planning Board from considering the types of impacts that should be explored as part of the SEQRA process, I have also provided a Draft Part 2 EAF. It would be my recommendation that you do not adopt that tonight. You could consider adopting that after the 30 days of your Lead Agency Notice of Intent. You would have to give the other Involved Agencies at least 30 days to inform you if they would want to be Lead Agency. If you agree with that recommendation, I have prepared a Resolution for the Planning Board's consideration for Intent to Assume Lead Agency.

Neil Alexander: To make it clear as stated in our letter, our belief is that it should be a Type 2 Action. We had provided you with a Part 1 and Part 2 of the Full EAF not

withstanding without prejudice to reserving all of our rights. If we are going to bother to circulate, then let's blow it out. Send it to the DEC, OCDOH, etc...

Chairman Astorino: I have no problem with doing that.

Neil Alexander: Let's blow it out and see if anyone else wants to be Lead Agency. I don't think anyone else would want to be Lead Agency. I think you are the appropriate Lead Agency.

Chairman Astorino: I agree. Max, blow it out.

Max Stach: I have no objection to that.

Neil Alexander: I just don't want to get into a situation where we are 6 months down the line where we would have to fight over the reestablishment of the cafeteria that was there for NYU would need a DOH permit. Let's go to the DOH now.

Max Stach: Would you provide us with a list of all the agencies you would want this to be copy on?

Neil Alexander: I think we could take Laura's memo. She alludes to the DEC, DOH, etc... We are not hiding from anything. Let's get it out in the open.

Chairman Astorino: That would make sense.

Neil Alexander: I think that it is important that the letters you have received are Interested Agencies. In the sense between the difference of Interested and Involved Agencies because Interested Agencies don't have approvals.

Max Stach: Yes. I said Interested Agencies.

Neil Alexander: You did mention that.

Chairman Astorino: We will get a complete list together even if there has to be a call between our Professionals and you. We have a Resolution for Intent To Be Lead Agency. Does the Board want to make a motion for Intent To Be Lead Agency?

Mr. Kennedy makes a motion for the Intent To Be Lead Agency Type I 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 Notifying Intent to Assume Lead Agency

Type I Action

Name of Action: Beth Medrash Meor Yitzchok College

Whereas, the Town of Warwick Planning Board is in receipt of an application for 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, indicated that the application is exempt from SEQR based on several Type 2 Actions listed at 6 NYCRR 617.5, notably:

- 617.5(C)(2): *replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.*
- 617.5(C)(9): *construction or expansion of a primary or accessory/appurtenant, nonresidential 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 controls, but not radio communication or microwave transmission facilities.*

- 617.5(C)(10): *routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings.*
- 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.*

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

- 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.
- 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.
- 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.
- 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, initially 617.5(C)(18) was believed to apply to this action, subject to clarification of certain technicalities. Having further researched these technicalities, the following details guide the Planning Board’s determination that the action is not subject to 617.5(C)(18):

- While initial questions focused on whether the existing structure was “commercial,” this was determined to not be a governing factor, the prior use as a non-profit laboratory being similar to a commercial laboratory in all respects.

- The question then became whether the floor area Type 1 threshold applied to the portion of the structure to be reused, or whether any amount of nonresidential reuse was permissible.
- The FGEIS on the “Proposed Amendments to the Regulations that Implement the State Environmental Quality Review Act” indicates at Page 94, that DEC intended for Type 1 thresholds to limit 617.5(C)(18) (Reuse of an existing structure) in a similar fashion as to how they limit 617.5(C)(2) (Replacement in kind).
- The SEQR Handbook, Fourth Edition provides insight into the limiting language with regard to 617.5(C)(2). It reads:

For example, after over 20 years of use, the Alfred E. Smith State Office Building in Albany needed to be rehabilitated and brought up to current codes. It was initially thought that this action would be classified as Type II because the action included repairs, upgrades, and in-kind replacement. However, when the project manager for the New York State Office of General Services looked more closely at the wording of 617.5(c)(2), he realized that the action did not satisfy the final provision in the item “...unless such action meets or exceeds any of the thresholds in section 617.4 of this part.” The scope of the work on this multi-story building far exceeded the threshold in 617.4(b)(6)(v): “(6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; (v) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;”

- Similarly, while the project sponsor proposes reuse of an existing commercial structure, the amount to be physically disturbed for reuse for non-residential purposes seems to exceed 25,000 square feet.

Whereas, a Full Environmental Assessment Form (EAF) Part 1 was received from the Project Sponsor dated August 14, 2024; and

Whereas, after examining the EAF, and upon advice of the Planning Board Attorney the Planning Board has determined that the Town of Warwick Zoning Board of Appeals may be an involved agency with regard to the matter, given that the proposed school does not appear to be “state-accredited” as seems to be required by the code for private schools; and

Whereas, by letters dated September 6, 2024, September 16, 2024, the September 17, 2024 respectively, Palisades Interstate Park Commission, the Town of Tuxedo Planning Board and the New York State Office of Parks, Recreation and Historic Preservation have requested Interested Agency status; and

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to Declare Lead Agency Status for the review of this action, and the Planning Board Secretary is hereby directed to mail copies of the attached lead agency notice along with the corrected Full Part 1 EAF to be provided by the project sponsor and a copy of the application to all involved and interested agencies; and

Be It Further Resolved, that a Determination of Significance will be made at such time as the Planning Board has received all information necessary 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.

Neil Alexander: The use of this property, we are not proposing to do anything other than reoccupy and re-tenant the existing approximately the 87,000 s.f. structure. It had been historically used by NYU as a laboratory and for other educational use. We are an Institution of Higher Learning. We are a college. We are accredited as a Tomalic college. You have been given the information that our financials are audited by NYS. That would be all of the interior work. The exterior work, we would actually be decreasing the impervious surface on the property. The total of disturbance is less than one-acre. As a result of that, no SWPPP would be required. We had provided you with letters for water and sewer. We have provided you with the traffic report to show that our proposed traffic methodology of bringing our students to and from the school. It would be less than the IDE Land Use Code for laboratory. The submissions are getting thicker. I don't know how far you would want to go through all of that. You have architectural drawings, site civil drawings, Part 2 EAF. You had proved that we are no longer in the PDS system. I know there was further questioning about that which was once again validated. It is on the spill wizard. It is publicly available. If the public that is sitting here would like to look at that and verify what the Town Engineer has already verified and the DEC has verified. We had done a lot of work since we were last here back in December and January.

Chairman Astorino: We are reviewing whatever has been submitted.

Neil Alexander: I think that it is important for the public to understand that we did not disappear and had done nothing. We have done a ton of work. It has been provided to you. You have received a SHPO sign-off letter. I think that needs to be distinguished from the letter that you did receive from... In comparison to going through the CRIS system to do SHPO which leads to archeological and historical, the SHPO letter that you had received is why they had acknowledged that they are only an Interested

Agency not an Involved Agency is from a division of SHPO that works with the Sterling Forest. They were writing it on behalf essentially of their client the Forest Preserve relative to Forest Preserve concerns. It is very different from the archeological and historical, in which we already have a sign-off for it. We have given you interior and exterior photos. I don't know if you wanted to talk about doing a site visit.

Chairman Astorino: That was where I was headed next. There are numerous comments that we have this evening. I don't know if you or Keith want to go over any of them. What has been submitted is being reviewed. There is no sense to go through them tonight.

Keith Woodruff: Unless there is something that the Board would want to discuss at length.

Chairman Astorino: There are a couple of things I would like to discuss while we are here. One would be scheduling a site visit. Bob, do you have a question regarding waivers?

Bob Krahulik: There is a waiver that you would be asked to sign. It would prevent you from taking any action against the Applicant if something happens to you when you go inside the building. If you could track the condition because there is mold, asbestos or lead paint. If you don't like that, then don't go inside the building.

Neil Alexander: We did provide dozens of interior photos.

Chairman Astorino: We understand that. Nobody is under obligation to go in the building. If you want to go in, then you go. If you don't, then you don't. I for one will go into the building.

Laura Barca: Would it be possible to have the waiver form for HDR to use it for HDR to get entity?

Neil Alexander: Just send us a markup. We would reasonably entertain. I think the Town Attorney and others understands scope of what is going on here. We know that there is stuff that would need to be remediated in there.

Chairman Astorino: We understand that. When would the Board like to schedule a site visit? I think we should do it on a Saturday.

The Planning Board discusses scheduling a site visit. A site visit has been scheduled for Saturday, October 19, 2024 at 10:00 a.m.

Chairman Astorino: Again, for the Board's own knowledge, if you don't want to sign the waiver, do not sign the waiver.

Mr. McConnell: I haven't seen the waiver yet.

Chairman Astorino: I understand that. The site visit has been scheduled for Saturday, October 19, 2024 at 10:00 a.m. Do any Board members or Professionals have any comments or concerns?

Max Stach: I wanted to clarify something that I have done before with other Applicants. The way that we have been doing the SEQRA process is that we know you have submitted a lot of backup information analysis beyond just describing your project like the traffic stuff. The way that I like it to be handled through the SEQRA process is that the Planning Board does the Part 2 based on the Part 1. We identify all potential large and moderate impacts. Those types of documents that you have already provided, you would reference in a Draft Part 3 that you would prepared.

Neil Alexander: Yes.

Max Stach: Then the Planning Board would consider whether those analyses satisfy their concerns with regards to traffic, historic resources, etc... When you see the Draft Part 2, there would be a lot of items listed.

Neil Alexander: We will start getting that done the Draft Part 3 to explain why we believe it varies that there are no significant or adverse environmental impacts.

Max Stach: Do you understand that?

Neil Alexander: Yes. No problem.

Chairman Astorino: Bob, you had reached out for the State Accreditation.

Bob Krahulik: I was asked to do a do diligent system to make sure the Applicant's information of the uses permitted in the Code proves their website. I had found some inconsistent language as far as accreditation. I have shared that with Mr. Alexander. He would be providing the information that we need to confirm whether or not it is State Accredited. We have not completed our do diligence yet. We are going to make sure that either it fits the definition or not.

Chairman Astorino: Thank you. Do any Board members or Professionals have any other comments or concerns? Neil, we know that you had mentioned that you had provided a ton of information. It is being reviewed. Do you have any questions on the comments this evening?

Neil Alexander: I just wanted to mention to others that might be going out and surfing the web, our other facility in Monsey, NY has built a high school and college there. If you are grabbing some of those guide books that are out there, what you are seeing are statements about both of them. It probably could have been written more clearly that pro-field schools don't issue Regent diplomas versus whereas colleges issues degrees.

Chairman Astorino: Do you mean such ass Associates and Bachelor degrees?

Neil Alexander: Correct. I know the Board is on top of this. I just want to prevent as much scuttle as possible.

Chairman Astorino: We don't deal with scuttle. We deal with facts. Provide the information to our Attorney.

Neil Alexander: Yes.

Chairman Astorino: You would provide the facts to us.

Neil Alexander: Yes.

Chairman Astorino: Do any Board members or Professionals have any other comments or concerns? We will list Comment #3 through Comment #67 for the record. We will see you at the site visit on October 19, 2024 at 10:00 a.m.

Neil Alexander: Yes. Thank you.

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

Comment #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.

Elite Strategies, LLC

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, 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. Previously discussed at the Planning Board Meeting of 7/17/24.

Representing the Applicant: Keith Woodruff from Engineering Properties & Surveying. Jonathon & Etta Hamilton, Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: The Planning Board has determined that this application is a Type 2 Action. It is not subject to SEQRA. It is subject to referral to the Village of Warwick at the time the Public Hearing is advertised. It is also subject to GML-239 review.

Comment #2: Applicant to discuss project.

Keith Woodruff: This is a rehabilitation of the existing old plumbing building located on Clinton Ave. Extension. The proposed application is to provide the improvements of the parking. The exterior of the building would be rehabilitated as well as the interior to make it more suitable architectural design. Additionally, the Town Board has started the process of filing a Quick Claim Deed in order to take on the paper street that was the original extension which was part of the deeded transfer entitled for the current Applicant. Additionally with discussions with the Village, it was discussed to maintain that what was a paper street as an easement for future access for the Villages turnaround for emergency vehicles as well as possible future connection which would be negotiated at a later date with whomever that may be to provide us the development of that lot. We would provide a gate or a plastic lock gate or a Knox lock so that the fire department or emergency service would have the ability to take that down if there was a future connection to the adjoining properties. The DEC wetlands have been signed off on. We are in current negotiation with the Village in order to extend the sewer and water services for the property. Currently it had already utilized the water service to the building. Now we would have to provide an actual agreement as a district user.

Chairman Astorino: The Planning Board had done a site visit. Does the Board or Professionals have any comments or concerns? We walked in and around the buildings. We walked around the properties. We understand that there is work that still has to be done to get it to this level. Keith, are there any comments that you would like to discuss this evening?

Keith Woodruff: No. For the most part, they are just more procedural of cleaning up the plans.

Chairman Astorino: Regarding Comment #21, General Note 15 states that access must be granted to two parcels; Applicant to clarify if parcel 52-1-23 requires access.

Keith Woodruff: I believe that is the vacant property.

Chairman Astorino: You are giving them access. Is that correct?

Bob Krahulik: Mr. Denis McLaughlin owns the house on the northern side. He learned about the Quick Claim Deed and that he was not noticed. He thinks that his right to access his own house has been extinguished. That turned our attention to the lot in the back behind tax lot #8 who also uses the driveway.

Keith Woodruff: Lot #8 is a vacant lot. It has site plan approval for additional improvements for them to construct a home. The McLaughlin property as well as there is a sliver property to the north that is also in the town that is currently being occupied by the Florist across the street. The easement language will provide access or maintain access for those residential properties through the Clinton Ave. Extension. We are not extinguishing the rights of them to continue to utilize that location for a driveway access.

Bob Krahulik: I believe what we are asking is that we would like to see a new easement agreement prepared for the benefit of the 2 if not 3 property owners to give them some cover that they still have the right to use Clinton Ave. Extension to access their homes.

Keith Woodruff: We will provide that.

Chairman Astorino: Clean that up and provide it to the Board so that our Attorney could review that.

Keith Woodruff: Yes. We have no problem with that.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? Does the Applicant wish to be set for a public hearing at the next available agenda?

Keith Woodruff: Yes.

Mr. Purcell makes a motion to Set the Elite Strategies, LLC application for a Public Hearing at the next available agenda.

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

Keith Woodruff: Thank you.

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.

Comment #7: Applicant to clarify connections to the Village of Warwick water and sewer; project may require OCDOH approval.

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

Comment #9: Applicant to clarify if food preparation will occur in the building; project may require OCDOH approval. Applicant to add a note to plan stating that there will be no food preparation for the students onsite.

Comment #10: Add a sign to details indicating which handicapped spaces are van accessible.

Comment #11: Applicant to provide a key on site plan to clarify different line types.

Comment #12: Applicant to clarify that limits of disturbance shown on Sheet C-104, does not cross into the 100' NYSDEC Adjacent Area. Applicant to also create different lines for the silt fence compared to limits of disturbance; represented by the same line on drawing.

Comment #13: The proposed 16' x 24' shed is proposed partially in the 100-year FEMA floodplain, A Floodplain permit applicant to the building department may be required.

Comment #14: §164-43.2A(2)(a) One parking space per employee plus 0.1 per person of capacity of enrollment plus drop-off spaces equal to one for each 8 enrollees permitted.

Comment #15: Applicant must obtain Childcare license or registration from the NYS Office of Children and Family Services.

Comment #16: Applicant must obtain approval of the special education program and registration of the nursery school program from the NYS Education Department.

Comment #17: A detail must be added for the fence around the proposed play area.

Comment #18: Clarify what materials are under play areas; modify ground surfaces under play areas for fall protection.

Comment #19: Applicant to consider adding trees over play area to provide shade.

Comment #20: Architectural renderings show plants along the exterior of the building, but the landscaping plans do not; Applicant to clarify.

Comment #21: Sheet 1, General Note 15 states that access must be granted to two parcels; applicant to clarify if parcel 52-1-23 requires access.

Comment #22: 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.

Comment #23: 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.

Comment #24: Applicant must request permission to convert Clinton Ave Extension into a private road. Submit Quit Claim Deed.

Comment #25: On Sheet C-103, parking spaces 11 and 13 are next to angled curves, complete striping lines full size of parking space is shown. Applicant to clarify.

Comment #26: 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 #27: 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 #28: All accessible parking spaces should have access to the shortest route to the entrance; accessible parking spaces should either be moved closer to the left or split between entrances.

Comment #29: Angled parking is recommended for one way parking areas; applicant to clarify if there is enough room for perpendicular parking spaces or angle all drop off spaces and parking spaces #1-6.

Comment #30: Please confirm the fire truck vehicular turning envelope is continuous.

Comment #31: 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.

Comment #32: Please explain the use of the cutaway vehicle and why it is presumes to back out and not follow the full loop to exit.

Comment #33: Applicant to clarify if there will be a school bus for the special needs students. If yes, please advise on the type to confirm it is smaller than the fire truck and therefore no additional turning diagram is needed.

Comment #34: Planning Board to coordinate with Fire Department.

Comment #35: §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. The narrative should be expanded to include how increased pedestrian access will be incorporated into site plan. Narrative mentions "earth-tone colors"; samples of color palettes used on exterior of building should be provided.

Comment #36: A human-sized door should be added to the dumpster to allow daily garbage bag delivery without needing to open the large swinging doors.

Comment #37: "October Glory" Trees are shallow rooted; applicant to show that the roots will not become a tripping hazard.

Comment #38: Include existing maple trees in site plan schedule to clarify quantity and size of trees. Ensure existing maple tree roots in right-of-way parcel will not disrupt present driveway.

Comment #39: Leatherleaf Viburnum Shrubs are located adjacent to present playground; applicant to clarify if there is shielding from bushes to play area to prevent children from eating/playing with fruits in the shrub.

Comment #40: Applicant to submit landscaping and performance bond cost estimates (for engineering review) and form of the bond (for attorney review).

Comment #41: Declaration information for required documents filed in Orange County Clerk's Office must be added to the plans.

Comment #42: Surveyor to certify that iron rods have been set at all property corners.

Comment #43: Surveyor to sign and seal drawing.

Comment #44: Payment of all fees.

138 Pine Island Turnpike, LLC

Application for Site Plan Approval and Special Use Permit for the construction and use of a new 1,200 square-foot Guest House with a 1,200 square-foot attached Garage, and 300 square feet with storage space, situated on tax parcel S 29 B 1 L 74; parcel located on the northern side of Pine Island Tpke., (138 Pine Island Tpke.), in the RU zone, of the Town of Warwick.

Representing the Applicant: David Niemotko, Architect.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We discussed this at the Work Session. Normally an accessory to a single-family residential home would qualify as a Type 2 Action. However, the SEQRA classification talks about a minor accessory. The Planning Board had indicated that it might be disclosed saying that this is not minor. If that is the case, you should be classifying this as an Unlisted Action. The Planning Board is the only agency that has identified approval authority over this project. Therefore, it is our recommendation that you declare yourself as Lead Agency classifying the action as Unlisted. I have provided a Resolution to that effect for the Planning Board's consideration.

Mr. Kennedy makes a motion for Lead Agency classifying the action 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: 138 Pine Island

Whereas, the Town of Warwick Planning Board is in receipt of an application for Site Plan Approval and Special Use Permit for the construction and use of a new 1,200 square foot guest house with a 1,500 square foot garage/storage area, totaling

Whereas, a Short Environmental Assessment Form (EAF) dated July 11, 2024 was submitted; and

Whereas, after comparing the thresholds contained in 6 NYRR 6.17.4 and 5, as well as 10 NYCRR 97.14, the Planning Board has determined that the proposed project is an Unlisted Action as the guest house and garage are too large to be considered “minor accessory structures”; and

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

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.

David Niemotko: We are proposing to have a guest house on this lot located on approximately 15.9 acres. Per your Zoning Code, you asked if this entire land could be subdivided to support an accessory structure or guest house. We have provided those documents to show that each lot would comply with the Bulk Requirements of the Zoning Code. We have shown that each lot meets the configuration of the square as outlined in your Zoning Code. We have also designed a detailed private drive which complies with the Zoning Code requirements to be within 10% slope, a certain width and an emergency vehicle access turnaround at the end of it. Each of these show that the project is viable and compliant with the Zoning Code. We are grateful that you are considering it. There was one other requirement that the guest house be a smaller size than the primary residence. We have shown that on our plans and documents.

Chairman Astorino: Thank you. David, do you have any questions on any of the comments this evening that you would like to discuss?

David Niemotko: No. We are in an agreement with the comments. The only one that I would ask is about Comment #3 Conservation Board pending.

Chairman Astorino: We have not received anything back from the Conservation Board. I don't expect we would receive anything. But we will see. Do any Board members have any comments or concerns? This is another application that we had talked about scheduling a site visit.

Bob Krahulik: Is there a note somewhere on the plans that prohibits short-term rentals?

Chairman Astorino: There is a note.

Laura Barca: There is a comment about that. It is Comment #15. That note is not on the plans as of yet.

David Niemotko: We will address all of these comments on a set of plans that would be met at the next submission date. When is that submission date?

Connie Sardo: The next submission date is 9/25/24 for the 10/7/24 Work Session and for the 10/16/24 Planning Board meeting.

Chairman Astorino: Let's schedule this site visit for October 7th before the Work Session. It shouldn't take long. Is that ok with the Board and Professionals?

Mr. McConnell: I will be away October 7th.

Chairman Astorino: Would you be ok if the rest of the Board does the site visit on October 7th?

Mr. McConnell: Yes.

Chairman Astorino: We will schedule the site visit for October 7, 2024 at 6:00 p.m. David, are you ok with that date and time? It is right before the Work Session.

David Niemotko: Yes. Ok. I will make it work.

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

Max Stach: We have also prepared a Part 2 EAF identifying two potential impacts. One impact would be Wheeler Creek on the site. The other is that it is located in the Ridgeline Overlay District. What I would recommend is if the Planning Board agrees with the Part 2 as drafted, you adopt it tonight and ask the Applicant to prepare a Part 3.

Chairman Astorino: Do you need a consensus from the Board regarding that?

Max Stach: Yes.

Chairman Astorino: Would the Board have any problem with that?

Mr. Showalter: No.

Mr. Kennedy: No.

Chairman Astorino: Fine. The Board is in a consensus regarding what our Planner had stated. We have scheduled a site visit for October 7, 2024 at 6:00 p.m. We will list Comment #3 through Comment #36 for the record. David, if you have any

questions, you could contact our Professionals. Does the Applicant wish to be set for a Public Hearing at the next available agenda?

David Niemotko: Yes.

Mr. Showalter makes a motion to Set the 138 Pine Island Turnpike, LLC application for a Public Hearing at the next available agenda.

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

David Niemotko: Thank you.

Comment #3: Conservation Board – pending

Comment #4: Architectural Review Board – pending

Comment #5: OC Planning Department – 08/16/24 advisory comments OCDPW required, endangered species protection with tree harvesting, and any easement and maintenance agreements.

Comment #6: TW Building Department – 08/21/24 no violations

Comment #7: OCDPW – 08/27/24 letter received; waiting confirmation about what comments need to be addressed

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

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

Comment #10: There are many items missing from the Site Plan and Special Use Checklist; applicant must submit all items for application to be considered complete or indicate/explain why item is not being submitted.

Comment #11: The design professional information should be included on each sheet that will be signed and sealed by that professional.

Comment #12: Applicant to clarify the squares that are shown on Sheet C-1 along the property lines.

Comment #13: The scale of Sheet C-1.1 should be converted to a conventionally used engineering scale so that the definitions of the setbacks can be used to determine the lot width and lot depth of lots of this theoretical lot line §164-22 Definitions of Lot (Depth of lot and Width of lot). The upper portion of the lot does not need to be shown on all sheets because it is shown on the cover sheet.

Comment #14: Sheet C-2 indicates that a breezeway will connect the guest home to the garage. Please add a note stating that the two structures must be connected together: the garage cannot be a detached accessory structure.

Comment #15: A note must be added to the plan stating that the guest home will not be used as a short-term rental unit and will not be advertised as such on Vrbo or similar.

Comment #16: 911 addresses must be obtained from/clarified with the Building Department and then shown on the plan.

Comment #17: Town of Warwick Standard Notes must be added to the plan. The Town of Warwick Overlay Protection District Table and the Agricultural Protection Notes must be added to the plan.

Comment #18: Sheet C-2 shows the proposed bulk requirements for the guest house as Accessory Use Regulations; these should be updated to show the requirements for a guest house.

Comment #19: §164-46J(11): The principal residential structure and the accessory residence must occupy an area that could be legally subdivided, resulting in two conforming lots, each with a principal residence structure.

Comment #20: Sheet C-1.1 Driveway Note 6 should be updated to include only OCDPW.

Comment#21: On Sheet C-2, the bulk table seems to indicate that there is an accessory garage; Applicant to clarify if the proposed structure is a guest house or a garage. Accessory setbacks do not apply to a guest house.

Comment #22: §137-21(1): Lots intended for single-family residential purposes should have an average slope of less than 15%.

Comment #23: Applicant to show square rule §137-21.K(1).

Comment #24: Applicant to confirm location where sight distance "Location A" is taken from on the driveway.

Comment #25: Applicant to add a note to the plan that the garage can be used for a maximum of three cars.

Comment #26: Soil tests for the septic system must be witnessed by the Office of the Planning Board Engineer.

Comment #27: Make modifications to control measures to include mulching to keep temporary seeding in place; silt fencing should be adjusted to avoid directing stormwater to the driveway.

Comment #28: Driveway to demonstrate compliance with §A168-19 for the construction of the driveway.

Comment #29: The pavement detail on Sheet C-1.1 should be updated to comply with the Town of Warwick requirements.

Comment #30: Add a detail of proposed retaining wall, including dimensions of wall, method of construction, and information on what wall will look like.

Comment #31: Please add a note to the plans stating that retaining walls greater than 4-ft tall require design plans prepared by a New York State Professional Engineer.

Comment #32: 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 #33: Surveyor to certify that iron rods have been set at all property corners.

Comment #34: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Comment #35: The declaration information for the Ridgeline and Agricultural Notes must be added to the plan.

Comment #36: Payment of all fees.

Other Considerations:

1. **M&T/Ted Edwards Subdivision** – Letter from Brian Friedler, Friedler Engineering, dated 8/27/24 in regards to M&T/Ted Edwards Subdivision – requesting a 6-Month Extension on Conditional Final Approval of a proposed 4-Lot Subdivision + Application for Site Plan Approval & Special Use Permit for the conversion of an existing living area for a caretaker to a guest house, situated on tax parcels S 26 B 1 L 118 & 117; parcels located on the eastern side of Amity Road 350 feet south of Feagles Road p/o the Ted Edwards old final subdivision finalized on 7/30/10 (77 Amity Rd. and 88 Newport Bridge Rd), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 3/20/24. *The Applicant has stated that the extension is needed because they are in the process of finalizing the shared common driveway agreement, filing declarations and finishing up the surveying work.* The 6-Month Extension becomes effective on 9/20/24.

Mr. McConnell makes a motion on the M&T/Ted Edwards Subdivision application, granting a 6-Month Extension on Conditional Final Approval of a proposed 4-Lot subdivision + Site Plan Approval and Special Use Permit for the conversion of an existing living area for a caretaker to a guest house, situated on tax parcels S 26 B 1 L 118 & L 117; parcels located on the eastern side of Amity Road 350 feet south of Feagles Road (77 Amity Road and 88 Newport Bridge Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 3/20/24.

The 6-Month Extension becomes effective on 9/20/24.

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

2. **Mathew Zabawa Lot Line Change** – Letter from Kirk Rother, P. E., dated 9/17/24 addressed to the Planning Board in regards to Mathew Zabawa Lot Line Change application – requesting a 6-Month Extension on Conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #18-1-3.14 & 3.15; parcels located on the eastern side of Old Ridge Road 0 feet corner of Old Ridge Road and Ridgeway Loop (4 Ridgeway Loop), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 3/20/24. *The Applicant has stated that the extension is needed because one of the conditions of the approval is that it's subject to OC Health Department approval.* The 6-Month Extension becomes effective on 9/20/24.

Mr. McConnell makes a motion on the Mathew Zabawa Lot Line Change application, granting a 6-Month Extension on Conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #18-1-3.14 & 3.15; parcels located on the eastern side of Old Ridge Road 0 feet corner of Old Ridge Road and Ridgeway Loop (4 Ridgeway Loop), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 3/20/24.

The 6-Month Extension becomes effective on 9/20/24.

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

3. Planning Board Minutes of 8/21/24 for PB approval.

Mr. McConnell makes a motion to approve the PB Minutes of 8/21/24.

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

4. Planning Board to discuss canceling the 9/23/24-W.S. & 10/2/24-PB Meeting.

Mr. McConnell makes a motion to cancel the 9/23/24-W.S. & 10/2/24-PB Meeting.

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

Correspondences:

1. Email correspondence from Matthew Shook, Palisades Interstate Park Commission, dated 9/6/24 addressed to the Planning Board in regards to the BMMY College. (Emailed to PB & Professionals on 9/9/24).
2. Email correspondence from Denis McLaughlin dated 9/15/24 addressed to Town Supervisor & Planning Board in regards to Elite-Hamilton Nursery School Clinton Ave. Ext. (Emailed to PB & Professionals on 9/16/24).
3. Email correspondence from Chris Pelosi of NYSOPRHP, dated 9/17/24 addressed to the PB secretary in regards to the BMMY College. (Emailed to PB & Professionals on 9/17/24).
4. Letters from The Sterling Forest Partnership & NYNJ Trail Conference, dated 9/17/24 addressed to the Planning Board in regards to the BMMY College. (Emailed to PB & Professionals on 9/17/24). Email from Rodger Friedman, dated 9/18/24 addressed to PB secretary in regards to BMMY College requesting additional signers to the Sterling Forest Partnership letter.
5. Email correspondence from Deborah Villanueva, Town of Tuxedo Planning Board Chairperson, dated 9/17/24 addressed to the Planning Board in regards to the BMMY College. (Emailed to PB & Professionals on 9/17/24)

Chairman Astorino: We have correspondences 1 through 5 in our packets. 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 any of the agenda items, please rise and state your name for the record.

Denis McLaughlin: I live at 5 Clinton Ave. Extension. Thank you for reviewing some of the emails that I have sent. Most of my questions are regarding the rights to the road and the easement. I am trying to get all of my information together. My Brother-In-Law, Dan Depew would like to speak on my behalf as well. When would the next hearing and meeting be for Elite Strategies?

Chairman Astorino: We don't know when that would be. You would be noticed. It would be a public hearing. As you had heard this evening, they are going to provide an easement to you and possibly for two other residents. It would be reviewed by our Attorney to make sure it is a valid easement that would give you undisputed rights. Hopefully that would clear up a lot on your end. As far as a public hearing, when all of the stuff is in and the Board reviews it and believes we are ready to have a public hearing, you would be noticed about a public hearing.

Denis McLaughlin: Ok. Thank you.

Dan Depew: I am a former Supervisor of the Town of Wallkill. I reviewed the case that Denis had brought up and looked at all of the details from the Resolution that was referenced in the Warwick Advertiser. We received the Resolution from the Town Board. I realize that this body is not the Town Board. You are simply reviewing the case before you for the Applicant for the site plan for the school that is proposed. However, I think much of your review depends upon whether or not that is a paper street and that it would remain a paper street or if it would be abandoned as the Town Board Resolution enacted it to be able to be abandoned. There are a lot of things that affect that. If that land is abandoned, I believe that Denis and Jamie have just as much right to appeal to the Town to have them get the road themselves as this person who had just bought this land. They have been there for 20 years. They have just as much right to ask the Town to say if you are going to abandon the road, then we would like to have it. I think there are a lot of issues that has to be brought up like their water and sewer for their home including their gas to their home. There may be other vacant properties that Mr. Krahulik had mentioned that have access or need access to that road. There is a home that has been there for a long time. They have been a resident for a long time. The Resolution that was passed by the Board of the Town of Warwick basically relies on Section 205 of NYS Highway Law. If you read NYS Highway Law, it is not huge, it has very specific procedures in it for the abandonment of town assets which are roads or paper streets. If you look at that, you would have to basically say that this affects no one's access and that no more than 2 cars have been going down that road and things like that. It goes beyond to whether or not the town has an interest in utilizing the road and whether or not the town maintains the road. There are so many aspects that has to be taken into consideration. I am not an attorney. But I could tell you that by reading that plain black print of that law, there are many unanswered questions about whether or not the Town had the right to abandon that property. I understand Mr. Krahulik's opinion about trying to come up with an easement. I think that is very honorable. I appreciate him. I trust him in what he is trying to do there. I think the question is even deeper as to whether or not if there was proper notice given? Whether or not if there was a requirement for a public hearing? The laws basically says that the Superintendent of Highways is supposed to have a public hearing. That is supposed to give time for people to voice their concerns. All of these things have to be studied and done right. There is a Case Law as early as 2011 out to Dutchess County that went all the way to the Appellate Division where they went back and said you couldn't abandon the road because you didn't hear the arguments of the people who are generally affected. You know that there is a period of time to put in an Article 78. I am not saying that Denis or anybody else would want to do that. The way that case ruled is that because Section 205 of the Law has a period of up to one year to come back and say that road should not be done. It is not for a month period of time. It is up to a year. I just wanted the Planning Board to know that. It is not an open and shut case as far as the McLaughlin's are concerned. This affects their lives and property values. When you are looking at the use of a property regarding the number of parking spaces, the size of a building you would have there and what that use would be. It is not uncommon for towns to look at Bulk Tables and the size of the lot. I believe that the abandonment and the gifting of this road space to this property lot allows that Applicant to come in and maybe get more robust use of the property that they would have if that remained a paper street. All of these things have to be looked at. I think those benefits would be unfair to the McLaughlin's.

Chairman Astorino: I know a letter was written to this Board.

Dan Depew: A letter was written to the Supervisor.

Chairman Astorino: This Board did not act on the paper street.

Dan Depew: Absolutely. I understand that.

Chairman Astorino: If you feel that was done improperly, the Town Board would be the avenue to go to.

Dan Depew: Yes. We wrote a letter to the Supervisor. I have a tremendous amount of respect for the Supervisor. We have approached the Supervisor. There hasn't been a time to sit down and establish all of these concerns.

Bob Krahulik: There are two points that I would like to mention. Number one, this case is a little different than the Town abandoning a road that the Town believe it owned. The Town had never owned the road. It has always been a private ownership from the very beginning. It was contemplated that it would be a Town road. It was contemplated that it would be offered for dedication. It was not done. It was contemplated that it would be conveyed to the Town in a form of a deed that would be recorded. That never happened. The road has always been a private ownership as it was laid out on the map. The Town was simply acknowledging the fact that it never took ownership of this street at any point and time. Number two, we recognize even though the Town doesn't own the road and had never owned the road, it is a private Right-Of-Way. This Board has worked hard to make sure that there were no obstructions put anywhere within the 50-foot R.O.W. At some point and time, it could interfere with the right of ingress and egress not only to your property but to the lands beyond Clinton Ave. Extension. We are aware. We are sensitive to the issue. Hopefully that clarifies it a little bit for you.

Dan Depew: If the Town never owned it, why did it reference Section 205 in the Resolution to abandon something that was never owned? There is a process for the Town to go through to cite that law to abandon Town owned land. Why go through that if it was never Town owned land? In the Warwick Advertiser the Village Mayor had said that he would make sure going forward that the Village Trucks would no longer plow that road. They have been plowing that road for at least 20 years. This action that was taken by the Town Board to abandon and go through a process to abandon something and then have a Quick Claim Deed associated with this process. Having the Supervisor sign the Quick Claim Deed to me it seems that something doesn't connect right where you have a Town Official sign over land that it does not own. Why would you have a Resolution citing Highway Law for something that the Town doesn't own. Something doesn't add up there. I don't think anybody is trying to do anything wrong. I think it is a complicated issue. I feel it deserves a little time for the people that it affects.

Bob Krahulik: Because of all of this, there was a title search done on the road. All I could say is that the past work up until this point and time to be kind has been sloppy at best. I would be more than happy to show you as to what happened and who owns what and why. We would try to get this resolved to the best of our ability.

Chairman Astorino: Denis and Dan, you could reach out to Mr. Krahulik regarding these issues. He would provide you with those documentations. Dan, as far as the other issues, you would have to bring that up to the Town Supervisor, the Town Board and the Town Attorney. We are not prepared to answer those questions.

Dan Depew: Yes. I wouldn't respect you to answer them. Thank you.

Mr. McConnell makes a motion to adjourn the Planning Board Meeting of September 18, 2024

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