

TOWN OF WARWICK PLANNING BOARD  
November 17, 2021

Members present: Chairman, Benjamin Astorino  
Dennis McConnell, Bo Kennedy,  
Rich Purcell, Alt.  
Laura Barca, HDR Engineering  
J. Theodore Fink, Greenplan  
John Bollenbach, Planning Board Attorney  
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, November 17, 2021 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.

**Review of Submitted Maps:**

***Lands of Maylor & Mitchell***

Application for Sketch & Final Approval of a proposed lot line change, situated on tax parcels S 23 B 1 L 56.1 and 62.2; parcels located at 148 East Ridge Road, in the RU zone, of the Town of Warwick.

Representing the Applicant: Jeremy Havens, Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 10/27/21 no violations
7. Planning Board to determine if site inspection is desired.
8. Applicant to show square rule §137-21.K(1).
9. Applicant to show buildable area §137-21.A.
10. The parcels should be identified as Lot 1 and Lot 2.
11. Applicant to obtain 911 addresses on the Town of Warwick 911 coordinator.
12. The proposed septic system design for parcel 23-1-62.2 should be shown, including the soil testing.
13. The soil tests for parcel 23-1-62.2 must be witnessed by the office of the Planning Board Engineer.
14. Sheet 1, Note 2 appears to have the incorrect area for the parcels.
15. In Sheet 1, Note 3 the survey completion date must be included.
16. The metes and bounds for both parcels must be added to the plan.
17. The surveyor signature and seal must be included on the final drawing.
18. Sheet 1, Note 5 please confirm that all property owners have the same address.

19. Sheet 1, Note 10 indicates that the area of disturbance is 1.0 acres; the disturbance area must be shown on the plan.
20. The sight distance for new driveway location for parcel 23-1-62.2 must be added to the plan.
21. The Town of Warwick standard note for lighting shall be added to the plan.
22. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 11
23. Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.
24. The liber and page for the deed referencing the changes made to the lot lines, the Agricultural, and Ridgeline notes must be added to the plan.
25. Payment of all fees.

The following comment submitted by the Conservation Board:

Lands of Maylor & Mitchell: None submitted.

The following comment submitted by the ARB:

Lands of Maylor & Mitchell: None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has provided the Planning Board with a short EAF. After reviewing the proposed lot line change under SEQRA, this application would be classified as Type 2 Action. No SEQRA Review is necessary. I have prepared a draft Type 2 Action Resolution for the Planning Board’s consideration.

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

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes and 0-Nays and 1-Absent.

617.6

State Environmental Quality Review (SEQR)

**Resolution**

Type 2 Action

**Name of Action:** Maylor-Mitchell Re-Subdivision

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for Resubdivision approval by Charles & Laura Mitchell and George & Diana Saylor, Etal for two parcels of land consisting of ± 18.35 acres, located at 148 East Ridge Road, Town of Warwick, Orange County, New York, and

**Whereas**, an Environmental Assessment Form (EAF) dated 10/12/21 was submitted at the time of application, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(11) and, therefore, SEQR does not apply, and

**Whereas**, the Planning Board has determined that the proposed project is within a New York State Agricultural District or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, and

**Whereas**, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

**Now Therefore Be It Resolved**, that the Planning Board hereby declares that no further review under SEQR is required.

**Comment #2:** Applicant to discuss project.

Jeremy Havens: This application is for a proposed 2-lot subdivision located at 148 East Ridge Road; SBL #23-1-56.1 and 62.2. There are pre-existing two separate tax lots. What is being proposed is the smaller 3-acre tax lot is currently land locked and jointly owned with the current owners of the adjacent parcel. They propose for approvals of this lot line change to make it a potentially buildable lot without any specific construction being proposed in this application.

Mr. Astorino: Laura, would HDR being doing the witnessing of the perc & deep tests?

Laura Barca: Yes. We in the process of arranging that.

Mr. Astorino: Ok. Does the Board or Professionals have any comments or concerns on this application? Let the record show no comment. We will add Comment #3 through Comment #25 for the record. Once you do those tests, you will be back before the Planning Board.

Mr. Bollenbach: Does the Applicant wish to be set for a Final Public Hearing at the next available agenda?

Jeremy Havens: Yes. We would request to be set for a Public Hearing.

**Mr. McConnell makes a motion to set the Maylor & Mitchell Lot Line Change application for a Final Public Hearing at the next available agenda.**

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Jeremy Havens: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 10/27/21 no violations

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

Comment #8: Applicant to show square rule §137-21.K(1).

Comment #9: Applicant to show buildable area §137-21.A.

Comment #10: The parcels should be identified as Lot 1 and Lot 2.

Comment #11: Applicant to obtain 911 addresses on the Town of Warwick 911 coordinator.

Comment #12: The proposed septic system design for parcel 23-1-62.2 should be shown, including the soil testing.

Comment #13: The soil tests for parcel 23-1-62.2 must be witnessed by the office of the Planning Board Engineer.

Comment #14: Sheet 1, Note 2 appears to have the incorrect area for the parcels.

Comment #15: In Sheet 1, Note 3 the survey completion date must be included.

Comment #16: The metes and bounds for both parcels must be added to the plan.

Comment #17: The surveyor signature and seal must be included on the final drawing.

Comment #18: Sheet 1, Note 5 please confirm that all property owners have the same address.

Comment #19: Sheet 1, Note 10 indicates that the area of disturbance is 1.0 acres; the disturbance area must be shown on the plan.

Comment #20: The sight distance for new driveway location for parcel 23-1-62.2 must be added to the plan.

Comment #21: The Town of Warwick standard note for lighting shall be added to the plan.

Comment #22: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 11

Comment #23: Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.

Comment #24: The liber and page for the deed referencing the changes made to the lot lines, the Agricultural, and Ridgeline notes must be added to the plan.

Comment #25: Payment of all fees.

DRAFT

***Warwick Ridge II Subdivision***

Application for Sketch Plat Review of a proposed 6-Lot (Major) subdivision, situated on tax parcel S 23 B 1 L 15.2; parcel located on the southern side of Ridge Road 800 feet west of West Meadow Way (306 Ridge Rd.), in the RU zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Engineering Properties & Surveying.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 11/02/21 no violations
7. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. Letter received dated 01/13/21.
8. Phase I Archeological Investigation: 254 shovel tests were completed; no prehistoric artifacts or features were encountered. No historic artifacts or features were encountered on the project area. No further work is recommended for the project area.
9. Coordination with Town of Chester planning department may be necessary.
10. Planning Board to determine if a site inspection is necessary.
11. Comments received via email 11/16/21 from Town of Chester:
  - a. Pave the first 50-ft of the private road where it attached to the Town of Chester Road (West Meadow Way).
  - b. Make sure that the stormwater runs away from West Meadow Way similar to Orange County DPW Specifications.
  - c. Make sure that the development drainage system does not effect the existing lots in Chester.
  - d. Make sure that snow removal is not directed toward West Meadow Way.
  - e. A stabilized entrance shall be installed to keep dirt and debris from entering West Meadow Way.
  - f. Details should be added to the plan the sweep West Meadow Way, as necessary.
  - g. A bond will be required the ensure that no damage occurs to West Meadow Way; please contact Chester Highway Superintendent for details.
12. 911 addresses must be obtained from the Building Department and then shown on the plan.
13. Please show on the drawing who has jurisdiction over wetlands #1 and #2.
14. Please add Ridgeline notes to Sheet C-5.
15. Applicant to provide clear and legible plan set. Provide masking behind text, adjust the north arrow on sheet C-4 so it is not covering callouts, etc.

16. Applicant to clarify if homes will remain 25-ft tall or if line of sight profiles will be submitted to allow the buildings to be constructed to 35-ft.
17. The roadway cross section on Sheet C-6 needs to be updated to comply with the Town of Warwick private road specifications for a new road.
18. Provide Typical Stockpile detail.
19. Update legend to show pertinent Erosion and Sediment Control measures (i.e., Silt Fence, Swale Line, etc.).
20. Define concrete washout location on plans.
21. Applicant to provide a draft Notice of Intent.
22. Applicant to provide a draft MS4 Acceptance Form.
23. Applicant to clarify if a “gravel entry blanket” is the same as a “construction entrance” as per the detail sheet.
24. Applicant to add note for site inspections during construction.
25. 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 C-1, Map Note.
26. Surveyor to certify that iron rods have been set at all property corners.
27. The liber and page for the Agricultural, Aquifer, Ridgeline notes, as well as the Private Roadway Agreement must be added to the plan.
28. Applicant to provide Performance Bond and Site Inspection Fees. Applicant to provide cost estimate for improvements.
29. Payment in lieu of parkland for five lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
30. Payment of all fees.

The following comment submitted by the Conservation Board:

Warwick Ridge II Subdivision – None submitted.

The following comment submitted by the ARB:

Warwick Ridge II Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We received the short EAF from the Applicant. Looking at the SEQRA thresholds, it does not meet any Type 1 or Type 2 thresholds. This application would be classified as an Unlisted Action. Given that there is an important highway connection that is in the Town of Chester. We would need to do a Coordinated Review under SEQRA. I have prepared a Resolution for the Planning Board’s Intent To Be Lead Agency. We would need to circulate for Lead Agency to the Town of Chester Planning Board and Town of Chester Town Board to see if they have any comments under SEQRA. I don’t think they would qualify for Lead Agency. It would be wise to do the Coordinated Review with them.

Mr. Astorino: I agree. I did have a conversation with the Town of Chester's Planning Board's Chairman, Don Serotta. I believe they have a few concerns which are noted in HDR's comments this evening.

Laura Barca: That is correct.

Mr. Astorino: We need a motion for Intent To Be Lead Agency.

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

Seconded by Mr. Kennedy. The following Resolution was carried 4-Ayes and 0-Nays and 1-Absent.

**617.6**  
**State Environmental Quality Review (SEQR)**  
**Resolution Establishing Intent to be Lead Agency**

**Name of Action:** Warwick Ridge II Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Elias Muhlrud % Ramee Products Corp. for a ± 33.7 acre parcel of land located on the south side of Ridge Road 800 feet west of West Meadow Way, Town of Warwick, Orange County, New York; and

**Whereas**, an Environmental Assessment Form (EAF) dated October 27, 2021 was submitted at the time of application; and

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

**Whereas**, the Planning Board has determined that the proposed project within an agricultural district or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider

**Whereas**, after examining the EAF, the Board has determined that there are other involved and/or federal agencies on this matter including the Town of Warwick Zoning Board of Appeals and the Town of Chester Planning Board and Town Board.

**Now Therefore Be It Resolved**, that the Planning Board hereby declares its intent to serve as Lead Agency for the review of this action; and

**Be It Further Resolved**, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

**Be It Further Resolved**, that unless an objection to the Town of Warwick Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF and Subdivision application documents, the Planning Board will become lead agency for the review of this action.

Mr. Bollenbach: Ted, you referenced the Town of Warwick ZBA. What is the need for that? I thought it was a Town Road in Chester. Is that correct?

Mr. Fink: Yes. But what they are proposing in Warwick is a private road. Don't they need 280a Variance from the Town of Warwick ZBA?

Mr. Bollenbach: No. They are accessing a municipal road.

Mr. Astorino: The road that the Applicant proposes would be a private road in the Town of Warwick.

Mr. Bollenbach: You don't need a variance for that. It would be something that the Planning Board would approve of a private road. The property itself accesses off a Municipal road.

Mr. Astorino: What we have heard from the Town of Chester, it will be a dedicated road in the Town of Chester. I am sure we will be receiving their feedback on that matter.

Mr. Bollenbach: Ted, do you want to keep it in there as a safe guard?

Mr. Fink: Yes. I would be no harm with sending this to the Town of Warwick ZBA. At the Work Session, there were some questions as to whether or not it was actually a Town Road in Chester or a private road in Chester.

Mr. Astorino: It is not a Town Road in the Town of Chester as of yet. It is very close for it to be dedicated to Chester.

Mr. Bollenbach: Ok.

Mr. Astorino: I think we should.

Mr. Bollenbach: We will include the Town of Warwick ZBA.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 6-Lot subdivision. The property is located at 306 Ridge Road in the Town of Warwick. It would gain access from a Town Road in the Town of Chester hopefully soon. The lot sizes range from approximately 4 acres to approximately 12 acres. We had done soil tests with the Town of Warwick witnessing them. We propose a private road to be built up to the Town's standards.

Mr. Astorino: I believe the Board would like to do a site visit at this property.

Mr. McConnell: Yes.

Mr. Astorino: Does the Board want to discuss setting a site visit tonight or talk about it at a Work Session? We don't have every Board member here this evening to discuss it. I think we should discuss it at the next Work Session. Laura, do any of these comments stand out this evening?

Laura Barca: The only comments mostly that are in here that we discuss previously were the technical stormwater and the Town of Chester's initial comments are listed in Comment #11.

Mr. Astorino: As the SEQRA gets circulated, there may be more comments. Brian, are there any comments here tonight that you would like to discuss?

Brian Friedler: No.

Mr. Astorino: We will list Comment #3 through Comment #30 for the record. At our next Work Session, we will discuss setting this application for a Planning Board site visit. We will get back to you on that.

Brian Friedler: Ok. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 11/02/21 no violations

Comment #7: NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. Letter received dated 01/13/21.

Comment #8: Phase I Archeological Investigation: 254 shovel tests were completed; no prehistoric artifacts or features were encountered. No historic artifacts or features were encountered on the project area. No further work is recommended for the project area.

Comment #9: Coordination with Town of Chester planning department may be necessary.

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

Comment #11: Comments received via email 11/16/21 from Town of Chester:

- a. Pave the first 50-ft of the private road where it attached to the Town of Chester Road (West Meadow Way).
- b. Make sure that the stormwater runs away from West Meadow Way similar to Orange County DPW Specifications.
- c. Make sure that the development drainage system does not effect the existing lots in Chester.
- d. Make sure that snow removal is not directed toward West Meadow Way.
- e. A stabilized entrance shall be installed to keep dirt and debris from entering West Meadow Way.
- f. Details should be added to the plan the sweep West Meadow Way, as necessary.
- g. A bond will be required the ensure that no damage occurs to West Meadow Way; please contact Chester Highway Superintendent for details.

Comment #12: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #13: Please show on the drawing who has jurisdiction over wetlands #1 and #2.

Comment #14: Please add Ridgeline notes to Sheet C-5.

Comment #15: Applicant to provide clear and legible plan set. Provide masking behind text, adjust the north arrow on sheet C-4 so it is not covering callouts, etc.

Comment #16: Applicant to clarify if homes will remain 25-ft tall or if line of sight profiles will be submitted to allow the buildings to be constructed to 35-ft.

Comment #17: The roadway cross section on Sheet C-6 needs to be updated to comply with the Town of Warwick private road specifications for a new road.

Comment #18: Provide Typical Stockpile detail.

Comment #19: Update legend to show pertinent Erosion and Sediment Control measures (i.e., Silt Fence, Swale Line, etc.).

Comment #20: Define concrete washout location on plans.

Comment #21: Applicant to provide a draft Notice of Intent.

Comment #22: Applicant to provide a draft MS4 Acceptance Form.

Comment #23: Applicant to clarify if a “gravel entry blanket” is the same as a “construction entrance” as per the detail sheet.

Comment #24: Applicant to add note for site inspections during construction.

Comment #25: 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 C-1, Map Note.

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

Comment #27: The liber and page for the Agricultural, Aquifer, Ridgeline notes, as well as the Private Roadway Agreement must be added to the plan.

Comment #28: Applicant to provide Performance Bond and Site Inspection Fees.

Applicant to provide cost estimate for improvements.

Comment #29: Payment in lieu of parkland for five lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #30: Payment of all fees.

DRAFT

***Mark & Jill Mante Subdivision***

Application for Sketch Plat Review of a proposed 2-Lot Cluster (MAJOR) subdivision, situated on tax parcel S 47 B 1 L 78.232; parcel located on the eastern side of Bellvale-Lakes Road 8,775 feet north of Kain Road, (242 Bellvale Lakes Rd.), in the MT zone, of the Town of Warwick. Previously discussed at the 12/2/20 & 4/21/21-PB Meetings.

Representing the Applicant: Kirk Rother, P.E.

The following Review Comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 12/08/21 advisory for conservation easement language; appreciate open space
6. TW Building Department – 10/23/20 no violations
7. ZBA – variance needed for 280(a) and Lot 2 to have an existing garage has a principle use until a new dwelling is constructed.
8. NYS Office of Parks, Recreation, and Historic Preservation letter is needed for ground disturbance. Letter dated 10/15/21
9. Planner requested a letter from NYSDEC regarding endangered species.
10. The common driveway cross section has been added to Sheet 3 of 4; please add the road stationing to where this cross section applies onto Sheet 1 or 2.
11. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
12. Planning Board to determine if Performance and/or Landscape Bond is required. Engineer to provide cost estimate for common driveway improvements.
13. The liber and page for the Biodiversity, Aquifer, Open Space, and Shared Driveway/Right-of-Way notes must be added to the plan.
14. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
15. Payment of all fees.

The following comment submitted by the Conservation Board:

Mark & Jill Mante Subdivision – None submitted.

The following comment submitted by the ARB:

Mark & Jill Mante Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We received a short EAF from the Applicant. Looking at the threshold under SEQRA, this application meets the threshold under SEQRA as an Unlisted Action. I have prepared a draft Resolution for the Planning Board's consideration.

Mr. Purcell makes a motion for the Unlisted Action.

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes and 0-Nays and 1-Absent.

617.6

**State Environmental Quality Review (SEQR)**  
Resolution Establishing Lead Agency  
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Mante Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Subdivision approval of a 10 ± acre parcel of land located at 242 Bellvale Lakes Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 11/11/20 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Town Zoning Board of Appeals, which has or will make its own SEQR determination.

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.

Kirk Rother: This application is for a proposed 2-Lot Cluster subdivision situated on approximately 10 acres of land. It is located on the eastern side of Bellvale Lakes Road. It is approximately a mile south of the Warwick/Chester boundary. We prepared a Yield Plan that demonstrated (2) 5-acre lots. It conforms with the Zoning. Soil tests were witnessed by HDR. The purpose of the Cluster is so we could place the new proposed dwelling further back into the property in relation to an existing dwelling and an existing accessory structure that is there. We have done a site visit with the Planning Board. We are here tonight requesting the Planning Board to set the Mante application for a public hearing.

Mr. Astorino: Ok.

Connie Sardo: This application has also gone to the ZBA.

Kirk Rother: We did go to the ZBA for 280a variance and for an interpretation as to whether or not we could have an accessory structure on a lot. Since that time, the plans have changed. The accessory structure is now going to stay with the existing dwelling.

Mr. Astorino: That is a moot point.

Mr. Bollenbach: Has the private road been paved yet?

Kirk Rother: That will happen.

Mr. Astorino: We have that as a comment. I just want to let the Applicant know.

Kirk Rother: The Applicant is fully aware.

Mr. Astorino: Thank you. The plans would not be signed. I want them to understand that.

Kirk Rother: Unless it is bonded. Is that correct?

Mr. Astorino: Yes. I just want them to understand that. I want that on the record.

Kirk Rother: I understand it. The Applicant understands it.

Mr. Astorino: Do any Board members or Professionals have any comments? We will list Comment #3 through Comment #15 for the record. The Board could set this application for a public hearing.

**Mr. McConnell makes a motion to set the Mark & Jill Mante Subdivision for a Preliminary Public Hearing at the next available agenda.**

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Kirk Rother: Thank you. Ted, you talked about getting the DEC letter. Nowadays with the Environmental Resource mapper, we really don't do that often anymore. Could I do that mapper screening first?

Mr. Fink: Yes. That is pretty much up to date with the records. The only discrepancy that I had found with that is that the State DEC have the Environmental Resource Mapper. They also have a separate mapper called the Hudson Valley Natural Resource Mapper. It is just for the watershed of the Hudson River. There are some differences there. You would need to check the Hudson Valley Natural Resource Mapper. There are some differences between the two.

Kirk Rother: Would that be in regards to Endangered Species?

Mr. Fink: I don't know why?

Kirk Rother: Ok. I will check them both.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 12/08/21 advisory for conservation easement language; appreciate open space

Comment #6: TW Building Department – 10/23/20 no violations

Comment #7: ZBA – variance needed for 280(a) and Lot 2 to have an existing garage has a principle use until a new dwelling is constructed.

Comment #8: NYS Office of Parks, Recreation, and Historic Preservation letter is needed for ground disturbance. Letter dated 10/15/21

Comment #9: Planner requested a letter from NYSDEC regarding endangered species.

Comment #10: The common driveway cross section has been added to Sheet 3 of 4; please add the road stationing to where this cross section applies onto Sheet 1 or 2.

Comment #11: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #12: Planning Board to determine if Performance and/or Landscape Bond is required. Engineer to provide cost estimate for common driveway improvements.

Comment #13: The liber and page for the Biodiversity, Aquifer, Open Space, and Shared Driveway/Right-of-Way notes must be added to the plan.

Comment #14: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #15: Payment of all fees.

DRAFT

***Ladka-Bogert Lot Line Change***

Application for Sketch & Final Approval of a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 48.3 and L 48.4; parcels located on the northwestern side of Entin Terrace 1144±feet south west of Ackerman Road a/k/a Sapanaro Cluster subdivision, in the RU/SL zones, of the Town of Warwick.

Representing the Applicant: Kirk Rother, P.E.

The following Review Comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 10/28/21 31-2-48.3 has no violations; 31-2-48.4 has open permits because home is under construction
7. Planning Board to determine if site inspection is desired.
8. The parcels should be identified as Lot 1 and Lot 2.
9. The bulk area requirements (and what is provided) should be shown, as well as the appropriate use group.
10. The open space from the previous subdivision in parcels 1, 2, 3 and 4 are mentioned in the Open Space notes as being shown on the plan; however, there is no labeling of these Open Space parcels. Please show on the plan for consistency.
11. Applicant to show square rule §137-21.K(1).
12. Applicant to show buildable area §137-21.A.
13. The existing contours should be shown.
14. Soil mapping should be shown, including hydric soils and prime agricultural soils.
15. If there is no land disturbance proposed, there should be a note added to the plan stating that no land disturbance is proposed as part of this application.
16. The language in the surveyor title block should be updated.
17. The surveyor signature and seal must be included on the final drawing.
18. The Town of Warwick standard note for lighting shall be added to the plan.
19. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Planning Board to discuss the home currently under construction.
20. Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.
21. The liber and page for the deed referencing the changes made to the lot lines must be added to the plan.
22. Payment of all fees.

The following comment submitted by the Conservation Board:

Ladka-Bogert Lot Line Change – None submitted.

The following comment submitted by the ARB:

Ladka-Bogert Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We received a short EAF from the Applicant. It meets the SEQRA thresholds as a Type 2 Action. This application is for a proposed simple lot line change. It is classified under SEQRA as a Type 2 Action. I have prepared a Resolution for the Planning Board's consideration.

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

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes and 0-Nays and 1-Absent.

617.6

State Environmental Quality Review (SEQR)

**Resolution**

Type 2 Action

**Name of Action:** Ladka-Bogert Re-Subdivision

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for Resubdivision approval by Peter & Laura Ladka and Robert & Jamie Bogert for two parcels of land consisting of ± 15.75 acres, located at 15 and 12 Entin Terrace, Town of Warwick, Orange County, New York, and

**Whereas**, an Environmental Assessment Form (EAF) dated 10/26/21 was submitted at the time of application, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(11) and, therefore, SEQR does not apply, and

**Whereas**, the Planning Board has determined that the proposed project is not within a New York State Agricultural District or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) do not apply, and

**Whereas**, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

**Now Therefore Be It Resolved**, that the Planning Board hereby declares that no further review under SEQQR is required.

Comment #2: Applicant to discuss project.

Kirk Rother: This is an application between 2 parcels that were part of the Sapanaro Subdivision, Lots 3 and 4. Lot #3 of the subdivision had Mr. Sapanaro's dwelling on it. Lot #4 was a vacant lot slated to be built on for one single-family home. When we had done that subdivision, Mr. Sapanaro was planning to build his own home on Lot #4. He kept as much land he could with that lot. Jeff changed plans. He sold Lot #4 to Mr. Bogert. The Bogert's have agreed with the Ladka's that bought Mr. Sapanaro's old house to transfer the land between the two generally coinciding with the gas pipeline that is located there 100 feet off. All the land that is being transferred is currently open space. Nothing will change in regards to that.

Mr. Astorino: Ok. Regarding Comment #7, Planning Board to determine if a site inspection is desired. I don't feel we need a site inspection for this. There is a home already being constructed. There is a note that we normally put on here called Comment #19, Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Planning Board to discuss the home currently under construction. We could modify that note. We are not going to stop them from building a home that is already under construction.

Kirk Rother: We ask the Board to waive the public hearing on this application.

Mr. Astorino: I don't see a problem with that.

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

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Kirk Rother: Regarding Comment #11 & #12 the square rule and buildable area. That doesn't work for us. We ask the Board to waive the square rule and buildable area.

Mr. Astorino: I don't see a problem with that.

Mr. McConnell makes a motion to waive Comment #11, Square Rule and Comment #12, Buildable area.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 10/28/21 31-2-48.3 has no violations; 31-2-48.4 has open permits because home is under construction

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

Comment #8: The parcels should be identified as Lot 1 and Lot 2.

Comment #9: The bulk area requirements (and what is provided) should be shown, as well as the appropriate use group.

Comment #10: The open space from the previous subdivision in parcels 1, 2, 3 and 4 are mentioned in the Open Space notes as being shown on the plan; however, there is no labeling of these Open Space parcels. Please show on the plan for consistency.

Comment #11: Applicant to show square rule §137-21.K(1).

Comment #12: Applicant to show buildable area §137-21.A.

Comment #13: The existing contours should be shown.

Comment #14: Soil mapping should be shown, including hydric soils and prime agricultural soils.

Comment #15: If there is no land disturbance proposed, there should be a note added to the plan stating that no land disturbance is proposed as part of this application.

Comment #16: The language in the surveyor title block should be updated.

Comment #17: The surveyor signature and seal must be included on the final drawing.

Comment #18: The Town of Warwick standard note for lighting shall be added to the plan.

Comment #19: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Planning Board to discuss the home currently under construction.

Comment #20: Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.

Comment #21: The liber and page for the deed referencing the changes made to the lot lines must be added to the plan.

Comment #22: Payment of all fees.

Mr. Kennedy makes a motion on the Ladka-Bogert Lot Line Change application, granting conditional Final Approval of a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 48.3 and L 48.4; parcels located on the northwestern side of Entin Terrace 1144± feet south west of Ackerman Road a/k/a Sapanaro Cluster subdivision, in the RU/SL zones, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on November 17, 2021. Approval is granted subject to the following conditions:

1. The parcels should be identified as Lot 1 and Lot 2.
2. The bulk area requirements (and what is provided) should be shown, as well as the appropriate use group.
3. The open space from the previous subdivision in parcels 1, 2, 3 and 4 are mentioned in the Open Space notes as being shown on the plan; however, there is no labeling of these Open Space parcels. Please show on the plan for consistency.
4. Applicant to show square rule §137-21.K(1). (WAIVED)
5. Applicant to show buildable area §137-21.A. (WAIVED)
6. The existing contours should be shown.
7. Soil mapping should be shown, including hydric soils and prime agricultural soils.
8. If there is no land disturbance proposed, there should be a note added to the plan stating that no land disturbance is proposed as part of this application.
9. The language in the surveyor title block should be updated.
10. The surveyor signature and seal must be included on the final drawing.
11. The Town of Warwick standard note for lighting shall be added to the plan.
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.” Planning Board to discuss the home currently under construction. Modify to the Planning Board’s Engineer specifications.
13. Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.
14. The liber and page for the deed referencing the changes made to the lot lines must be added to the plan.
15. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Kirk Rother: Thank you.

### **Other Considerations:**

1. Planning Board Minutes of 10/20/21 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 10/20/21.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

2. Planning Board to discuss canceling the 11/22/21-Work Session & 12/1/21-PB Meeting.

Mr. Kennedy makes a motion to cancel the 11/22/21-Work Session & 12/1/21-PB Meeting.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

3. **Wheeler Road Estates** – Received letter from Nicholas Rugnetta, P&P Engineering, dated 11/3/21 addressed to the Planning Board in regards to the Wheeler Road Estates Subdivision – requesting 32<sup>nd</sup> 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster Subdivision., + 3-Affordable Homes, situated on tax parcel SB L #8-2-44.223; parcel located along the northerly side of Wheeler Rd. (C.R. 41) at the intersection with Dussenbury Dr., in the SL zone, of the Town of Warwick. Preliminary Approval was granted on 11/2/05. *The Applicant has stated that they have received OCHD approval and are currently finalizing HDR comments.* The 6-Month Extension becomes effective on 11/2/21.

Representing the Applicant: Nick Rugnetta, Pietrazak & Pfau Engineering.

Mr. McConnell: What was the original date on this? Was it 2005?

Mr. Astorino: Yes. We had done a site visit about a year ago.

Mr. McConnell: Are HDR's comments extensive? We were out there about a year ago.

Mr. Astorino: I know there were issues with the County.

Mr. McConnell: I understand that. They are saying that they have the OCHD approval but are still working on HDR's comments. I want to know what is the status of HDR's comments? Why is it taking so long to comply with?

Nick Rugnetta: We had OCHD approval awhile ago. We have also received OCDPW approval.

Mr. Astorino: OCDPW approval is done. Is that correct?

Nick Rugnetta: Yes.

Mr. Astorino: As to what Mr. McConnell pointed out, what are the issues with HDR's comments?

Nick Rugnetta: We are working on those comments with an outside office with Steve Esposito's office. He is working on the Planning comments. We are trying to wrap things up here. We are approximately 90 to 95 percent done with HDR's comments. We are working with Steve Esposito who is addressing Ted Fink's SEQRA comments.

Mr. McConnell: Are they difficult, onerous or objectionable comments? Are they pretty much run of the mill comments for a subdivision?

Mr. Bollenbach: Laura, didn't they have to update the stormwater and the wetlands?

Nick Rugnetta: They have all been updated.

Laura Barca: Pretty much the engineering has been updated. The stormwater had to be redesigned. That affected some of the road and lot lines that was extensive.

Mr. Astorino: We understand that.

Mr. McConnell: What is your best guest?

Nick Rugnetta: The owners have been talking with realtors. They are looking to get this wrapped up and completed. We are hoping early next year some time getting everything finalized with the Town.

Mr. McConnell: I am unclear with why are you discussing HDR's engineering comments with realtors.

Nick Rugnetta: It is not the comments. It is with the project itself.

Mr. McConnell: That is not holding you back. What is holding you back?

Nick Rugnetta: Our office is almost 90 percent through with HDR's comments. There are comments from Ted Fink regarding SEQRA that are being done outside our office with Steve Esposito. We are trying to wrap those comments up.

Mr. McConnell: Ok.

Mr. Astorino: You are looking at early next year to be done with our end of it. Is that correct?

Nick Rugnetta: Yes. We also need to have a Final Public Hearing on this.

Mr. Astorino: Yes.

Mr. Bollenbach: Yes. Also, the maps have to be filed by January 1, 2023 or else the approval goes bye-bye.

Mr. Astorino: This application would also need to be set for a Final Public Hearing. We could set them tonight so that when they come back before us, we could have the Final Public Hearing. How does the Board feel about setting this application for a Final Public hearing?

**Mr. McConnell makes a motion to set the Wheeler Road Estates Subdivision for a Final Public Hearing at the next available agenda.**

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Nick Rugnetta: Thank you.

4. **The Gables At Warwick** – Received letter from Dave Getz, Engineering Properties & Surveying, dated 11/16/21 addressed to the Planning Board in regards to the Gables Subdivision – requesting a 6-Month Extension on conditional Final Approval of a proposed 5-Lot Cluster Subdivision + Lot Line Change, situated on tax parcels SBL #44-1-132 & 131; parcels located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Rd., in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 4/21/21. *The Applicant has stated the extension is needed to allow additional time to finalize the conditions of final approval.* The 6-Month Extension becomes effective on 10/21/21.

Mr. Astorino: I do know they are having conversations with the Town Board regarding Parkland Fees.

Laura Barca: They are moving forward with the application.

Mr. Kennedy makes a motion on the Gables At Warwick application, granting a 6-Month Extension on conditional Final Approval for a proposed 5-Lot Cluster Subdivision + Lot Line Change. Conditional Final Approval was granted on 4/21/21.

The 6-Month becomes effective on 10/21/21.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

#### **Correspondences:**

1. Email Letter from Frank Merrick, Manager of Black Bear Campground addressed to the Planning Board, dated 10/25/21 – in regards to the Black Bear Campground.

Mr. Astorino: We have that email. We had a long discussion at the Work Session about this. They are working on the comments. We need to see that on a map. They need to send us revisions. We are waiting for that to come in. We would then go from there.

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

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

**Mr. McConnell makes a motion to adjourn the November 17, 2021 Planning Board Meeting.**

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.