

TOWN OF WARWICK PLANNING BOARD

October 17, 2018

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Christine Little,
Bo Kennedy, John MacDonald, 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, October 17, 2018 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 Matthew Tangredi

Application for Final Approval of a proposed 3-Lot Cluster subdivision a/k/a Ty & I Ranch, situated on tax parcel S 64 B 3 L 12.2; parcel located on the eastern side of California Road 600 feet south of Cascade Road (9 California Rd), in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Matt Tangredi, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Tangredi/TY&I Ranch public hearing.

Mr. Astorino: Thank you.

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 – 07/20/18 advisory comments for cluster and combining Lots 2 and 3
6. TW Building Department – 07/05/18 open permits for garage (8042), pool, deck and shed (10743), horse barn (15325), extension of horse barn (18784), and re-roof / repair to lean-to and greenhouse (25223)
7. The complete ZBA language must be added to the plan.
8. §164-41.H(2)(a) states that all new dwellings shall meet the following setback to the greatest extent practicable: From all external road ultimate rights-of-way: 100-ft. Lot 1 proposes 83-ft, PB to clarify if a waiver is required.
9. The metes and bounds for all lot lines, including the proposed lot lines, must be shown.
10. The 911 addresses must be shown on the plan.

11. 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 14).
12. This project is not an Agricultural operation because it is less than 20 acres; the owner would like to have animals. Please place a note on the plans stating the limits of certain animals to be allowed on the property.
13. A survey must be signed and sealed by a Licensed Land Surveyor.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Applicant to provide map note stating that if there is a future written agreement for California or Cherry Tree Hill Road, that he will agree to be part of that agreement.
16. The liber and page for the Ridgeline Overlay and Biodiversity Notes declaration must be added to the plan.
17. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for two lots.
18. Payment of all fees.

The following comment submitted by the Conservation Board:

Matthew Tangredi – None submitted.

The following comment submitted by the ARB:

Matthew Tangredi – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Planning Board is acting as Lead Agency. As far as SEQRA is concerned, there were a number of issues that have all been dealt with in the review of the application such as the Ridgeline Overlay Protection District and also that had to do with the site within an archeological sensitive area. The site is also located within the Biodiversity Conservation Overlay zone. The Applicant had received a letter from the NYSDEC regarding a couple of threatened species and a couple of NYS significant forest areas that have been taken into consideration in the review of the project. I have prepared a draft Negative Declaration for the Board’s consideration tonight.

Mr. Astorino: Thank you.

Comment #2: Applicant to discuss project.

Dave Getz: We have a 15-acre parcel with frontage on California Road and Cherry Tree Hill Road. The Applicant proposes a 3-Lot Cluster subdivision. There will be 2-new lots off Cherry Tree Hill Road. Lot #3 is an existing house located on California Road. We had recently done a site visit with the Planning Board. We have a layout that conforms to the guidelines and the goals of a Cluster Plan. Looking at the map, the shaded green areas which is a little more than half the property will be dedicated to open space.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/20/18 advisory comments for cluster and combining Lots 2 and 3

Mr. Astorino: We have addressed those concerns.

Comment #6: TW Building Department – 07/05/18 open permits for garage (8042), pool, deck and shed (10743), horse barn (15325), extension of horse barn (18784), and re-roof / repair to lean-to and greenhouse (25223)

Matt Tangredi: Dan Gibson the Building Inspector was there last week. He closed out all of the permits.

Mr. Bollenbach: We will keep that comment to verify.

Comment #7: The complete ZBA language must be added to the plan.

Dave Getz: Will do.

Comment #8: §164-41.H(2)(a) states that all new dwellings shall meet the following setback to the greatest extent practicable: From all external road ultimate rights-of-way: 100-ft. Lot 1 proposes 83-ft, PB to clarify if a waiver is required.

Mr. Astorino: Do any Board members have any comments?

Mr. McConnell: Could you explain that?

Dave Getz: Looking at the map, Lot 1 is a little further downhill. We selected that house location based upon the slopes. It is 83 feet instead of the recommended 100 feet. To push it further would make the construction harder. We would be then dealing with steeper slopes. We feel that it is far enough down the hill off the road that it would still provide enough screening.

Mr. Astorino: We looked at that at the site visit. It does drop off considerably there.

Dave Getz: Yes.

Mr. McConnell: Are the slopes rising behind the house?

Dave Getz: No. It is dropping down.

Mr. McConnell: Ok. How far is the next house?

Matt Tangredi: Looking at the map, the next house is probably approximately 500-feet. There is another house here that is approximately 350 to 400 feet away. It is way down the grade. It is before you go up. It is probably about 80 feet below.

Mr. McConnell: I am thinking as to why the 100 feet? It might be an aesthetic consideration.

Mr. Astorino: I would assume it would be.

Mr. McConnell: It appears in this area that all of the houses are not that close to one another. I would have no problem with a waiver.

Mr. Astorino: I would have no problem with a waiver either. John, is a waiver required?

Mr. Bollenbach: Yes.

Mr. Astorino: Ok. We will keep that. Bo, you were at the site visit.

Mr. Kennedy: Yes. It is very rural there.

Mr. Astorino: It is. There is no issue with that.

Comment #9: The metes and bounds for all lot lines, including the proposed lot lines, must be shown.

Dave Getz: Will do.

Comment #10: The 911 addresses must be shown on the plan.

Dave Getz: Ok.

Comment #11: 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 14).

Dave Getz: Ok.

Comment #12: This project is not an Agricultural operation because it is less than 20 acres; the owner would like to have animals. Please place a note on the plans stating the limits of certain animals to be allowed on the property.

Dave Getz: Ok.

Mr. Astorino: That is just the zone you are in.

Mr. Bollenbach: Dave, please use Special Conditions 164-46J conditions 16 and 101. It states the restrictions on the number of different animals, large animals, small animals, beehives, manure piles, odor producing, etc... This is accessory to a residential use.

Dave Getz: Ok. Do you want us to put this word for word right on the plan?

Mr. Bollenbach: Yes.

Dave Getz: Ok.

Matt Tangredi: I went to the Building Department last week and grabbed that.

Mr. Bollenbach: Ok. Good.

Comment #13: A survey must be signed and sealed by a Licensed Land Surveyor.

Dave Getz: The Surveyor, John McGloin will be doing that.

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: The Surveyor, John McGloin will be doing that.

Comment #15: Applicant to provide map note stating that if there is a future written agreement for California or Cherry Tree Hill Road, that he will agree to be part of that agreement.

Dave Getz: Ok.

Matt Tangredi: Ok.

Mr. Bollenbach: Who is your Attorney?

Matt Tangredi: I don't know yet. I am trying to find someone local.

Mr. Bollenbach: Ok. We could provide samples.

Matt Tangredi: Ok.

Comment #16: The liber and page for the Ridgeline Overlay and Biodiversity Notes declaration must be added to the plan.

Dave Getz: Ok.

Comment #17: Payment of parkland fees per §75-3.A(2)(a)(3) for two lots.

Dave Getz: Ok.

Comment #18: Payment of all fees.

Dave Getz: Ok.

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

Mr. McConnell: We need stone cairns for the open space.

Mr. Astorino: Yes. We need that for the open space. Good call.

Matt Tangredi: Do I do that myself? Could you explain that to me?

Dave Getz: The Surveyor will have to go out and locate those.

Mr. Astorino: It is a big pile of stone which is a permanent marker.

Mr. McConnell: The purpose of it is with the open space it allows anyone driving by to see that you have respected the open space. We wanted something that is visible so that people don't have to walk across your property to see it.

Mr. Bollenbach: What they generally do is at all the angle points of the open space they would drive a rebar in and put a pile of stone around it so that it is visible.

Matt Tangredi: Ok. No problem.

Mr. Bollenbach: Also regarding Comment #16, we need to add the open space notes to that. There are certain activities that can occur within the open space and there are some activities that cannot. The open space will also be in the declaration.

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

Matt Tangredi: Regarding Comment #11 about no construction or proposed uses shall begin until maps are signed and permits are obtained, I would never go and do any work without you knowing.

Mr. Astorino: That is just a standard note that we have on the plans. We have that note on every application's plans.

Matt Tangredi: Ok.

Laura Barca: Mr. Chairman, regarding Comment #8 where it references the 83 feet to 100 feet. If this is a Cluster subdivision, you might not need to do a waiver. It is apparent in the Cluster that each lot has its own setbacks.

Mr. Astorino: Good call. John, do you want to clarify that?

Mr. Bollenbach: The 100-foot is recommended. By a consensus the Board could use the 83-feet.

Mr. Astorino: Ok. Let's go through the public hearing first. This is a public hearing. If there is anyone in the audience wishing to address the Matthew Tangredi/TY & I Ranch Subdivision application, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.12(b)

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

Name of Action: TyandI Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision, Town of Warwick, Orange County, New York, and

Whereas, there are no other involved agencies pursuant to SEQR,
and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 6/27/18 and 9/26/18, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law,
and

Be It Further Resolved, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

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

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. Astorino: We need a consensus from the Board for a waiver on Lot 1 83 feet whereas 100 feet is recommended. Do we have a consensus from the Board?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Ms. Little: Yes.

Mr. Kennedy makes a motion on the Matthew Tangredi application, granting Final Approval for a proposed 3-Lot Cluster subdivision a/k/a TY & I Ranch, situated on tax parcel S 64 B 3 L 12.2; parcel located on the eastern side of California Road 600 feet south of Cascade Road (9 California Rd.), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 17, 2018. Approval is granted subject to the following conditions:

1. TW Building Department – 07/05/18 open permits for garage (8042), pool, deck and shed (10743), horse barn (15325), extension of horse barn (18784), and re-roof/repair to lean-to and greenhouse (25223)

2. The complete ZBA language must be added to the plan.
3. §164-41.H(2)(a) states that all new dwellings shall meet the following setback to the greatest extent practicable: From all external road ultimate right-of-way: 100-ft. Lot 1 proposes 83-ft. (Waiver Granted).
4. The metes and bounds for all lot lines, including the proposed lot lines, must be shown.
5. The 911 addresses must be shown on the plan.
6. 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”. (Sheet1, Note 14).
7. This project is not an Agricultural operation because it is less than 20 acres; the owner would like to have animals. Please place a note on the plans stating the limits of certain animals to be allowed on the property.
8. The survey must be signed and sealed by a Licensed Land Surveyor.
9. Surveyor to certify that iron rods have been set at all property corners.
10. Applicant to provide map note stating that if there is a future written agreement for California or Cherry Tree Hill Road, that he will agree to be part of that agreement.
11. The liber and page for the Ridgeline Overlay and Biodiversity Notes, Open Space declaration must be added to the plan.
12. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for two lots.
13. Provide stone cairns for open space boundary.
14. Payment of All Fees.

Seconded by Mr. McConnell. Motion carried; 5-Ayes.

Dave Getz: Thank you.

Matt Tangredi: Thank you.

Review of Submitted Maps:***H&M Corp. of Warwick***

Application for Final Approval of a proposed 2-Lot (Minor) subdivision, situated on tax parcel S 49 B 2 L 16; parcel located on the South side of State Route 94 directly across of Jockey Hollow Road (309 State Rte: 94S), in the LB zone, of the Town of Warwick. Previously discussed at the March 28, 2018 Planning Board Meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Bob Krahulik, 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 – 02/15/18 advisory comments: obtain letters from NYSDEC, NYSOPRHP, USACE to confirm if project requires mitigation measures; project is in aquifer protection overlay – stormwater infiltration is prohibited but must be managed on-site and auto repair shop must handle waste products appropriately
6. TW Building Department – 01/24/18 need CO for Green Point Insurance; small advertising signs need to be removed (only store signs are permitted).
7. All special conditions (§164.46.J) must be added to the plan. §164-46.J (52, 53, 57, 65, 66, 67, 89, 90, 91, 121, 122, 123, 129, 154) appear to need to be added to the drawing to show the special conditions associated with the proposed/existing uses at the property.
8. Building setback lines added, however the complete ZBA language must be added to the plan.
9. The complete ZBA language must be added to the plan.
10. Cross lot easements are required for water line, septic line, drainage line, and signage (existing sign by the road if Auto Repair Shop uses it).
11. Legal agreement to operate one well for the proposed lots (as required in OCDOH 03/15/18 letter).
12. The declaration information for the Aquifer Overlay Notes, Driveway Use and Maintenance Notes, and cross lot easements must be added to the plans.
13. The surveyor must sign and seal the plan.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Payment of fee in lieu of parklands per §75-3.A(2)(a)(3) for one lot.
16. Payment of all fees.

The following comment submitted by the Conservation Board:

H&M Corp. of Warwick – None submitted.

The following comment submitted by the ARB:

H&M Corp. of Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application was subject to SEQRA. There is no construction proposed. We are gathering information.

Comment #2: Applicant to discuss project.

Dave Getz: Our purposed is to separate the commercial property into 2 separate lots so that each existing building would be on their own individual lots. Since our last appearance, we have gone to the ZBA. In creating those 2 lots there were certain variances needed for lot area and some setbacks. At the September ZBA Meeting, the ZBA granted those variances.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 02/15/18 advisory comments: obtain letters from NYSDEC, NYSOPRHP, USACE to confirm if project requires mitigation measures; project is in aquifer protection overlay – stormwater infiltration is prohibited but must be managed on-site and auto repair shop must handle waste products appropriately

Mr. Astorino: We reviewed that. It is fine.

Comment #6: TW Building Department – 01/24/18 need CO for Green Point Insurance; small advertising signs need to be removed (only store signs are permitted).

Dave Getz: We will check on that.

Comment #7: All special conditions (§164.46.J) must be added to the plan. §164-46.J (52, 53, 57, 65, 66, 67, 89, 90, 91, 121, 122, 123, 129, 154) appear to need to be added to the drawing to show the special conditions associated with the proposed/existing uses at the property.

Dave Getz: Ok.

Comment #8: Building setback lines added, however the complete ZBA language must be added to the plan.

Dave Getz: Will do.

Comment #9: The complete ZBA language must be added to the plan.

Dave Getz: Ok.

Comment #10: Cross lot easements are required for water line, septic line, drainage line, and signage (existing sign by the road if Auto Repair Shop uses it).

Bob Krahulik: A rough draft has been submitted to John Bollenbach for his review. It is not finished yet. We are getting there with that.

Comment #11: Legal agreement to operate one well for the proposed lots (as required in OCDOH 03/15/18 letter).

Bob Krahulik: A rough draft has been submitted to John Bollenbach for his review.

Comment #12: The declaration information for the Aquifer Overlay Notes, Driveway Use and Maintenance Notes, and cross lot easements must be added to the plans.

Dave Getz: Will do.

Bob Krahulik: Ok.

Comment #13: The surveyor must sign and seal the plan.

Dave Getz: Yes.

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

Comment #15: Payment of parkland fees per §75-3.A(2)(a)(3) for one lot.

Dave Getz: Ok.

Comment #16: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? Does the Applicant wish to be set for a public hearing?

Dave Getz: Yes. We request that the Board set us for a public hearing.

Mr. McConnell: I have one question on proper disposal of waste oil of the auto repair shop.

Mr. Astorino: We were out there. The containers are there.

Mr. McConnell: I haven't been involved in any action pertaining to a repair shop. Do we have someone in the Town that goes out and inspects that on a regular basis that disposal is being done properly?

Mr. Astorino: I don't believe so unless the Building Department gets called out there. I don't believe there is a person for that. When we did a site visit, it was very well contained.

Mr. McConnell: Yes. I know you had said that. We have talked about it before at a Work Session.

Mr. Astorino: The only thing I know is that if there was ever a need for that the Building Department would be called on that to research it or inspect it. I don't believe there is a specific person for that.

Mr. McConnell: Ok.

Mr. Astorino: Do any other Board members or Professionals have any comments? Do we wish to set H&M Corp. for a public hearing?

Mr. McConnell makes a motion to set the H&M Corp. of Warwick for a Final Public Hearing at the next available agenda.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

Dave Getz: Thank you.

Blue Arrow Too, LLC.

Application for Site Plan Approval and Special Use Permit for the construction and use of proposed facilities under General Use Group 88(Outdoor Amusement Establishment) Butterfly Garden, Apiary, Sunflower Maze, Nature Walk, Picnics, Event Venue, Storytelling Center, and Accessory Use Group 24 (Restaurants; eating and drinking places incidental to the Principal Use) – Food preparation, Bar/Tasting Rooms, Eating and Drinking Spaces and Associated Parking in addition to permitted Agricultural Uses of a Horse Farm, Rescue Horse Sanctuary, Horse Shows, and Hop Farm + Sketch Plan Application for a proposed Lot Line Change, situated on tax parcels S 24 B 1 L 46.22 & 23; project located on the eastern side of Glenwood Road 2000-feet north of the NY/NJ border (86 Glenwood Road) in the RU/CO zones of the Town of Warwick.

Representing the applicant: Bob Krahulik, Attorney. Dave Griggs from ERS Consultants. Dave Getz from Lehman & Getz Engineering.

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 – 05/04/18 advisory comments for combining parcels, commend for no construction in wetland or its buffer, needs stormwater management 09/20/18 advisory comments for water usage, parking, endangered species, and lot line adjustment.
6. TW Building Department – pending list of open permits / any violations
7. OCDPW – approval must be granted for the use of the three existing / proposed driveways. Plans forwarded to OCDPW for review on 09/27/18.
8. OCDOH – approval of water supply and septic system
9. NYSDEC – possible approval of septic system
10. ZBA: Applicant to clarify existing and proposed uses of building 2’ from front setback.
11. ZBA approval was granted on June 26, 2017 for an 80’x200’ riding arena. The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing to relocate this building as part of this site plan/special use approval.
12. ZBA approval was granted on June 26, 2017 for an 80’x200’ riding arena and a 50’x104’ maintenance shed. The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing different uses for this building as part of this site plan/special use.
13. The Applicant has submitted a noise report.
14. Applicant to state the purpose of the new proposed barn shown on Sheet 1 near Existing Building 3 and the proposed pavilion.
15. Any proposed lighting must be shown, including the shielding that will comply with Town of Warwick lighting requirements.
16. A lighting plan must be prepared showing the proposed lighting.
17. A note must be added to the plan stating that the lighting will be installed in accordance with §164-43.4F.
18. There is a proposed driveway shown (immediately to the north of the existing stables), the purpose of this driveway that traverses a northeasterly direction across the site should be shown on the drawing (it leads to the wetland buffer; nothing can be proposed in this area).

This is proposed to be equestrian access only; the proposed signage should be added to this plan.

19. Applicant to clarify if brewing is proposed onsite. Applicant to add a note to the plan stating that brewing is not proposed on this property.
20. Sheet 1, Notes 6, 14, and 16 state several uses, the Applicant must provide the use from §164-40M Table of Use Requirements that allows the proposed uses in the RU zone. Applicant states that the proposed use at the property is General Use #88 Outdoor Amusement Establishment; applicant to updating zoning requirements to reflect Use Group '1' and its requirements. Any proposed accessory uses to Use #88 and the conditions from §164-46.J must be added as notes to the plan.
21. Applicant to clarify Use allowing all proposed uses at this property (Sheet 1, General Note 6).
22. The Hours of Operations for the proposed wedding/assembly use must be clarified.
23. The Hours of Construction must be added to the plans. Sheet 1, Note 15 must be updated to include all language included in §100A-3.F.
24. Any signage must be shown on the plan and must be in conformance with §164-43.1 Signs.
25. The survey (Sheets 2 and 3) indicates changes to the property lines / Orange County Right of Way; Applicant to clarify if these changes have been filed in the Orange County Clerk's Office.
26. Sheet 4 includes the proposed uses for most buildings, the proposed use(s) for the 50'x50' pavilion has not been shown. The proposed use is shown to be picnics (Sheet 4, Note 4); Applicant to clarify if picnickers will be people already onsite or if this is a new use at this property.
27. Applicant to show fire truck turnarounds adjacent to Existing Buildings 1 and 3.
28. A landscaping plan and schedule (Sheet 5) must be included for the proposed trees (species, number, size).
29. Appropriate landscaping details must be added to the plan.
30. The details for the proposed box beam guiderail must be added to the plan. Applicant to add a note to Sheets 13 and 14 that the guiderail must be in compliance with NYSDOT requirements.
31. The details for the proposed timber guiderail must be added to the plan. Applicant to add note to timber guiderail detail (sheet 15) that it will be installed per NYSDOT requirements (including the metal backing).
32. On Sheet 8, there is proposed landscaping within the bioretention system. A landscaping plan must be prepared, including planting schedule.
33. Applicant to clarify if the Typical Excavation Section is related to the OCDPW entrance(s). The title of this detail should be revised to better reflect its purpose. The Typical Excavation Section detail is two details below the OCDPW Backfill Detail on Sheet 11.
34. Applicant to clarify if the Typical Driveway Pavement Section will be used to pave the parking areas; Applicant to add notes to the plan. Applicant to add site driveway distance to the plan.
35. Applicant to provide more information on the proposed geothermal system, including specifications / details.
36. The Handicapped Sign Detail must be revised to show a minimum of 7' between the ground elevation and the bottom of the sign.
37. The proposed driveway 1 and associated construction area should be incorporated into the Limits of Disturbance.
38. Line types for the following items should be added to the legend: proposed contours, silt fence, existing pipes / culverts.
39. Confirm if any existing trees are to be protected on site during construction. If yes, add detail to drawings.

40. Applicant to identify locations of acceptable soil stockpile locations on Sheet 5. Note that stockpiles should not be kept in or adjacent to water bodies or waterways, and should also not be stored in the locations of future retention / bioretention areas and SSDS location to avoid soil compaction.
41. Due to the disturbance area being greater than 5 acres, the construction will be phased, as noted in Section 1 of the SWPPP Report. Applicant to identify sequence of phasing and construction on Sheet 5.
42. Applicant to provide inlet elevations for structures within proposed bioretention basin B and for the outlet structure at proposed dry detention basin #1.
43. Applicant to determine if culvert protection is needed to construct road over the existing pipe carrying offsite runoff, in the southern end of sub-basin A.
44. Applicant to determine if there is an existing culvert carrying offsite runoff underneath the proposed entrance to the 85-space parking lot at the intersection of sub basins C and D; if there is a pipe present, confirm if any additional protection is required to avoid damaging the pipe during construction.
45. A concrete washout location is recommended if concrete work (i.e., foundations for the pavilion or buildings) is anticipated on site.
46. There is "proposed geothermal" within the same footprint as proposed bioretention basin B. Applicant to verify that there will not be a vertical conflict between these 2 systems, including for access and maintenance.
47. Applicant to clarify where on site a proposed rip-rap swale will be since a detail is included on Sheet 8.
48. Applicant to provide supporting documentation / calculations to confirm that diverting offsite runoff from Proposed Manhole 1 to Proposed Manhole 2 and through the proposed 30" dia. pipe will not exceed the capacity of the existing swale and culverts downstream.
49. Applicant to identify if culvert outfall scour protection is required downstream of the proposed pipe leaving manhole #2.
50. Applicant to provide proposed inverts for manholes 1 and 2 to demonstrate positive drainage.
51. On Sheet 1, there is a "proposed food preparation" building call out. However, on Sheet 5, the same building is called out as "Existing Building #2". Applicant to clarify what buildings have been constructed to demonstrate "prior conditions" vs. "proposed conditions." Proposing uses shown on the drawings, on Sheet 1 Note 6, and Sheet 4 Notes 1-8 are inconsistent; Applicant to make all proposed uses consistent.
52. Applicant should include dimensions and sizing of the stabilized outfall riprap apron for Detention basin #2.
53. Gravel diaphragms are shown in the detail on Sheet #8 but not on plan view for basins A, B and C. Applicant to confirm the location and dimensions on Sheet 5.
54. The pipe bedding detail on sheet 8 called out a water or sewer main. Applicant to confirm if this detail is appropriate for the proposed HDPE pipes.
55. The post-development land use identified in Question #3 of the NOI is stated to be "Agricultural." Applicant to confirm that this is an appropriate fill-in, given some of the proposed features include: wedding / assembly, antique gallery, candy shop, guitar shop, and food truck
56. Applicant to include a detail for construction fencing which will delineate the wetland buffers and show this feature in plan view.
57. 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 17
58. The concrete pad below Existing Building #3 should be located on the survey plan and site plan.
59. Surveyor to certify that iron rods have been set at all property corners.

60. Provide the liber and page for all recorded declarations.
61. Provide a three-year landscaping bond, and any other required bonds for this project.
62. Payment of all fees.

The following comment submitted by the Conservation Board:

Blue Arrow Too, LLC. – None submitted.

The following comment submitted by the ARB:

Blue Arrow Too, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 1 Action. There are other Agencies involved. The Planning Board had declared its Intent To Be Lead Agency. We have circulated letters to the other Agencies. We did not have any Agencies objecting to the Planning Board acting as Lead Agency. At this point, we are reviewing the application with an Extended EAF. The Applicant has prepared documentation including a noise study. There are comments in the review comments tonight that relate to SEQRA. We are still gathering information.

Mr. Astorino: Ok. Thank you.

Comment #2: Applicant to discuss project.

Mr. Astorino: Where are we at right now? We know about the project. We have been out to the site. Where are we at as far as outside Agencies approvals, stormwater, etc...?

Dave Getz: Several weeks ago plans were sent by the Town Planning Board to OCDPW for the driveway review. We have not received comments from OCDPW as of yet. We have recently submitted to the OC Health Department for the sewage disposal system. Once they have given us a full confirmation letter, we will send the same plans into NYSDEC. That is all in the works. The OC Health Department will also be reviewing the proposed water system. That has not been submitted yet. It will be submitted shortly. Regarding stormwater, we have updated the calculations. I have not submitted the report to Laura yet. That will also be coming in shortly.

Bob Krahulik: We want to emphasize that we have narrowed the uses that would occur on the property. He will not be proceeding with the brewery. That is no longer a use.

Mr. Astorino: Ok. There will be no brewery on the site.

Bob Krahulik: Correct. There will be no brewery on the site.

Mr. Astorino: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 05/04/18 advisory comments for combining parcels, commend for no construction in wetland or its buffer, needs stormwater management 09/20/18 advisory comments for water usage, parking, endangered species, and lot line adjustment.

Mr. Astorino: We are in the process of reviewing that.

Comment #6: TW Building Department – pending list of open permits / any violations

Laura Barca: As of today's date there are no current violations with the Building Department. They may have open permits. Those open permits have not expired as of yet. As of right now, there are no violations with the Building Department.

Mr. Astorino: Ok.

Comment #7: OCDPW – approval must be granted for the use of the three existing / proposed driveways. Plans forwarded to OCDPW for review on 09/27/18.

Mr. Astorino: You are in the process of reviewing that.

Dave Getz: Yes.

Comment #8: OCDOH – approval of water supply and septic system

Mr. Astorino: You are in the process of reviewing that.

Dave Getz: Yes.

Comment #9: NYSDEC – possible approval of septic system

Mr. Astorino: You are working on that.

Dave Getz: Yes.

Comment #10: ZBA: Applicant to clarify existing and proposed uses of building 2' from front setback.

Mr. Astorino: Is that the existing barn?

Dave Griggs: Yes.

Mr. Astorino: Is that going to be the tasting room?

Dave Griggs: Yes.

Mr. Astorino: John, you had mentioned at the Work Session that building is a pre-existing building. Is that what we are talking about here?

Mr. Bollenbach: It is a pre-existing building. I would suggest that the Planning Board would consider having some type of fencing requirement. That way people don't walk out of the tasting room into the traffic.

Dave Griggs: There is no access door. There will be a guiderail in front of the barn extending out. There will also be a fence in place on the south side of it.

Mr. Bollenbach: You could put that detail on the site plan.

Dave Griggs: Ok.

Comment #11: ZBA approval was granted on June 26, 2017 for an 80'x200' riding arena. The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing to relocate this building as part of this site plan/special use approval.

Mr. Astorino: Are you now moving this building?

Dave Getz: The arena is being moved. We are still inside the track in a flatter location. We will make that clear on the plans.

Mr. McConnell: Does that not require the ZBA?

Mr. Astorino: Not according to John. This was what we talked about at the Work Session.

Mr. Bollenbach: That structure complies with setbacks.

Dave Getz: Yes.

Dave Griggs: Yes.

Mr. Bollenbach: A variance is not needed.

Dave Getz: The variance was for the size of the building.

Mr. Bollenbach: Yes, it was for the size.

Mr. McConnell: Ok.

Bob Krahulik: Moving the building does not affect any of the variances that were obtained.

Mr. McConnell: That was what I wanted clearly stated.

Comment #12: ZBA approval was granted on June 26, 2017 for an 80'x200' riding arena and a 50'x104' maintenance shed. The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing different uses for this building as part of this site plan/special use.

Mr. Astorino: Now we are talking about this maintenance shed that is going to be a tasting room, wedding venue, etc...

Mr. Bollenbach: That is why they are before the Planning Board, to get a special use to utilize that structure.

Mr. Astorino: Is the Board clear with that?

Mr. McConnell: No.

Bob Krahulik: The structure is legal as it stands there today. We received a variance to build what was built.

Ms. Little: That variance was granted based upon different information. The people that were maybe objecting to it were objecting to it based on a different use.

Mr. Bollenbach: Now they are before the Planning Board for that special use. There will be a public hearing. They could state to whatever concerns they may have.

Mr. Astorino: John, as your legal opinion, could the Planning Board now look at this for a special use permit essentially differently than what they went to the ZBA for its use? Is that correct?

Mr. Bollenbach: Yes. Absolutely. That is why they are before the Planning Board.

Mr. Astorino: That is what this Board needs to know.

Mr. McConnell: My question is in Comment #11 and #12 we have two paragraphs that refers to 80'x 200' riding arena. That is mentioned twice. Does that mean there are two of them?

Mr. Astorino: No.

Mr. McConnell: Or is it just a needless repetition?

Bob Krahulik: It is a needless repetition. We are not proposing to change the use of the riding arena. That would still be a riding arena.

Mr. McConnell: Thank you.

Comment #13: The Applicant has submitted a noise report.

Mr. Astorino: Was this noise study done at the property line? Was it done at one of the special events?

Dave Griggs: Yes.

Mr. Astorino: Ok. Did you clarify the date, time, number of people, outdoor music, amplified music, etc... Is that all in the noise report?

Dave Griggs: Yes.

Mr. Astorino: Ok.

Connie Sardo: Do we have that noise report?

Mr. Astorino: Yes. You will need to forward that report to the Board.

Mr. McConnell: Do we have pictures of the foliage of the trees?

Mr. Astorino: We could garner where it is? When was the noise study done?

Dave Griggs: It was done on September 2, 2018.

Mr. Astorino: Ok. I doubt there was foliage on the ground at that point.

Mr. McConnell: Right. The leaves were still on the trees. That would absorb sound. Once the leaves fall off the trees and are on the ground the sound would not be absorbed. My suggestion would be if it would be appropriate to have a 2nd noise study done since they would be likely operating this at a time of the year when the leaves are off the trees whether it would be in the fall or the spring.

Dave Griggs: Basically there are not any trees where the barn is.

Mr. McConnell: What does basically mean? Are there trees or no trees?

Dave Griggs: There are no trees where the barn is and where the sampling would occur.

Mr. McConnell: Which barn?

Dave Griggs: The barn that is 2 feet from the road.

Mr. McConnell: Ok.

Dave Getz: It is where the barn and tasting room is located.

Mr. McConnell: Was that where the noise study was done at the road? What about the other direction where you open the doors?

Dave Getz: That was where the noise originated. They measured at all different directions.

Mr. McConnell: I am just questioning the parameters of the noise study. That is the comment that we have been getting the most noise about.

Bob Krahulik: If we have the opportunity to do another noise test without leaves on the trees, we will do that. When the leaves are off the trees, it will be colder. The windows and doors will all be closed to that particular space. If anything, it would be substantially less noise. If we can test when we have an event, we could do that.

Mr. Astorino: How long are they going to run events? Is there a time of year when the events stop? Is there a date when you say that you are not going to have any more events? Are you going to have them until November 1st or right until the end of the year?

Mr. McConnell: It would be as needed or as requested?

Mr. Astorino: I don't know. That is what I am asking. Would there be a cut off?

Bob Krahulik: There would be no official cut off. There would be much fewer events in the wintertime than there would be in the summertime. I think the noise would dramatically be diminished in the wintertime because all of the windows and doors would be closed.

Mr. McConnell: You could have fireplaces roaring in there. You could have a group of people in there and it gets warm in there. People might need ventilation in there.

Bob Krahulik: It would be common sense that the garage doors would be closed in the wintertime.

Mr. McConnell: There has been days in February where there is not ice in my pond and I have puppies swimming. It would not be out of the question that a garage door might be open in February.

Bob Krahulik: If we can test it again, I said that we would.

Mr. McConnell: Ok. That is fine. Then don't make statements for the record that you can't support.

Comment #14: Applicant to state the purpose of the new proposed barn shown on Sheet 1 near Existing Building 3 and the proposed pavilion.

Dave Getz: We will be clarifying that.

Comment #15: Any proposed lighting must be shown, including the shielding that will comply with Town of Warwick lighting requirements.

Dave Getz: We will be submitting a detail lighting plan.

Mr. Astorino: Laura, regarding the rest of these comments, have we gone through them before?

Laura Barca: There is a new landscaping plan that they are working on. Many of these comments did not change. These comments are exactly the same from the last time. We are waiting for the revised documents to come in.

Mr. Astorino: Ok. We are still reviewing this. I understand that. Do any Board members have any comments or concerns? Does the Applicant have any questions?

Ms. Little: I am going to go back to the comment regarding the uses that we are still waiting to clarify. How many more changes is your client going to make? We have been round and round with this application.

Bob Krahulik: We think they are well defined at this point. They all have not been identified on the map. They will be identified on the map in the next submission.

Mr. Astorino: Ok. We are at the point right now that we are waiting to hear from the outside Agencies. We are waiting for more review to be done by our Professionals. We could set the Blue Arrow application for a public hearing at the next available agenda. It would save you from an extra meeting. The Board would make the decision on when we would have a public hearing. It keeps the process moving. I don't have a problem with it. We are at that point. I know that there are a lot of comments. They are being revised as we speak.

Bob Krahulik: We would like to be set for a public hearing. Comments from the public will allow us to make modifications to the plans to alleviate their concerns as best as we can. We would rather do that much earlier in the process rather than at the very end.

Mr. Astorino: Ok. The only reason why I am saying this is because we have to hear from outside Agencies before we could have a public hearing. Once all of that comes in to us, we could still come back here without a public hearing if we have to. If we don't, I do agree with the Applicant on this one to get some public comment might not be a bad idea. I am sure some mitigation is going to be required.

Ms. Little: Right. On the 3 driveways that are proposed, when we had done our site visit regarding that middle driveway that is currently existing but it is going to be moved further down the road further south. Is that correct?

Dave Getz: It has been rough graded in. It is directly across from Eaglewood Vista Drive.

Ms. Little: I know that is a County road and it would be the County's decision to approve it. Has someone from the Town been out to see the new driveway and check the line-of-sight?

Mr. Astorino: It is a County road. It is their jurisdiction.

Ms. Little: I understand that.

Mr. Astorino: I totally agree with you. But, we could go out there and have Laura go out there to measure the line-of-sight, but the County would say they could do what they want. It is their jurisdiction.

Mr. Bollenbach: Put a note on the map. It is a sight distance. Label it.

Mr. Astorino: We could do that.

Dave Getz: Yes.

Mr. Astorino: We could. But, we have no jurisdiction over it whatsoever.

Laura Barca: The County DPW requires that the note be placed on the plans.

Dave Getz: Ok.

Mr. Astorino: Ok.

Mr. Showalter: Where Eaglewood Vista is located, it would probably be a better choice for traffic flow.

Mr. Astorino: The way Eaglewood Vista is washing out, you could have some nice stone on your driveway.

Mr. Showalter: I don't think it is a bad spot to have an entrance there.

Mr. Astorino: That could be on the record. It could be on the record that they had done a horrible job.

Bob Krahulik: As far as Eaglewood Vista, they have already installed a yellow flashing light for caution. Hopefully it will slow traffic down.

Dave Getz: That part of the plan to OCDPW is to modify the sign at that light instead of showing a +-Intersection, to show a 4 way +-Intersection.

Mr. Astorino: Ok. We will list Comment #16 through Comment #62 for the record. Do we have a motion to set Blue Arrow Too, LLC for a public hearing?

Mr. McConnell makes a motion to set the Blue Arrow Too, LLC., application for a Site Plan and Special Use Permit and Lot Line Change application for a Public Hearing at the next available agenda.

Seconded by Mr. Showalter. Motion carried; 5-Ayes.

Mr. Astorino: Please explain to your client that they have been set for a public hearing. If we received all of the outside Agencies approvals then most likely the next meeting would be a public hearing so that we could garner some information from the public. Try to address much of these comments as you can. We will be reviewing them. Any building permits or what have you at this point, I don't think there is a need for them until this is done. Is that correct?

Dave Getz: Correct.

Connie Sardo: Dave Griggs or Dave Getz, please email me the noise study report so I could forward that to the Board.

Mr. Astorino: Yes. Connie, please get that noise study out to the Board.

Connie Sardo: Ok.

Dave Getz: Ok. Thank you.

Dave Griggs: Thank you.

Bob Krahulik: Thank you.

Comment #16: A lighting plan must be prepared showing the proposed lighting.

Comment #17: A note must be added to the plan stating that the lighting will be installed in accordance with §164-43.4F.

Comment #18: There is a proposed driveway shown (immediately to the north of the existing stables), the purpose of this driveway that traverses a northeasterly direction across the site should be shown on the drawing (it leads to the wetland buffer; nothing can be proposed in this area). This is proposed to be equestrian access only; the proposed signage should be added to this plan.

Comment #19: Applicant to clarify if brewing is proposed onsite. Applicant to add a note to the plan stating that brewing is not proposed on this property.

Comment #20: Sheet 1, Notes 6, 14, and 16 state several uses, the Applicant must provide the use from §164-40M Table of Use Requirements that allows the proposed uses in the RU zone. Applicant states that the proposed use at the property is General Use #88 Outdoor Amusement Establishment; applicant to updating zoning requirements to reflect Use Group '1' and its requirements. Any proposed accessory uses to Use #88 and the conditions from §164-46.J must be added as notes to the plan.

Comment #21: Applicant to clarify Use allowing all proposed uses at this property (Sheet 1, General Note 6).

Comment #22: The Hours of Operations for the proposed wedding/assembly use must be clarified.

Comment #23: The Hours of Construction must be added to the plans. Sheet 1, Note 15 must be updated to include all language included in §100A-3.F.

Comment #24: Any signage must be shown on the plan and must be in conformance with §164-43.1 Signs.

Comment #25: The survey (Sheets 2 and 3) indicates changes to the property lines / Orange County Right of Way; Applicant to clarify if these changes have been filed in the Orange County Clerk's Office.

Comment #26: Sheet 4 includes the proposed uses for most buildings, the proposed use(s) for the 50'x50' pavilion has not been shown. The proposed use is shown to be picnics (Sheet 4, Note 4); Applicant to clarify if picnickers will be people already onsite or if this is a new use at this property.

Comment #27: Applicant to show fire truck turnarounds adjacent to Existing Buildings 1 and 3.

Comment #28: A landscaping plan and schedule (Sheet 5) must be included for the proposed trees (species, number, size).

Comment #29: Appropriate landscaping details must be added to the plan.

Comment #30: The details for the proposed box beam guiderail must be added to the plan. Applicant to add a note to Sheets 13 and 14 that the guiderail must be in compliance with NYSDOT requirements.

Comment #31: The details for the proposed timber guiderail must be added to the plan. Applicant to add note to timber guiderail detail (sheet 15) that it will be installed per NYSDOT requirements (including the metal backing).

Comment #32: On Sheet 8, there is proposed landscaping within the bioretention system. A landscaping plan must be prepared, including planting schedule.

Comment #33: Applicant to clarify if the Typical Excavation Section is related to the OCDPW entrance(s). The title of this detail should be revised to better reflect its purpose. The Typical Excavation Section detail is two details below the OCDPW Backfill Detail on Sheet 11.

Comment #34: Applicant to clarify if the Typical Driveway Pavement Section will be used to pave the parking areas; Applicant to add notes to the plan. Applicant to add site driveway distance to the plan.

Comment #35: Applicant to provide more information on the proposed geothermal system, including specifications / details.

Comment #36: The Handicapped Sign Detail must be revised to show a minimum of 7' between the ground elevation and the bottom of the sign.

Comment #37: The proposed driveway 1 and associated construction area should be incorporated into the Limits of Disturbance.

Comment #38: Line types for the following items should be added to the legend: proposed contours, silt fence, existing pipes / culverts.

Comment #39: Confirm if any existing trees are to be protected on site during construction. If yes, add detail to drawings.

Comment #40: Applicant to identify locations of acceptable soil stockpile locations on Sheet 5. Note that stockpiles should not be kept in or adjacent to water bodies or waterways, and should also not be stored in the locations of future retention / bioretention areas and SSDS location to avoid soil compaction.

Comment #41: Due to the disturbance area being greater than 5 acres, the construction will be phased, as noted in Section 1 of the SWPPP Report. Applicant to identify sequence of phasing and construction on Sheet 5.

Comment #42: Applicant to provide inlet elevations for structures within proposed bioretention basin B and for the outlet structure at proposed dry detention basin #1.

Comment #43: Applicant to determine if culvert protection is needed to construct road over the existing pipe carrying offsite runoff, in the southern end of sub-basin A.

Comment #44: Applicant to determine if there is an existing culvert carrying offsite runoff underneath the proposed entrance to the 85-space parking lot at the intersection of sub basins C and D; if there is a pipe present, confirm if any additional protection is required to avoid damaging the pipe during construction.

Comment #45: A concrete washout location is recommended if concrete work (i.e., foundations for the pavilion or buildings) is anticipated on site.

Comment #46: There is "proposed geothermal" within the same footprint as proposed bioretention basin B. Applicant to verify that there will not be a vertical conflict between these 2 systems, including for access and maintenance.

Comment #47: Applicant to clarify where on site a proposed rip-rap swale will be since a detail is included on Sheet 8.

Comment #48: Applicant to provide supporting documentation / calculations to confirm that diverting offsite runoff from Proposed Manhole 1 to Proposed Manhole 2 and through the proposed 30" dia. pipe will not exceed the capacity of the existing swale and culverts downstream.

Comment #49: Applicant to identify if culvert outfall scour protection is required downstream of the proposed pipe leaving manhole #2.

Comment #50: Applicant to provide proposed inverts for manholes 1 and 2 to demonstrate positive drainage.

Comment #51: On Sheet 1, there is a “proposed food preparation” building call out. However, on Sheet 5, the same building is called out as “Existing Building #2”. Applicant to clarify what buildings have been constructed to demonstrate “prior conditions” vs. “proposed conditions.” Proposing uses shown on the drawings, on Sheet 1 Note 6, and Sheet 4 Notes 1-8 are inconsistent; Applicant to make all proposed uses consistent.

Comment #52: Applicant should include dimensions and sizing of the stabilized outfall riprap apron for Detention basin #2.

Comment #53: Gravel diaphragms are shown in the detail on Sheet #8 but not on plan view for basins A, B and C. Applicant to confirm the location and dimensions on Sheet 5.

Comment #54: The pipe bedding detail on sheet 8 called out a water or sewer main. Applicant to confirm if this detail is appropriate for the proposed HDPE pipes.

Comment #55: The post-development land use identified in Question #3 of the NOI is stated to be “Agricultural.” Applicant to confirm that this is an appropriate fill-in, given some of the proposed features include: wedding / assembly, antique gallery, candy shop, guitar shop, and food truck

Comment #56: Applicant to include a detail for construction fencing which will delineate the wetland buffers and show this feature in plan view.

Comment #57: 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 17

Comment #58: The concrete pad below Existing Building #3 should be located on the survey plan and site plan.

Comment #59: Surveyor to certify that iron rods have been set at all property corners.

Comment #60: Provide the liber and page for all recorded declarations.

Comment #61: Provide a three-year landscaping bond, and any other required bonds for this project.

Comment #62: Payment of all fees.

NY Hemp Source

Application for Site Plan Approval and Special Use Permit for the construction and use of the processing, research, production, packaging, sale of hemp, hemp extractions and hemp formulations in an existing building, situated on tax parcel S 6 B 2 L 19; project located on the eastern side of Mt. Eve Road (63 Mt. Eve Road) on the S&SO Produce Farms property, in the AI zone, of the Town of Warwick.

Representing the applicant: George Sewitt, Applicant. Brian Friedler from Lehman & Getz Engineering. Kelly Naughton, 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 submittal
6. TW Building Department – 09/28/18 seven open permits; please contact building department
7. NYSOPRHP: 09/24/18 no impact on archaeological and/or historical resources
8. The final version of the Industrial Hygiene Review and Assessment shall be submitted to the Planning Board and Florida Fire Department, including (but not limited to) the final processing method, materials needed, chemical/material storage amounts onsite and locations, administrative controls, safety recommendations, etc.
9. Applicant to submit a Fire Prevention Plan to the Planning Board and the Florida Fire Department.
10. Applicant to provide the proposed use at the property (e.g., Ag use #19 manufacturing, assembling, altering, finishing, converting, fabricating, cleaning, or any other processing, packaging or repackaging of agricultural products or materials) and any conditions in §164-46.J.
11. Applicant to provide an overall view of the property, showing bulk requirements, etc.
12. Applicant to show grading plan.
13. Add 911 addresses to the plan.
14. The Lighting Plan must be in accordance with §164-43.4. Provide details/documentation that lighting will be shielded, as required with §164-43.4F.
15. Provide wattage/lamp information for each fixture.
16. Any signage and a Master Sign Plan must be in accordance with §164-43.1 – or Applicant to state on the plans that no advertising/signage is proposed.
17. Applicant to clarify what gray shaded area is on the drawing (e.g., a legend should be added).
18. Applicant to clarify if the septic system is existing or proposed.

19. Applicant to clarify the purpose of the stone barrier around the septic absorption field.
20. Applicant to show the extents of the gravel parking areas on the drawing.
21. Applicant to clarify why the solid waste disposal containers for “typical office waste” are so far from the location of the office.
22. The parking calculations appear to provide parking for the proposed use of the hemp processing facility and the warehouse storage in the same structure.
23. Applicant has submitted a noise study letter report dated 09/21/18; however, this letter does not provide enough information to ensure compliance with the Town of Warwick Noise Code §100A, specifically §100A-3A: The operation of any sound-producing device in such a manner or with such volume as to be plainly audible inside any residence between the hours of 11:00 p.m. and 7:00 a.m. at a distance greater than 50 feet from the sound-producing device shall be prima facie evidence of a violation of this section.
24. Applicant to add a note to the plan stating that the only use before the Planning Board at this time is the Hemp Processing Facility; all other uses at this property are not being presenting to the Planning Board and are, therefore, not being approved by the Planning Board at this time.
25. Applicant to clarify composting options, etc. to reduce possible odors.
26. Applicant to show water/wastewater qualities related to the processing operation on the drawings.
27. Clarification about how the processing wastewater is recycled / reused / disposed.
28. Hours of processing operations need to be added to the drawings.
29. Declaration information for Aquifer and Agricultural Notes must be added to the plans.
30. Surveyor to certify that iron rods have been set at all property corners.
31. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
32. Payment of all fees.

The following comment submitted by the Conservation Board:

NY Hemp Source – Not submitted.

The following comment submitted by the ARB:

NY Hemp Source – Not submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application meets the threshold as a Type 2 Action. No construction proposed. No SEQRA review is necessary. I have prepared a Type 2 Action Resolution for the Planning Board’s consideration.

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

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.6

State Environmental Quality Review (SEQR)

Resolution

Type 2 Action

Name of Action: NY Hemp Source, LLC

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan/Special Use Permit application by NY Hemp Source, LLC for a ± 11.1 acre parcel of land located at 63 Mt. Eve Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 9/24/18 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 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(3) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of farm operations within 500 feet of the site, and then considered by the Planning Board, 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.

George Sewitt: We would like the Board's permission to build a facility that we could process the hemp that we are growing and harvesting at this time. We are actually starting to do that. The curing process would take a while. We have a license with NYS Department of Agriculture to do all of those things as well as process it. We have no intention to do retail sales. The farm that we are located at is a food safety facility. No one is really allowed on this site. There will be restricted access to our building except for wholesalers and business people that come to our office for a meeting. It would be a very quiet low keyed operation. We intend to keep it that way so that we don't have unwanted visitors.

Mr. Bollenbach: Let's clarify for the record, what are the THC levels? Is this medical marijuana?

George Sewitt: No. There is a difference. The Cannabis plant if it grew wild without anybody getting involved in it would grow by nature 50% THC which is the ingredient that gets a person high and 50% CBD which is another part of the plant that relieves pain, inflammation, stops seizures. In fact today, they are very close to declaring that it helps autism. That is what we are growing. We have selectively bred cuttings that are very low in THC and are very high in CBD. The NYS requires the maximum amount of THC that could be in any of our plants has to be .3%. All of our plants are tested by the State. They came back as .09% THC. We are way below the threshold.

Mr. Astorino: Do you test a sample group or every plant?

George Sewitt: The State does that. We have no control over that.

Mr. Astorino: Ok. The State comes in and tests what they feel needs to be tested.

George Sewitt: Yes. What the State had done was they went out to every field and they had done a double U pattern. They tested 10 samples from each field. They mix that all together. That was how they did that. That is a NYS Laboratory in Albany. It is not our laboratory.

Mr. Astorino: Ok.

Mr. Bollenbach: Would these be over the counter end products?

George Sewitt: Ultimately yes. Meaning, you don't need a license or permission from a Doctor. It is kind of like a supplement. It is like a vitamin.

Ms. Little: You are simply growing, processing and drying. Is that correct?

George Sewitt: Correct.

Ms. Little: Are you making products or just extracting the oil?

George Sewitt: We are extracting the oil. We are going to sell it wholesale. We will make product as well. It won't be for sale on the premises.

Ms. Little: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments from the site visit? We were out to the site. It seems straight-forward.

Mr. McConnell: Yes. It is. As long as all of the permits are all in order.

Mr. Bollenbach: Yes. They have provide copies of the permits. I have reviewed them. They are acceptable.

Mr. McConnell: Ok.

George Sewitt: Perfect.

Mr. Astorino: Ok. That is where we are at.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending submittal

Comment #6: TW Building Department – 09/28/18 seven open permits; please contact building department

Comment #7: NYSOPRHP: 09/24/18 no impact on archaeological and/or historical resources

Comment #8: The final version of the Industrial Hygiene Review and Assessment shall be submitted to the Planning Board and Florida Fire Department, including (but not limited to) the final processing method, materials needed, chemical/material storage amounts onsite and locations, administrative controls, safety recommendations, etc.

Mr. Astorino: You did send the water usage. That was minimal usage. You also sent us the CO-2 process. We have that.

Mr. Bollenbach: Also tag onto Comment #8. I was talking to Florida Fire Chief, Ron Heter. Along with this, they call it the MSDS (Material Safety Data Sheet). You should be familiar with that. Also with Comment #9 they call it a pre-plan for the fire response.

George Sewitt: Correct.

Mr. Bollenbach: You could work that out with the Florida Fire Chief, Ron Heter. He will be looking forward to making contact with you.

George Sewitt: Ok. I would love to do that. In our report, it explains all of that.

Comment #9: Applicant to submit a Fire Prevention Plan to the Planning Board and the Florida Fire Department.

Mr. Astorino: If you are in contact with the Chief that will be forthcoming.

George Sewitt: Yes.

Comment #10: Applicant to provide the proposed use at the property (e.g., Ag use #19 manufacturing, assembling, altering, finishing, converting, fabricating, cleaning, or any other processing, packaging or repackaging of agricultural products or materials) and any conditions in §164-46.J.

Brian Friedler: Yes.

Comment #11: Applicant to provide an overall view of the property, showing bulk requirements, etc.

Brian Friedler: Yes.

Comment #12: Applicant to show grading plan.

Brian Friedler: Yes.

Laura Barca: I did not know the property was flat until we did the site visit. There is no grading.

Mr. Astorino: Could we strike that comment? Laura, is that correct?

Laura Barca: Yes.

Mr. Astorino: Ok. We will strike Comment #12.

Comment #13: Add 911 addresses to the plan.

Brian Friedler: Yes.

Comment #14: The Lighting Plan must be in accordance with §164-43.4. Provide details/documentation that lighting will be shielded, as required with §164-43.4F.

George Sewitt: You had seen that at the site visit.

Brian Friedler: Yes. We will submit that plan.

Comment #15: Provide wattage/lamp information for each fixture.

Brian Friedler: Yes.

Comment #16: Any signage and a Master Sign Plan must be in accordance with §164-43.1 – or Applicant to state on the plans that no advertising/signage is proposed.

George Sewitt: We will be having just a small sign on the door.

Mr. Astorino: Just make sure it complies.

George Sewitt: Yes.

Laura Barca: You could show that on the plans.

George Sewitt: Ok.

Laura Barca: That would also shorten the time on you getting your building permit.

George Sewitt: Ok.

Comment #17: Applicant to clarify what gray shaded area is on the drawing (e.g., a legend should be added).

Brian Friedler: That has been done.

Comment #18: Applicant to clarify if the septic system is existing or proposed.

Brian Friedler: Ok.

Comment #19: Applicant to clarify the purpose of the stone barrier around the septic absorption field.

Brian Friedler: That has been done.

Comment #20: Applicant to show the extents of the gravel parking areas on the drawing.

Brian Friedler: Ok.

Comment #21: Applicant to clarify why the solid waste disposal containers for “typical office waste” are so far from the location of the office.

Brian Friedler: Ok.

Comment #22: The parking calculations appear to provide parking for the proposed use of the hemp processing facility and the warehouse storage in the same structure.

Brian Friedler: Yes. We will show the overall.

Comment #23: Applicant has submitted a noise study letter report dated 09/21/18; however, this letter does not provide enough information to ensure compliance with the Town of Warwick Noise Code §100A, specifically §100A-3A: The operation of any sound-producing device in such a manner or with such volume as to be plainly audible inside any residence between the hours of 11:00 p.m. and 7:00 a.m. at a distance greater than 50 feet from the sound-producing device shall be prima facie evidence of a violation of this section.

Mr. Astorino: There is nothing around there.

Kelly Naughton: We had talked about that at the site visit. We fall under the permitted uses for agriculture.

Laura Barca: We did. I will throw this one to John Bollenbach. The growing and harvesting is agricultural. You are in front of the Planning Board because you are actually processing it.

Mr. Bollenbach: That is a manufacturing process. Take a look at the Performance Standards.

Laura Barca: Right.

Mr. Astorino: But even if that Performance Standard governs it, there is nothing there.

Mr. Bollenbach: It is a requirement at the property line to show that the decibel level would not exceed 65 decibels at any property line. Just put a note on the map.

Brian Friedler: Ok.

Mr. Astorino: Which it is not exceeding.

Comment #24: Applicant to add a note to the plan stating that the only use before the Planning Board at this time is the Hemp Processing Facility; all other uses at this property are not being presenting to the Planning Board and are, therefore, not being approved by the Planning Board at this time.

Brian Friedler: Yes.

Comment #25: Applicant to clarify composting options, etc. to reduce possible odors.

Mr. Astorino: Show us where that site is going to be.

Mr. Bollenbach: Have you provided or obtained anything from Cornell for the different methods of recommended procedures for the composting operation?

George Sewitt: We show where the composting is. It is going to be on site. It will be reused in that area to make the land work better.

Mr. Bollenbach: There are certain methods to produce compost to minimize the odor. You will need to get in touch with Cornell. You will need to provide us with that information.

George Sewitt: The thing is that there is really no odor. It is an onion farm. That is what permeates the air. If you still need that, I will get it for you.

Mr. Bollenbach: Yes. We will need that information.

Comment #26: Applicant to show water/wastewater qualities related to the processing operation on the drawings.

Mr. Astorino: We got that today.

Comment #27: Clarification about how the processing wastewater is recycled / reused / disposed.

Brian Friedler: Ok.

Comment #28: Hours of processing operations need to be added to the drawings.

Brian Friedler: We were told to take that off.

Laura Barca: We need that.

Brian Friedler: Ok. Will do.

Mr. Astorino: Put on the plans whatever the Code has.

Comment #29: Declaration information for Aquifer and Agricultural Notes must be added to the plans.

Brian Friedler: Yes.

Comment #30: Surveyor to certify that iron rods have been set at all property corners.

George Sewitt: That just has been done. We will provide that.

Comment #31: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Mr. Astorino: I don't see this as being applicable.

Mr. Bollenbach: There is one point in regards to the setting of iron pins. The back portion of that is black dirt. Pins don't really work out there. The Board might want to consider a waiver on placing pins in the middle of the black dirt ditches. They are going to be dug up.

Mr. Astorino: It would be a waste of money to do.

George Sewitt: We have already done that.

Mr. Bollenbach: Ok.

Mr. Astorino: We can strike Comment #31.

Comment #32: Payment of all fees.

George Sewitt: Yes.

Ms. Little: I have a question on Comment #8. With Industrial Hygiene Review and Assessment, is there any kind of yearly requirement that they have to submit to the Fire Department for the MSDS?

Mr. Bollenbach: It is periodic. Every few years they go to see if there is any change of circumstances.

Ms. Little: Ok.

Mr. Astorino: MSDS is the State.

Mr. Bollenbach: It is a State requirement that it would be kept current.

Ms. Little: There was a big fire up in Newburgh. They had no clue as to what chemicals and how it was being treated. I am not saying that you would be doing that.

George Sewitt: I was at that fire. That was a very different situation.

Ms. Little: Right. Would it be possible to also include your State Reports on the level of the CBD?

George Sewitt: I could do that. This is the only thing I want to say to that. When I provided the permits, I put a note on there invalidating them. It is a thing that I am really concerned about. If someone gets a hold of certain things and presents it to Law Enforcement and pretends that they are licensed to do it that could become very problematic for everyone. It would hurt us as a business. I wouldn't know what they are carrying or doing. I will give you all of those reports. I will put something on it stating that they are not valid.

Mr. Bollenbach: That is fine.

Mr. Astorino: Ok. That is fine.

George Sewitt: I would like it not to be on the website if possible. I would like to keep that private.

Mr. Astorino: Ok. Does the Board or Professionals have any other comments? Would the Board consider setting the NY Hemp Source for a public hearing for the November 7, 2018 Planning Board Meeting.

Ms. Little makes a motion to set the NY Hemp Source for a Public Hearing at the next available agenda.

Seconded by Mr. Showalter. Motion carried; 5-Ayes.

George Sewitt: I will send you the results of the 5 fields that were tested the same ways as I had did it before with that warning on it.

Mr. Bollenbach: That will be fine.

George Sewitt: Ok. Thank you.

Brian Friedler: We will get the submittal out to Ted, Laura & Connie for the November 7, 2018 Planning Board Meeting. Thank you.

Other Considerations:

1. Planning Board Minutes of 9/19/18 for PB Approval.

Mr. McConnell makes a motion to Approve the PB Minutes of 9/19/18.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

2. **Wheeler Road Estates** – Letter from Nicholas Rugnetta, P&P Engineering, dated 10/4/18 addressed to the Planning Board in regards to the Wheeler Road Estates subdivision – requesting 26th 6-Month Extension on Preliminary Approval of a proposed 31-Lot + 3-Affordable Homes, situated on tax parcel SBL #8-2-44.223; parcel located along northerly side of Wheeler Road (C.R. 1) at the intersection with Dussenbury Drove, in the SL zone, of Town of Warwick. Preliminary Approval was granted on: 11/2/05. *The Applicant has stated that they are working on finalizing the project with revised plans and SWPPP and will be submitted by the end of the month.* The 26th 6-Month Extension becomes effective on 11/2/18.

Mr. Kennedy makes a motion on the Wheeler Road Estates Subdivision, granting a 26th 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05.

The 25th 6-Month Extension becomes effective on, 11/2/18.

Seconded by Mr. Showalter. Motion carried; 5-Ayes.

3. **Beysel Lot 10 (Hazen Subdivision)** – Letter from Dave Getz, dated 10/10/18 addressed to the Planning Board - requesting “Amended Final Approval for Lot 10 of the Hazen Subdivision.

Representing the applicant: Dave Getz from Lehman & Getz Engineering.

Mr. Astorino: This was a lot that was done in the Hazen Subdivision. Roger that subdivision is located by you up on the mountain.

Mr. Showalter: Yes.

Mr. Astorino: The reason that they are here is that they hit rock building their home. Due to the Ridgeline Overlay, if you move 20 feet...they are moving it downwards. It is less line-of-sight because they are coming down the hill. I don't think there would be an issue. We just need a motion from the Board stating Amended Final Approval.

Mr. McConnell makes a motion on the Beysel Lot 10 Hazen Subdivision, granting **“Amended”** Final Approval for a proposed 1-Lot in the Hazen subdivision (Old Lot #1), situated on tax parcel S 63 B 3 L 6; parcel located at 74 Bowen Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

4. **House Subdivision** – Planning Board to discuss Landscaping.

Mr. Astorino: I have explained this at the Work Session. The House family is here this evening. They had done extensive work on the subdivision with the swales that were put in. Ted had provided us with a Memo, dated 10/16/18. I could vouch for each one of them that they painstakingly removed every piece of riprap. The Contractor put it in by hand to get all of the debris out of it. They have now repaved and top coated the road and shoulders. They do have a signed notarized affidavit from each one of the neighbors that are agreeing with not adding the street trees due to the fact that they had paid a ton of money to clean the swales. My own personal opinion from the DPW is that I would not like to see them there because it is going to be a maintenance nightmare. If we ever see these swales come before this Board again, we are to run the other way. Laura, Ted & John, whatever you do, do not let that come before this Board.

Laura Barca: Just to clarify for the record, the NYSDEC required that at the time in the year 2008.

Mr. Astorino: I will talk to the DEC myself about what I think of their swales. I know what the House members went through with them. We need a consensus from the Board to not allow these street trees.

Mr. Bollenbach: It would be to make a recommendation to the Town Board that they release the Bond without the necessity of planting the trees.

Mr. Astorino: Right. Do we have a consensus from the Board on that?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Ms. Little: Yes.

Mr. Astorino: Ok. We have a consensus from the Planning Board. Gentlemen, thank you for coming out this evening.

Correspondences:

1. Email from John Mickowski, dated 9/25/18 addressed to Planning Board & Town Board in regards to the Blue Arrow Farm.
2. Email from Mary Pohlman, dated 10/5/18 addressed to Planning Board & Town Board in regards to the Blue Arrow Farm.
3. Email from Constance Newsom, dated 10/7/18 addressed to WV Dispatch in regards to Noise Pollution Blue Arrow Farm.

Mr. Astorino: We have received those emails. We also have them in our packets.

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 October 17, 2018 Planning Board Meeting.

Seconded by Ms. Little. Motion carried; 5-Ayes.

