

TOWN OF WARWICK PLANNING BOARD

June 19, 2019

“DRAFT”

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, 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, June 19, 2019 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 K.P. Home Builders, Inc.

Application for Site Plan Approval and Special Use Permit for the construction and use of a 7,875 s.f. commercial building to consist of a new restaurant on the first floor, an office and (1) bedroom apartment on the second floor and (2) one bedroom apartments on the third floor along with paved parking access from CO Hwy 1 & 26, situated on tax parcel S 14 B 1 L 7; parcel located on the south side of CO 1 50 feet east of CO Hwy 26 (641 CO Hwy1), in the LB zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Jon Nosek, Engineer. Cindy Porter, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Ken Porter 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 – 06/10/19 screening for adjacent neighbors, retaining wall aesthetically pleasing, run a course sideways so that it looks anchored (perhaps a “laying soldier” design)
5. OC Planning Department – 07/11/17 referral from ZBA, walkability, and stormwater
6. TW Building Department – 06/26/17 no violations
7. OCDPW – 06/1/19 OCDPW approval letter
8. OCDOH – 05/01/19 approval letter
9. ZBA – variances requested for lot coverage and front yard setback. Permits must be obtained and construction started before 09/25/19.
10. A survey of the property must be submitted.
11. Please add a note to the plan stating that the “Use of the Town of Warwick Design Standards is mandatory and such Standards can be found in Appendix A of the Zoning Law.”
12. Applicant is offering dedication of 0.021± to OCDPW along Glenwood Road.

13. Applicant to consider sidewalks along property boundaries that front the County Routes.
14. An accessible route should be provided from the street to the proposed building. A handicapped ramp should be added to the proposed sidewalk. Applicant to confirm that the handicapped parking meets the slope requirements. It seems that the required 'No Parking Anytime' sign for the accessible striped space may impede the path of a wheelchair at its current location. Consider positioning related signs behind the sidewalk.
15. Applicant should show the proposed building's door locations to ensure that the appropriate maneuvering clearances are provided.
16. NWI map, NYSDEC enviromapper, and FEMA Floodplain map must be submitted.
17. The number of employees, maximum seating capacity, hours of operation, etc. must be shown on the plan.
18. Applicant to provide service capacity letters (e.g., utility, water, sewer, highway, police, ambulance, fire, and school).
19. Standard Town of Warwick Notes must be added to the plans.
 - a. Town of Warwick Overlay Protection District
 - b. Signature Block
 - c. Utilities
 - d. Limit of Disturbance
 - e. Lighting
 - f. Applicable notes for Traditional Overlay District and Aquifer Overlay District
 - g. Projects Proposing Signs
 - h. Projects with access to a County Road
20. Parking space calculations must be shown on the plan. Providing min. reqd. Pending PB.
21. Stormwater Pollution Prevention Plan (Simple, since less than 1-acre disturbance) must be submitted.
22. A detail for the retaining wall must be included; due to proximity of neighbors, it should be aesthetically pleasing. If higher than 4' detailed calculations prepared by a NYS PE are required.
23. Some of the plants on the landscape plan are shown within pavement and sidewalk areas. Applicant to verify plantings are correctly shown. Verify that proposed trees are not planted on top of underground utilities.
24. Provide a quantity of junipers to be planted.
25. Provide a species name for the junipers to be planted.
26. Provide a landscape maintenance plan.
27. Provide planting and landscaping notes, including site preparation for installation (soil compaction), seeding, mulching, etc.
28. As noted in 164-43.3A(7)(a), use of a native species is highly encouraged. Juniper species should be specified and encouraged to be native. Azalea species should be replaced with native varieties.
29. Applicant should verify the counts, as the table does not seem to match the plan. Include a note that should there be discrepancies, plan shall dictate.
30. Applicant should consider a different species from white pine, as white pine is a large tree, intended to be planted in a small area on top of a wall. Plantings should be appropriate for the space and provide screening to neighboring residence.
31. As noted in 164-43.2A(7), in lots with more that 8 parking spaces, a minimum of one tree (of at least three inch caliper) and 10 shrubs shall be planted in median dividers or landscape islands. Applicant to provide interior landscape islands and three inch caliper trees and shrubs. As noted in 164-43.2A(7), to reduce the visual impact of the parking lot, provide a ten-foot wide landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs. The parking lot has been moved closer to the property line, and does not provide a ten-foot strip.

32. The Lighting Plan must be in accordance with §164-43.4. 164-43.4E(4) Light Trespass shall not exceed 0.25 footcandles at the property line. Lighting plan should be adjusted to meet this requirement.
33. It is noted that the light fixture for parking lot is retiring from production soon. Suggest the Applicant provide a replacement.
34. Lighting plan photometrics should include a label for the footcandle contours of the wall mounted fixture.
35. Lighting calculation summary should meet horizontal illuminance levels noted in 164-43.4G.
36. Verify 5 footcandles are provided at building entrances.
37. Should any signage be provided with lighting, lighting shall comply with 164-43.4.
38. Any signage and the Master Sign Plan must be in accordance with §164-43.1.
39. Need details for handicapped parking signs and striping, as well as the handicap ramp for the sidewalks. Ramp detail still needs to be placed on the plan and the symbol should be adjusted to be toward the lower half of the parking area.
40. Any signage for restaurant, entry or building needs to comply with lighting section.
41. The location, type, and screening for solid waste and/or recycling containers must be shown on the plan.
42. Retaining wall details should be provided, include top and bottom of wall elevations. Applicant should detail any top of wall protection along the sidewalk.
43. Add dimensions from the building to the septic tank and the building to the disposal system on plan sheet 3.
44. Place the 911 addresses on Sheet 1 in tabular format.
45. Applicable declaration information must be added to the plans.
46. Surveyor to sign and seal final plans.
47. Surveyor to certify that iron rods have been set at all property corners.
48. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
49. Payment of all fees.

The following comment submitted by the Conservation Board:

Ken Porter – None submitted.

The following comment submitted by the ARB:

Ken Porter – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Planning Board had conducted a coordinated review with the other agencies which were the OCDOH, OCDPW and Town of Warwick ZBA. The main issue on this has simply been the conformance with the Town's Design Standards. I have prepared a draft Negative Declaration for the Planning Board's consideration.

Comment #2: Applicant to discuss project.

Jon Nosek: This application is for a proposed restaurant and a residential apartment mixed use. It is located in the LB zone, of the Town of Warwick. This property is located at the intersection of C.R. 1 and C.R. 26 in Pine Island. The 1st Floor will be the Clemson Brothers

Restaurant/Brewery. The 2nd Floor would be 1-Bedroom Apartment plus an Office. The 3rd Floor would be (2) 1-Bedroom Apartments. The access off this property will be from C.R. 1 with a two-way isle entrance. There will be 34 parking spaces and 2 handicap parking spaces for the facility. There will be an exit only onto C.R. 26. We will be using the Town of Warwick public water supply. There is a main from C.R. 26 as well as a service connection from a previous building that was here. The service connection is still there. All we need to do is run our service line from the existing water valve. Our septic system is proposed to be under the pavement underground. It will be an infiltrator high capacity traffic loaded sub-surface system that has been thoroughly reviewed by the OC Health Department and approved. We did receive approval from the OCDPW for access onto both roads. We did receive a ZBA variance to allow us up to 22 feet to allow us to bring the building closer to C.R. 1 to allow for more parking in the rear. It was preferred by the Town to have parking in the rear of the building which necessitated having to come closer to the road. That ZBA variance was granted.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – 06/10/19 screening for adjacent neighbors, retaining wall aesthetically pleasing, run a course sideways so that it looks anchored (perhaps a “laying soldier” design)

Mr. Astorino: We did have a Joint Meeting with the ARB at a Work Session. We spoke about screening for adjacent neighbors. We have shortened a couple of parking spots and retaining walls to make it esthetically pleasing. We also are having them to run a course sideways so that it looks anchored like a laying soldier design on the building itself. I believe we have incorporated that into the design.

Cindy Porter: I looked into that soldier course thing. If you walk out of the building that is not how it is laid.

Mr. Astorino: Ok. Is that something that doesn't work?

Cindy Porter: Right. It is not structural. When you walk out of the building, you will see how the bricks are laid. It is like how the bricks are laid. We are going to stick with the way bricks are laid. Soldier course goes above doors.

Mr. Astorino: What you are saying is the soldier course that is there would not be feasible to do that. Is that correct?

Cindy Porter. Yes. It is not structural.

Mr. Astorino: Ok.

Cindy Astorino: I just wanted to let you know that I have checked into that.

Comment #5: OC Planning Department – 07/11/17 referral from ZBA, walkability, and stormwater

Comment #6: TW Building Department – 06/26/17 no violations

Comment #7: OCDPW – 06/1/19 OCDPW approval letter

Mr. Astorino: We have the OCDPW approval letter. With that, their approval letter did not recommend or support sidewalks. We cannot force the County to put them in their Right-Of-Way. By the County's response in their email, they are not in favor of the sidewalks for whatever reason. They don't want the liability and/or aggravation as it seems. I don't know. Laura could follow up on that a little more. We could put a caveat in the approval letter that would cover us. Laura, follow up on that. It seems like the County doesn't want any part of that. We are not the County. We can't force them to do that. We asked you to bring it to their attention.

Cindy Porter: We worked something out that we would work with them on that.

Mr. Astorino: That is what I mean. We will put a comment in here that if it can happen...

Mr. Bollenbach: The Applicant was going to take a look into the feasibility of crosswalks and stripping.

Jon Nosek: He was under the opinion that it was not really necessary there. There is some pedestrian traffic. There is really not that much. Right now, it is not warranted.

Comment #8: OCDOH – 05/01/19 approval letter

Mr. Astorino: Laura, do we have that letter?

Laura Barca: Yes.

Comment #9: ZBA – variances requested for lot coverage and front yard setback. Permits must be obtained and construction started before 09/25/19.

Comment #10: A survey of the property must be submitted.

Jon Nosek: Ok.

Comment #11: Please add a note to the plan stating that the "Use of the Town of Warwick Design Standards is mandatory and such Standards can be found in Appendix A of the Zoning Law."

Jon Nosek: Yes.

Comment #12: Applicant is offering dedication of 0.021± to OCDPW along Glenwood Road.

Jon Nosek: Yes.

Comment #13: Applicant to consider sidewalks along property boundaries that front the County Routes.

Mr. Bollenbach: We should put in a caveat stating so if the County desires.

Mr. Astorino: Exactly. If the County requires or allows it, we would then expect the Applicant to install them.

Laura Barca: It should state if the County allows it.

Mr. Astorino: We could add to that comment, if permitted by the County, it would require the Applicant to complete it.

Comment #14: An accessible route should be provided from the street to the proposed building. A handicapped ramp should be added to the proposed sidewalk. Applicant to confirm that the handicapped parking meets the slope requirements. It seems that the required 'No Parking Anytime' sign for the accessible striped space may impede the path of a wheelchair at its current location. Consider positioning related signs behind the sidewalk.

Mr. Bollenbach: Those are the interior sidewalks.

Jon Nosek: Correct.

Comment #15: Applicant should show the proposed building's door locations to ensure that the appropriate maneuvering clearances are provided.

Jon Nosek: Ok.

Comment #16: NWI map, NYSDEC enviromapper, and FEMA Floodplain map must be submitted.

Jon Nosek: Ok.

Comment #17: The number of employees, maximum seating capacity, hours of operation, etc. must be shown on the plan.

Jon Nosek: Ok.

Comment #18: Applicant to provide service capacity letters (e.g., utility, water, sewer, highway, police, ambulance, fire, and school).

Comment #19: Standard Town of Warwick Notes must be added to the plans.

- a. Town of Warwick Overlay Protection District
- b. Signature Block
- c. Utilities
- d. Limit of Disturbance
- e. Lighting
- f. Applicable notes for Traditional Overlay District and Aquifer Overlay District
- g. Projects Proposing Signs
- h. Projects with access to a County Road

Mr. Bollenbach: Let us keep Comment #18 and #19 as place savers.

Comment #20: Parking space calculations must be shown on the plan. Providing min. reqd. Pending PB.

Jon Nosek: They are now on the plans.

Mr. Astorino: We had asked at the Work Session to shorten a couple of those spots to get some more screening in.

Jon Nosek: I am a little bit leery about doing that. Right now they are 9x18 parking spots. What we were going to talk to the Board about is maybe putting in a stockade fence in lieu of plantings. The reason being is that there is very little room. If we shorten them up and a larger vehicle parks there would stick out into the isle space.

Mr. Bollenbach: That could be a combination of a stockade fence with screening in it. That is a visual buffer. That is what we are looking for.

Mr. Astorino: The standard space is 9x18.

Mr. Bollenbach: Yes.

Mr. Kennedy: If you shrink it, I think it will be difficult with the traffic pattern.

Mr. McConnell: Other places that have compact parking seem to survive. My purpose for suggesting it at the Work Session was to make it easier to provide the screening that we were concerned about. If the Applicant could demonstrate that he has another way to solve that problem, I am not married to the idea of a compact car space. I just want the screening.

Mr. Astorino: How many feet do you have there?

Jon Nosek: Looking at the map, at that corner that would be parking space #34. There is 2-foot from the edge of the curb to the property line. Even if I had shorten it up 3 feet, it would only give us 5 feet in there. It might cost a little more money, but putting in a stockade fence right there would put the issue to bed. Then we wouldn't have to worry about planting on someone else's property. At least to have it right there. I don't know how the Board feels about it. I spoke to Ken Porter about it. He was ok with doing that.

Mr. McConnell: You would have a stockade fence that you would have to paint and regularly maintain. I don't think you are gaining anything in terms of a maintenance issue?

Mr. Astorino: There was some void in the planting.

Cindy Porter: I think he is concerned with is the in and out of it. If a big truck's butt back in and the out that would cause a hardship. We could do a maintenance free fence.

Mr. McConnell: Are you suggesting that there is not enough room for a big truck to get in? Is that what I am hearing?

Cindy Porter: I was going to go with a theory of shortening it.

Jon Nosek: There is enough room for the truck to get in by shortening the parking space. I think people are going to park as close to their destination as possible.

Mr. Astorino: What you are saying is that they are not going to follow the signs.

Mr. McConnell: People don't obey speed limit signs. I am not thrilled over plastic fences.

Mr. Astorino: That is something we could discuss after we hear the public's comments.

Comment #21: Stormwater Pollution Prevention Plan (Simple, since less than 1-acre disturbance) must be submitted.

Jon Nosek: Ok.

Comment #22: A detail for the retaining wall must be included; due to proximity of neighbors, it should be aesthetically pleasing. If higher than 4' detailed calculations prepared by a NYS PE are required.

Jon Nosek: Ok. I spoke to Kenny about this. He wants to do a Uni-lock type wall. It is about 6 feet in height.

Mr. Astorino: Provide the calculations and samples to Laura our Planning Board Engineer.

Jon Nosek: Ok.

Comment #23: Some of the plants on the landscape plan are shown within pavement and sidewalk areas. Applicant to verify plantings are correctly shown. Verify that proposed trees are not planted on top of underground utilities.

Jon Nosek: Ok.

Comment #24: Provide a quantity of junipers to be planted.

Jon Nosek: Yes.

Comment #25: Provide a species name for the junipers to be planted.

Jon Nosek: Yes.

Comment #26: Provide a landscape maintenance plan.

Jon Nosek: Ok.

Comment #27: Provide planting and landscaping notes, including site preparation for installation (soil compaction), seeding, mulching, etc.

Jon Nosek: Ok.

Comment #28: As noted in 164-43.3A(7)(a), use of a native species is highly encouraged. Juniper species should be specified and encouraged to be native. Azalea species should be replaced with native varieties.

Jon Nosek: Ok.

Comment #29: Applicant should verify the counts, as the table does not seem to match the plan. Include a note that should there be discrepancies, plan shall dictate.

Jon Nosek: Ok.

Comment #30: Applicant should consider a different species from white pine, as white pine is a large tree, intended to be planted in a small area on top of a wall. Plantings should be appropriate for the space and provide screening to neighboring residence.

Jon Nosek: We talked about that.

Mr. Bollenbach: Let's add to that comment to the Town Planner's specifications.

Comment #31: As noted in 164-43.2A(7), in lots with more than 8 parking spaces, a minimum of one tree (of at least three inch caliper) and 10 shrubs shall be planted in median dividers or landscape islands. Applicant to provide interior landscape islands and three inch caliper trees and shrubs. As noted in 164-43.2A(7), to reduce the visual impact of the parking lot, provide a ten-foot wide landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs. The parking lot has been moved closer to the property line, and does not provide a ten-foot strip.

Jon Nosek: It is more than 10 spaces. That would apply to the back parking. If I put in an island, I would lose a parking spot. I thought the Board had decided to waive that requirement because of the parking required to meet the restaurant and the apartment building.

Mr. Astorino: We talked about it. That is why we are adding some screening on the outside.

Mr. Bollenbach: We will add provide additional screening to Town Planner's specifications.

Mr. Astorino: Yes. We want to make sure the screening is done properly. We will hold onto that comment for now. The Board might want to discuss that later.

Comment #32: The Lighting Plan must be in accordance with §164-43.4. 164-43.4E(4) Light Trespass shall not exceed 0.25 footcandles at the property line. Lighting plan should be adjusted to meet this requirement.

Jon Nosek: Yes.

Comment #33: It is noted that the light fixture for parking lot is retiring from production soon. Suggest the Applicant provide a replacement.

Jon Nosek: Ok. We did that.

Comment #34: Lighting plan photometrics should include a label for the footcandle contours of the wall mounted fixture.

Jon Nosek: Ok.

Comment #35: Lighting calculation summary should meet horizontal illuminance levels noted in 164-43.4G.

Jon Nosek: Ok.

Comment #36: Verify 5 footcandles are provided at building entrances.

Jon Nosek: Ok.

Comment #37: Should any signage be provided with lighting, lighting shall comply with 164-43.4.

Jon Nosek: Cindy, are you going to have lighted signs?

Cindy Porter: It won't be neon lighting.

Mr. Astorino: No internal lights. If you have lighting, you will need to show them. It would have to be down lighting. It is in the Code.

Cindy Porter: Yes.

Mr. Astorino: That would also have to be in your calculations so that there is no lighting spillage.

Cindy Porter: Yes.

Comment #38: Any signage and the Master Sign Plan must be in accordance with §164-43.1.

Mr. Astorino: You will need to follow the Sign Code.

Comment #39: Need details for handicapped parking signs and striping, as well as the handicap ramp for the sidewalks. Ramp detail still needs to be placed on the plan and the symbol should be adjusted to be toward the lower half of the parking area.

Jon Nosek: Ok.

Comment #40: Any signage for restaurant, entry or building needs to comply with lighting section.

Jon Nosek: No.

Comment #41: The location, type, and screening for solid waste and/or recycling containers must be shown on the plan.

Jon Nosek: Yes. We will put a stockade fence around it.

Comment #42: Retaining wall details should be provided, include top and bottom of wall elevations. Applicant should detail any top of wall protection along the sidewalk.

Jon Nosek: Yes.

Comment #43: Add dimensions from the building to the septic tank and the building to the disposal system on plan sheet 3.

Jon Nosek: Ok.

Comment #44: Place the 911 addresses on Sheet 1 in tabular format.

Jon Nosek: Ok.

Comment #45: Applicable declaration information must be added to the plans.

Jon Nosek: What is that?

Mr. Astorino: That would be whatever Overlays that you are in. They will need to be on the plans.

Laura Barca: For example, if there are other properties near agricultural lands those agricultural notes that will need to be added to the plans.

Jon Nosek: Ok. Who makes that determination as to what Overlay Districts or agricultural lands?

Mr. Astorino: It is in the Code.

Mr. Bollenbach: The districts would be Agriculture and Aquifer. Those should already be on the map as an overlay.

Laura Barca: It is Agriculture, Aquifer and Traditional Neighborhood Overlay Districts.

Jon Nosek: Ok.

Comment #46: Surveyor to sign and seal final plans.

Jon Nosek: Yes.

Comment #47: Surveyor to certify that iron rods have been set at all property corners.

Jon Nosek: Yes.

Comment #48: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Laura Barca: They would definitely be having the Landscape Bond.

Mr. Astorino: There would also be site inspection fees.

Comment #49: Payment of all fees.

Jon Nosek: Ok.

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

Mr. Showalter: I agree with Bo to make the parking situation as easy as possible. We must look at that carefully. For a business to run properly you will need good parking.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the K.P. Home Builders application, please rise and state your name for the record.

Deborah Carmody: I live on Firehouse Lane. I want to make a point about parking. We are located by the other Brewery. There are 50+ cars and buses there all the time. It has become an issue where those cars park. They try to park at the Firehouse and other places where they should not be parking. I don't know what is going to happen here. The 34 parking spots are not a lot.

Mr. Astorino: It meets the Code requirements. I get your point. Where people are parking they don't really care where they park. That is unfortunate. We have to follow what our Code is stated here. What Mr. Showalter pointed out before, you want to make it where it can be usable parking for them.

Deborah Carmody: I am sure they would be successful. In the Town there is going to be problems with the parking.

Mr. Astorino: You would hope that they would not be parking on a County Road.

Mr. Showalter: Are they parking by your house?

Deborah Carmody: They don't park down by my house. The Purtas put up signs because they were doing that. Their signs says that they would be towed if anybody would park there.

Mr. Showalter: Ok.

Deborah Carmody: They try to park at the firehouse. The buses do the same. Thank you.

Mr. Astorino: Is there anyone else wishing to address K.P. Home Builders?

Paulette Wilkrudy: I live on the corner of Treasure Lane and Glenwood Road. I'm 500 feet from the proposed lot. My concerns are the entrance and exits. There is a lot of traffic at the intersection. It is a very busy intersection between 8am and 5pm.

Mr. Astorino: This has an entrance and exit onto a County Road. This was sent to OCDPW. It was reviewed by them. They have signed off on that. We have an OCDPW letter in the file that states they meet their requirements for the entrances and exits. Regarding the sidewalks, the Applicant and our Board had recommend sidewalks. We thought that would be a good idea. The County did not think so. The Applicant has agreed to maintain sidewalks. But, we are not the County. It will be open if the County ever decides to change their minds on sidewalks. We are not the County. We don't have a say in the sidewalks.

Jon Nosek: When we first submitted this to the County, we had this as in and out. The County told us no way. It has to be exit only because of the traffic situation. We had to modify the plans to be exit only.

Paulette Wilkrudy: The other concern I have is with the parking lot. The parking lot is only 49 feet. That is shorter than my driveway. A mid-size truck is 18-feet. A mid-size car is 15-feet. That totals to 33-feet. Your space is 15 feet. How are 2 vehicles going to get out?

Jon Nosek: The isle space requirement for the Town is 24 feet. We meet that. Parking space requirements per Town Code is 9'x18'. All of these parking spaces are 9'x18'.

Paulette Wilkrudy: This is going to be a tight parking lot for all of those cars.

Mr. Astorino: It meets the Code. I do agree with you. If they had the space, they would widen it. They do not have the space to do that. They do meet the Code.

Paulette Wilkrudy: What about when they are drinking alcohol and they go to leave a parking space?

Mr. Astorino: I will put on the record that if they get into a car after drinking alcohol, then they would be crazy to do that. They would deserve every punishment they get.

Paulette Wilkrudy: It will be very tight there. They have a big building that is supposed to be 50%. It is at 62%. They cut down some of the space that they could have had.

Mr. Astorino: They did that by using the Code.

Paulette Wilkrudy: Exactly.

Mr. McConnell: With the tight parking spaces that would almost become self-regulated. I know myself when I go somewhere and the parking spot is not convenient, I do not go there.

Mr. Showalter: Dennis that is a good point.

Mr. McConnell: The Applicant is entitled to use the Code to get the parking spaces he wants which is dependent upon the uses that he wants to provide in the building. I am hoping that the Applicant put into thought that if it is not convenient to people they would not come. There are no shortage of places to get food and drinks in the Town of Warwick.

Mr. Astorino: Laura, you had reviewed the parking requirement and they meet that. Is that correct?

Laura Barca: They are at the minimum requirement.

Jon Nosek: The one-bedroom apartments will take up a few spaces. Cindy would love to have a 100 people show up. But there are only 31 spaces left over.

Mr. McConnell: I am not questioning the number of spaces.

Cindy Porter: I think this building will be a beautiful addition to this Town. We are laying out a lot of money.

Mr. Astorino: Cindy since you are a local there, I would hope that if there was an issue with parking with the neighbors, you would be responsible enough to say that you cannot have this.

Cindy Porter: Yes.

Mr. Astorino: Is there anyone else wishing to address the Board? Let the record show no further public comment. Do any Board members or Professionals have any comments or concerns?

Mr. McConnell: I have a question regarding the Soldier Course. I got the impression from the Work Session that was a comment from the ARB having to do with an esthetic. If it doesn't work from a structural point of view, is there something you could suggest that would give an esthetic difference that the ARB could live with?

Cindy Porter shows the architectural drawings to Mr. McConnell and explains the esthetics of the drawings. Mr. McConnell didn't realize what the ARB was talking about. He was misunderstood. He understands what they are doing. There is no issue.

Mr. Astorino: Ok. Let's discuss the parking. Roger, you had brought up a good point. Are you comfortable with a fence with some type of a stockade fence?

Mr. Showalter: Yes. It would help him with more parking. It would shield the neighbors.

Jon Nosek: It would definitely help with shielding the neighbors.

Mr. McConnell: How tall of a fence were you suggesting?

Jon Nosek: That would be up to the Board. 4-foot is the minimum. We could do 6-feet if you prefer that. That might be too high.

Mr. McConnell: What does it accomplish with what you are trying to accomplish?

Jon Nosek: People don't want to see headlights.

Mr. Astorino: I would do 6-foot fence.

Mr. McConnell: Could it be effective at 4 feet?

Mr. Astorino: How about putting up a scallop fence something that could be decorative? John, let us add that stating to the Town Planner's specifications.

The Planning Board and Professionals continue discussing what type and size of fence should be installed. It should be done to the Town Planner's specifications. The Applicant will need to show the fence on the plan along with samples of the fence.

Mr. Astorino: Do any Board members or Professionals have any other concerns or comments? Seeing none, we need a motion for the Negative Declaration.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.

617.12(b)

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

Name of Action: KP Homes

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed 7,875 square foot mixed-use building in the Hamlet of Pine Island, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Town Zoning Board of Appeals, and the Orange County departments of Health and Public Works, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated June 7, 2017, 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 Mr. Kennedy. Motion carried; 4-Ayes.

Mr. Showalter makes a motion on the K.P. Home Builders, Inc., application, granting Site Plan Approval and Special Use Permit for the construction and use of a 7,875 s.f. commercial building to consist of a new restaurant on the first floor, an office and (1) bedroom apartment on the second floor and (2) one bedroom apartments on the third floor along with paved parking access from CO Hwy 1 & 26, situated on tax parcel S 14 B 1 L 7; parcel located on the south side of CO 1 50 feet east of CO Hwy 26 (641 CO Hwy1), in the LB zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on June 19, 2019. Approval is granted subject to the following conditions:

1. OCDPW – 06/1/19 OCDPW approval letter
2. OCDOH – 05/01/19 approval letter
3. ZBA – variances requested for lot coverage and front yard setback. Permits must be obtained and construction started before 09/25/19.
4. A survey of the property must be submitted.
5. Please add a note to the plan stating that the “Use of the Town of Warwick Design Standards is mandatory and such Standards can be found in Appendix A of the Zoning Law.”
6. Applicant is offering dedication of 0.021± to OCDPW along Glenwood Road.
7. Applicant to provide sidewalks along property boundaries that front the County Routes if permitted by the County.
8. An accessible route should be provided from the street to the proposed building. A handicapped ramp should be added to the proposed sidewalk. Applicant to confirm that the handicapped parking meets the slope requirements. It seems that the required ‘No Parking Anytime’ sign for the accessible striped space may impede the path of a wheelchair at its current location. Consider positioning related signs behind the sidewalk.
9. Applicant should show the proposed building’s door locations to ensure that the appropriate maneuvering clearances are provided.

10. NWI map, NYSDEC enviromapper, and FEMA Floodplain map must be submitted.
11. The number of employees, maximum seating capacity, hours of operation, etc. must be shown on the plan.
12. Applicant to provide service capacity letters (e.g., utility, water, sewer, highway, police, ambulance, fire, and school).
13. Standard Town of Warwick Notes must be added to the plans.
 - a. Town of Warwick Overlay Protection District
 - b. Signature Block
 - c. Utilities
 - d. Limit of Disturbance
 - e. Lighting
 - f. Applicable notes for Traditional Overlay District and Aquifer Overlay District
 - g. Projects Proposing Signs
 - h. Projects with access to a County Road
14. Parking space calculations must be shown on the plan. Providing min. reqd. Pending PB.
15. Stormwater Pollution Prevention Plan (Simple, since less than 1-acre disturbance) must be submitted.
16. A detail for the retaining wall must be included; due to proximity of neighbors, it should be aesthetically pleasing. If higher than 4’ detailed calculations prepared by a NYS PE are required.

17. Some of the plants on the landscape plan are shown within pavement and sidewalk areas. Applicant to verify plantings are correctly shown. Verify that proposed trees are not planted on top of underground utilities.
18. Provide a quantity of junipers to be planted.
19. Provide a species name for the junipers to be planted.
20. Provide a landscape maintenance plan.
21. Provide planting and landscaping notes, including site preparation for installation (soil compaction), seeding, mulching, etc.
22. As noted in 164-43.3A(7)(a), use of a native species is highly encouraged. Juniper species should be specified and encouraged to be native. Azalea species should be replaced with native varieties.
23. Applicant should verify the counts, as the table does not seem to match the plan. Include a note that should there be discrepancies, plan shall dictate.
24. Applicant should consider a different species from white pine, as white pine is a large tree, intended to be planted in a small area on top of a wall. Plantings should be appropriate for the space and provide screening to neighboring residence to the Town Planner's specifications.
25. As noted in 164-43.2A(7), in lots with more than 8 parking spaces, a minimum of one tree (of at least three inch caliper) and 10 shrubs shall be planted in median dividers or landscape islands. Applicant to provide interior landscape islands and three inch caliper trees and shrubs. As noted in 164-43.2A(7), to reduce the visual impact of the parking lot, provide a ten-foot wide landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs. The parking lot has been moved closer to the property line, and does not provide a ten-foot strip. Provide supplemental screening/fencing to the Town Planner's specifications.
26. The Lighting Plan must be in accordance with §164-43.4. 164-43.4E(4) Light Trespass shall not exceed 0.25 footcandles at the property line. Lighting plan should be adjusted to meet this requirement.
27. It is noted that the light fixture for parking lot is retiring from production soon. Suggest the Applicant provide a replacement.
28. Lighting plan photometrics should include a label for the footcandle contours of the wall mounted fixture.
29. Lighting calculation summary should meet horizontal illuminance levels noted in 164-43.4G.
30. Verify 5 footcandles are provided at building entrances.
31. Should any signage be provided with lighting, lighting shall comply with 164-43.4.
32. Any signage and the Master Sign Plan must be in accordance with §164-43.1.
33. Need details for handicapped parking signs and striping, as well as the handicap ramp for the sidewalks. Ramp detail still needs to be placed on the plan and the symbol should be adjusted to be toward the lower half of the parking area.
34. Any signage for restaurant, entry or building needs to comply with lighting section.
35. The location, type, and screening for solid waste and/or recycling containers must be shown on the plan.
36. Retaining wall details should be provided, include top and bottom of wall elevations. Applicant should detail any top of wall protection along the sidewalk.
37. Add dimensions from the building to the septic tank and the building to the disposal system on plan sheet 3.
38. Place the 911 addresses on Sheet 1 in tabular format.
39. Applicable declaration information must be added to the plans AP-O & AQ-O to the Planning Board's Attorney specifications.
40. Surveyor to sign and seal final plans.
41. Surveyor to certify that iron rods have been set at all property corners.

42. Applicant to provide Performance and/or Landscaping Bonds and/or Site Inspection Fee.

43. Payment of all fees.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.

Jon Nosek: Thank you.

Cindy Porter: Thank you.

Review of Submitted Maps:**NADA, LLC.**

Application for Site Plan Approval and Special Use Permit for the construction and use of a proposed 21,269 s.f. hotel and (6) 8-unit cottages a/k/a Pulpit Rock Inn, situated on tax parcel S 43 B 1 L 48; project located on the southern side of West Street Ext., 1,010± feet east of County Route 1, in the SL zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering. Stephan Kitar, Applicant.

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 – no comments received
6. TW Building Department – 06/03/19 no violations
7. NYSDEC – SPDES permit needed for sanitary sewer disposal
8. Water Supply – Applicant to clarify water supply; if a well is proposed, water storage will be required for fire suppression system.
9. NYSDEC – letter dated 11/10/17 stating that Indiana Bats are within 1.5 miles of the property but no comprehensive field studies have been conducted.
10. NYS Parks, Recreation, and Historic Preservation – 05/01/18 not eligible for the National Register and have no further archeological concerns with this project.
11. Planning Board to determine if a site inspection is necessary.
12. A note shall be added to the plan: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained. (Sheet 1, Note 12).
13. Applicant to clarify (with note on plan) any food service being proposed.
14. Applicant to clarify (with note on plan) if any meeting rooms are proposed.
15. Parking Calculations must be shown on the plan.
16. The number of employees and hours of operation, etc. must be shown on the plan.
17. Applicant to provide service capacity letters (e.g., utility, water, sewer, highway, police, ambulance, fire, and school).
18. The sight distances must be shown for all proposed driveway entrances and evaluated in the Traffic Impact Study (TIS).
19. The TIS contains an incorrect reference to NYS Route 52 as being relevant to this project. The reference in Section II. A. 1 should be revised accordingly
20. Stormwater Pollution Prevention Plan and notes must be shown on the drawings.
21. A standalone erosion and sediment control measures drawing must be provided. It should include all measures that an inspector will review during all phases of construction, and include maintenance notes as needed. Specific protection of Wawayanda Creek [C(t)] must be shown on the plan.
22. A complete Landscaping Plan must be submitted.
23. Provide site details, such as sidewalks, parking striping, handicap parking striping and signage, handicap ramps, as necessary.

24. Applicant to verify if lighting is proposed. The Lighting Plan must be in accordance with §164-43.4.
25. Any signage and the Master Sign Plan must be in accordance with §164-43.1.
26. Place the 911 addresses on Sheet 1.
27. Applicable declaration information must be added to the plans.
28. Surveyor to certify that iron rods have been set at all property corners.
29. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
30. Payment of all fees.

The following comment submitted by the Conservation Board:

NADA, LLC - None submitted.

The following comment submitted by the ARB:

NADA, LLC – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF to the Planning Board. Comparing it with the threshold of SEQRA for a Type 1 Action, it doesn't meet any of the thresholds for a Type 1 Action. This project should be classified as an Unlisted Action. We spoke at the Work Session on whether or not this project that any of the potential criteria for issuance of a Positive Declaration. The Board asked me to put together a Memo to explore one of many SEQRA thresholds to determine if it should be a Positive Declaration. Before we could do that and because it is an Unlisted Action, coordinated review is not required. If the Board was to entertain on the possibility of doing a Positive Declaration on this then the coordinated review is mandatory. At this point regardless of the Board determining this as a Negative or Positive Declaration, the Board should do an Intent to Be Lead Agency. There are 2 Involved Agencies. The 2 Involved Agencies are NYSDEC and OCDOH. We would have to circulate letters to those Involved Agencies asking them if they consent to the Planning Board acting as Lead Agency. There are 2 potential Interested Agencies. One would be the Village of Warwick due to the close proximity to the Village and the recommendations in the Village of Warwick's Comprehensive Plan. I would recommend that they be designated as an Interested Agency. The 2nd Interested Agency should be NYS Office Of Parks, Recreation Historic Preservation. They have also done a review of archeological studies that have been done on the site. They should also be considered as an Interested Agency not an Involved Agency. Neither Interested Agencies would have any approvals on this. I have prepared a draft Resolution for Intent To Be Lead Agency as an Unlisted Action for the Planning Board's consideration. There are 2 ways to begin the process of identifying issues that would relate to the potential environmental impacts to the project. The first one is to go through and prepare Part 2 of the EAF. The Applicant had prepared a short EAF. In a very preliminary way because right now we only have a Conceptual Site Plan, I have prepared Part 2 EAF. That document is in your packet. I have also prepared a Memo to the Planning Board where I went through the criterion for determining significance. That would be the 2nd part of how the Board would begin to evaluate whether or not to issue a Positive Declaration or proceed with a Negative Declaration. My Memo to the Planning Board is dated June 19, 2019 and is stated as follow:

I am in receipt of a Conceptual Site Plan prepared by Lehman & Getz, P.C. dated 5-29-19 and an Application for Site Plan and Special Use Permit approvals dated 5-29-19 for the above project. Accompanying the application is a Short Environmental Assessment Form dated 5-28-19. Based upon my review of the proposed project, it appears as if the action should be classified as an Unlisted Action under the State Environmental Quality Review Act (SEQR). It appears as if there are at least two Involved Agencies under SEQR including the New York State Department of Environmental Conservation (DEC) and the Orange County Department of Health. Coordinated Review is optional for Unlisted Actions but in this case, I recommend that the Planning Board conduct a Coordinated Review and seek the consent of the two Involved Agencies for the Planning Board to be designated SEQR Lead Agency. Attached to this Memo is a draft Resolution declaring the Planning Board's Intent to be Lead Agency and draft letters to be sent to the two Involved Agencies. I also recommend that the Village of Warwick Board of Trustees be designated a SEQR Interested Agency so that it receives notices related to the SEQR review of the project. At the Planning Board's Work session on June 10, 2019, the Board requested a preliminary identification of SEQR issues of significance, that could potentially trigger issuance of a Positive Declaration for the project. A Positive Declaration means that the applicant would prepare a Draft Environmental Impact Statement (EIS). I have prepared a preliminary Short Environmental Assessment Form (EAF) Part 2 document for the Board's review and attach that document to this Memo.

I have also examined the Criteria for Determining Significance under the SEQR Regulations [i.e. 6 NYCRR 617.7(c)] and have identified several potential criteria that indicate a significant adverse impact could result from the proposed action, the basis for a Positive Declaration. I have identified each of the criteria where a potential significant effect may be reached below and discussed why I came to that conclusion. According to the DEC, if there is only one potential adverse impact identified in the review process, then "a positive declaration is required, an EIS is necessary, and the scoping process should commence within a reasonable time." [see DEC Handbook page 31]. However, since it appears as if the Planning Board will conduct a coordinated review to establish Lead Agency, the Board will need to wait 30 days before it makes any decisions on how the SEQR review process will be conducted. The New York State Department of Environmental Conservation (DEC) publication entitled The SEQR Handbook (4th edition - 2019) offers some guidance on what it means to issue a Positive Declaration. The Handbook states:

"The draft EIS is the primary source of environmental information to help involved agencies consider environmental concerns in making decisions about a proposed action. The draft also provides a basis for public review of, and comment on, an action's potential environmental effects as identified in the final scope. The draft EIS accomplishes those goals by examining the nature and extent of identified potential environmental impacts of an action, as well as steps that could be taken to avoid or minimize adverse impacts.

A close relationship should exist between project planning and the draft EIS for projects that have been planned with environmental goals as integral considerations. This concept of "good planning" was one of the objectives contemplated by the legislature when it enacted SEQR. A well-scoped draft EIS is evidence of this planning."

According to the SEQR Regulation's Criteria for Determining Significance, a Lead Agency has a responsibility to compare proposed actions against 12 Criteria, which are

each considered indicators of significant adverse impacts on the environment. The Criteria that may be an indicator are as follows:

Criterion: “A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;” [6 NYCRR 617.7(c)(1)(i)].

1. The Wawayanda Creek flows through the proposed project site. This protected stream is classified by New York State as a “C(T)” stream meaning that the stream supports Trout populations and is considered suitable for non - contact activities.

In addition, New York State has also classified the Wawayanda Creek in the vicinity of the site as “Severely Impacted” [Site ID: 13-WAWA-8] based upon its Biomonitoring program. Further, the Hudson Valley Natural Resource Mapper shows there are “Probable Wetland Areas” that have been identified North of the Wawayanda Creek on the site (including within the proposed development area) as well as National Wetlands Inventory potential Federal Jurisdictional Wetlands found along and South of the Wawayanda Creek on the site. The EAF indicates that approximately four (4) acres of the 9 acre site to be disturbed by the construction of the hotel, six cottages, a pool and the proposed surface parking lots, all of which will become impervious surfaces. The potential for water quality effects to on-site and nearby surface waters needs to be addressed under SEQR.

2. Traffic levels along West Street are known to be congested in the peak hours. The applicant has indicated that a Traffic Study has been submitted as part of their application. I have not been provided with a copy of the Traffic Study but based upon the known congestion issues along West Street, additional traffic in this area is likely to generate public controversy.

Criterion: “The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;” [6 NYCRR 617.7(c)(1)(ii)].

3. The site is partially located within the Town’s Biodiversity Conservation Overlay District (BC-O) and has been identified as part of a “Large Forest” area on the Hudson Valley Natural Resource Mapper, providing “important habitat values and stormwater-related benefits.” [see Hudson Valley Natural resource Mapper]. According to a DEC letter dated November 10, 2017 to the applicant’s Engineering firm, “About 1.5 miles from the project site is a documented summer roost of Indiana Bat...these bats may travel 2.5 miles or more from documented locations.” The DEC recommends an on-site survey be conducted.
4. The Wawayanda Creek flows through the site as noted above, and it supports a trout population.
5. There is a well known natural resource on the site that has been described in the Village of Warwick’s Comprehensive Plan. Pulpit Rock is a geological formation found on the site that has been described as: “The Village recognizes that it is surrounded by historic properties and structures that are of significant value and worthy of recognition and preservation. Their preservation will enhance the quality and character of the Village and the immediately surrounding areas. The Village should consider and encourage appropriate preservation, particularly when these properties and structures are within or adjacent to lands proposed for annexation...Pulpit Rock” [Village Plan pages 42 and 43.] Although Pulpit Rock is not within the Village nor is annexation proposed, the Village has taken an interest in the site because it is in a gateway location between the Town and Village. The Village has identified its gateways as important and deserving of “Special attention must be given to the entry corridors to the Village...As the Village of Warwick

and Town of Warwick accommodate new growth and development, it will be essential to maintain a greenbelt and to retain our green gateways” [see Village Plan pages 50 and 55]. The site is the first undeveloped site on the South side of West Street before entering the Village and the presence of Pulpit Rock has defined the gateway as discussed above.

Criterion: “The creation of a material conflict with a community's current plans or goals as officially approved or adopted;” [6 NYCRR 617.7(c)(1)(iv)].

6. See my comments in item five above.

Criterion: “The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;” [6 NYCRR 617.7(c)(1)(v)].

7. The property has been identified as archaeologically sensitive by New York State. The applicant has indicated that a Phase 1 and 2 Archaeology Report has been submitted as part of their application. I have not been provided with a copy of the Report. A letter from New York State Office of Parks Recreation and Historic Preservation indicates that New York State has requested further information on the potential impacts of the project.
8. Pulpit Rock can be considered an aesthetic resource and, based upon the discussion of it in the Village Comprehensive Plan, it helps to define the existing community or neighborhood character of the site and surrounding gateway area. Due to its association with community character, there is likely to be interest in the site’s development on the part of area residents. Issuance of a Positive Declaration would provide residents with an opportunity to have meaningful input on the environmental aspects of the proposed development, due to the mandatory public comment period on a Draft EIS. No such input would be available if the Planning Board issued a Negative Declaration on the applications.

Criterion: “A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;” [6 NYCRR 617.7(c)(1)(viii)].

9. Approximately one-half of the existing site would be developed with the hotel, parking, cottages and other infrastructure and amenity development. The site is located within a New York State Agricultural District and it has been farmed in the past. Pulpit Rock was identified in the 1970’s by Warwick’s Conservation Board as part of its preparation of an Open Space Inventory and Index for the Town. The Inventory identified Pulpit Rock as a “significant feature” for both the Village and Town. [see the Town of Warwick Open Space Inventory and Index.] The proposed project may cause a substantial change in the intensity of use of the site. In addition, in 2000, the Town’s Open Space Committee identified Pulpit Rock as one of Warwick’s “most endangered open lands.”

Criterion: “Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;” [6 NYCRR 617.7(c)(1)(xi)].

10. This criterion applies to actions where none of the other criteria may rise to a level of significance on its own, but when looked at together, the action has the potential for a significant adverse effect.

I may have additional suggestions about the SEQR review of the project as it proceeds through the process but the above can be considered a preliminary indication of those issues that will require a “hard look” under SEQR.

Mr. Astorino: We did discuss this at the Work Session. We are not going to decide that tonight.

Mr. Fink: That is correct.

Mr. Astorino: I would like to point out as I had said to the Applicant at the Work Session, you would know sooner than later. This is not something that would come willy-nilly down the road. If the Board decides to go this way, you would go very early on. I will give you my opinion right now. I did at the Work Session. I had read Ted's Memo. I think it would be the right way to go. I think it is the way that the Board should go. The Board members will have to make their own decision. We will then go from there. I believe a Positive Declaration is warranted in this case. It is not a bad thing. It is just a very thorough process that needs to be done on this project. That is just my opinion. The Board members could make their own opinion as they read Ted's Memo.

Karen Emmerich: As of tonight, we will only be doing the Intent To Be Lead Agency. Is that correct?

Mr. Astorino: Yes. Then we would have to wait 30 days regardless. Could we have a motion on the Intent To Be Lead Agency?

Mr. Kennedy makes a motion for the Intent To Be Lead Agency.

Seconded by Mr. Showalter. The following Resolution was carried 4-Ayes.

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Unlisted Action Undergoing Coordinated Review

Name of Action: Pulpit Rock Site Development

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan/Special Use Permit application by NADA, LLC for a ± 9.022 acre parcel of land located at West Street Extension 1000 feet east of County Route 1, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 5-28-2019 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 and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be submitted by the applicant, forwarded to the owners of farm operations in the surrounding area, and then considered by the Planning Board; 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 New York State Department of Environmental Conservation and the Orange County Department of Health.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be 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 Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Mr. McConnell: Ted, do we need to reference the two Interested Agencies?

Mr. Fink: No. Not at this point. It is not a formal process yes.

Mr. McConnell: Ok.

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 9-acre parcel on West Street Extension. It is just outside the Village of Warwick. It is located across the Eagles Watch subdivision. Looking at a schematic drawing, we are proposing 110-Unit Hotel that the main building would be roughly 62 Units located in the center of the property. Then, there will be 6 Cottages with 8 Units in each of the cottages located along West Street and towards the rear of the project site adjacent to the hotel. There will also be a pool and parking.

Mr. Astorino: Are you going to have parking in the front?

Karen Emmerich: There is no parking in the front. There will be a two-way entrance off West Street. This is a schematic of cottages looking from West Street and the Pulpit Rock.

Mr. McConnell: How many square feet are those cottages?

Karen Emmerich: Those cottages are 2236 square feet.

Mr. Astorino: That is a size of a home.

Mr. McConnell: That strikes me larger than my concept of a cottage.

Stephan Kitar: It has 4-rooms on each floor. It would be a two-story cottage with 4-rooms on each floor.

Mr. McConnell: That is larger than my concept of a cottage.

Stephan Kitar: The people in Newport Rhode Island have a total different concept of a cottage.

Mr. McConnell: When I move there, I will change my concept.

Stephan Kitar presents to the Board renderings of hotel/cottages that were done in Savannah, GA.

Laura Barca: Is this a project that you had done down in Savannah, GA?

Stephan Kitar: I was involved with discussion. I was not involved with that particular project. I have done work in Savannah, GA. I have nothing to do with this hotel. I think this is an excellent example of when something was done to not change the neighborhood or the character of the neighborhood. It was rather to highlight it and shine light on it. The historical demands in Savannah are much stricter than here. That hotel was built on less than an acre. We have 9 acres. We are trying to use a similar concept. We are using this strongly as a guideline to make it suitable for Warwick. We changed the ratio of the main building to cottages.

Mr. Kitar continues to discuss the renderings of the hotel/cottages that were built down in Georgia. He states that he wants to make it similar looking in Warwick and that it would be a good footprint to follow. It would be built in Warwick to good taste and to fit into the character of the neighborhood in Warwick. In his opinion, the design it has in Georgia is a very Village like feel. Mr. Kitar goes onto state that Warwick has a need for the hotel/cottages and that the concept of a hotel is long overdue. He goes on to state that Warwick has a lot of festivals such as; Apple Fest, Wineries/Breweries, The Renaissance Fair, and business that brings in a lot of population to the Warwick area. Mr. Kitar goes on to state that Chairman, Ben Astorino mentioned that the traffic needs to be looked at plus more. Mr. Kitar states that he welcomes those kind of commands and any concerns that the Board may have will be looked into. He wants to know what kind of concerns the Board currently has so that he could analysis them and address them.

Mr. Astorino: We will get them as this process goes forward. Between our Board, Towns Professionals and public comments that I am sure will come, hence my reason for asking Ted to prepare the information for a Positive Declaration. I feel that would be a much cleaner approach. It is a more full proof system as we go through it step by step. We have done Positive Declarations before. I don't feel it is a burden. I will put on the record that if the materials are brought to us, it will move at a consistent pace. This Board and our Professionals were never known to install anyone. If you are following the Code, we then move forward. If there are issues, we might take a step back and work through them. We get to a point where it has to be. The Board can attest to that. Is that correct?

Mr. Kennedy: Yes.

Stephan Kitar: Does that mean we would have to go do an Environmental Impact Statement (EIS)?

Mr. Astorino: Yes. Like I had said at the Work Session, this project is a gateway to the Village of Warwick. I know that it meets the Code. It is a large project. You have 6 cottages and a large hotel. You have a large number of parking. You are in the proximity of the Village. You are in the proximity of 3 schools. I personally feel that this project should be a Positive Declaration. It should go through the EIS process. You have a lot done as to what you had said to us at the Work Session. You had

mentioned that you already have the Archeological Study and Traffic Study done. There may be more requirements from our Professionals as this process goes along. You are plugging in the numbers. Doing a Positive Declaration is a cleaner way of doing it on a project of this magnitude. That is my opinion. The Board could feel differently. I could tell you that I have done projects that were done under a Negative Declaration that went on for 7 to 8 years. It could have been done a lot quicker with a Positive Declaration. John, you could attest to that.

Mr. Bollenbach: Yes.

Mr. McConnell: Since we are not going to decide on that tonight, I have a question. Where is the pond located?

Karen Emmerich: It is on the adjacent property.

Mr. McConnell: I know it is on the adjacent property. It doesn't show there at all. When I drive by it which I do every day, it is such a prominent...

Stephan Kitar: It is not on the property. It is located on Orange & Rockland's property.

Mr. McConnell: I understand that. I am trying to figure out the 9 acres and the shape of the property. I will have to wait until we do a site visit. Then I could walk it.

Karen Emmerich: There is a distinctive tree line on the property.

Mr. McConnell: Yes. It then drops in elevation. Are you saying where the tree line is located suggests where the property line is?

Karen Emmerich: Yes.

Mr. Astorino: We could schedule a site visit at our next meeting. As far as this goes, I will list Comment #3 through Comment #30 for the record. This project right now is just in its initial stage.

Laura Barca: Looking at the site map, where is the pulpit rock located?

Mr. Showalter: It is right next to the pool area.

Mr. Astorino: It is a big rock.

Mr. Bollenbach: That rock is going to be preserved in its entirety.

Stephan Kitar: That is our intention. We want to highlight it. We want to put lights on it. We want to make it a gateway to the Village. I say let's define it. A sub-station will be going on the O&R Utilities lot.

Mr. McConnell: That is not going to prevent me from seeing that. Do you have rough sketches for different positions for the cottages?

Karen Emmerich: We have looked at different positions for the cottages.

Mr. McConnell: I can think immediately what people are going to say that if they are coming from C.R. 1A those cottages being as large as they are would block their view of the Pulpit Rock. Seeing that there is a lot of wide open space down there where the two lower cottages are by themselves...

Karen Emmerich: We honestly don't have a lot of open space. We have a 200-foot buffer that we have to hold between the residential property and any structures.

Mr. McConnell: Ok. Fair enough.

Mr. Astorino: You also have the creek there.

Karen Emmerich: We show a 100-foot buffer for the creek.

Mr. McConnell: Are the 2 cottages that are vertical at the edge of the 200-foot buffer?

Karen Emmerich: Yes.

Mr. Astorino: If there is landscaping there it would block the rock. Is that correct?

Karen Emmerich: That is true. The rock is going to be more visible coming from the Village.

Mr. Astorino: It would be more visible if you were leaving from the Village. Is that correct?

Karen Emmerich: Yes.

Mr. McConnell: It is not a gateway to the Village.

Karen Emmerich: We have a very small building envelope here because of the setbacks.

Stephan Kitar: Also the elevation drops substantially as you are going out of the Village.

Mr. McConnell: I believe I could see the rock from the firehouse.

Mr. Kennedy: We could talk about this at the site visit.

Mr. Fink: I am guessing there is a rock on the property. Have you explored at all the possibility of having parking under the hotel? Many hotels have that. If you take a look at the amount of space on the site it is devoted to surface parking. It would give you far more flexibility given that you have setbacks from the stream, residential area, etc... I am just throwing it out there.

Stephan Kitar: I live right across from this. I could tell you we are not renting a huge machine hammering just to put a house. Putting a sewer in the Village was a nightmare.

Mr. Astorino: You could do a couple of samples to see what you have.

Karen Emmerich: We have done soils out there. The soils are very good.

Mr. Astorino: We will do a site visit. It is very early in the stage right now to be able to tell. These comments tonight are very preliminary. We will list Comment #3 through Comment #30 for the record. We will do a site visit.

Steve Kitar: I understand why things were said. I understand why this is so sensitive. The only thing that I kind of think that we also need to throw into the mix and consider is to consider this from different kind of angles. You would have to consider if it is the right time, right applicant, and whether it is the right use for this. I totally understand that. I want to thank you for taking your time and all of your consideration. I know it is not easy decisions. After 100 something years of Warwick not having good accommodations now the time is right. The place is right. It is a gateway to the Village. This is a chance to do something. I know that everybody is not familiar with what I have done. Most of my work is actually outside of the area and State. We have done a lot of work in Greenwich Connecticut, New Jersey, Savannah Georgia, Long Island and NYC. I developed 19 Spring Street. I developed the Spring Street Market.

Mr. Astorino: I could tell you how this Board operates. We have a Code. We follow the Code. This Board adheres to that Code. We will do it in a way that benefits all parties that are involved. This Board does everything correctly. If it is not done correctly, it will not go through. If you are following the Code, it will move forward. This project is in the very initial stage. We require A, B, and C to be done. We will wait the 30 days to make a decision for either a Positive Declaration or Negative Declaration. Again, we will list Comment #3 through Comment #30 for the record. At our next meeting, we will schedule a site visit. You will be back.

Karen Emmerich: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – no comments received

Comment #6: TW Building Department – 06/03/19 no violations

Comment #7: NYSDEC – SPDES permit needed for sanitary sewer disposal

Comment #8: Water Supply – Applicant to clarify water supply; if a well is proposed, water storage will be required for fire suppression system.

Comment #9: NYSDEC – letter dated 11/10/17 stating that Indiana Bats are within 1.5 miles of the property but no comprehensive field studies have been conducted.

Comment #10: NYS Parks, Recreation, and Historic Preservation – 05/01/18 not eligible for the National Register and have no further archeological concerns with this project.

Comment #11: Planning Board to determine if a site inspection is necessary.

Comment #12: A note shall be added to the plan: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained. (Sheet 1, Note 12).

Comment #13: Applicant to clarify (with note on plan) any food service being proposed.

Comment #14: Applicant to clarify (with note on plan) if any meeting rooms are proposed.

Comment #15: Parking Calculations must be shown on the plan.

Comment #16: The number of employees and hours of operation, etc. must be shown on the plan.

Comment #17: Applicant to provide service capacity letters (e.g., utility, water, sewer, highway, police, ambulance, fire, and school).

Comment #18: The sight distances must be shown for all proposed driveway entrances and evaluated in the Traffic Impact Study (TIS).

Comment #19: The TIS contains an incorrect reference to NYS Route 52 as being relevant to this project. The reference in Section II. A. 1 should be revised accordingly

Comment #20: Stormwater Pollution Prevention Plan and notes must be shown on the drawings.

Comment #21: A standalone erosion and sediment control measures drawing must be provided. It should include all measures that an inspector will review during all phases of construction, and include maintenance notes as needed. Specific protection of Wawayanda Creek [C(t)] must be shown on the plan.

Comment #22: A complete Landscaping Plan must be submitted.

Comment #23: Provide site details, such as sidewalks, parking striping, handicap parking striping and signage, handicap ramps, as necessary.

Comment#24: Applicant to verify if lighting is proposed. The Lighting Plan must be in accordance with §164-43.4.

Comment #25: Any signage and the Master Sign Plan must be in accordance with §164-43.1.

Comment #26: Place the 911 addresses on Sheet 1.

Comment #27: Applicable declaration information must be added to the plans.

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

Comment #29: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Comment #30: Payment of all fees.

Other Considerations:

1. Planning Board to discuss cancelling the 6/24/19-Work Session & 7/3/19-PB Meeting.

Mr. Showalter makes a motion to Cancel the 6/24/19-Work Session & 7/3/19-PB Meeting.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.

2. **Mazzola Subdivision** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 6/11/19 addressed to the Planning Board in regards to Mazzola Subdivision – requesting 6-Month Extension on “Re-Approval of Conditional Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL #47-1-77.11; parcel located on the eastern side of Bellvale Lakes Road 7,678± feet north of Kain Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 11/15/17. *The Applicant has stated that the final declarations are complete and final plans will be submitted for signature.* The 6-Month Extension on Re-Approval of Final Approval becomes effective on 5/15/19.

Mr. McConnell makes a motion on the Mazzola Subdivision application, granting a 6-Month Extension on Re-Approval of Final Approval of a proposed 2-Lot subdivision. (SBL # 47-1-77.11). Conditional Final Approval was granted on 11/15/17.

The 6-Month Extension becomes effective on 5/15/19.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.

3. **Snufftown Brewery/Dan Doyle** – Planning Board to discuss scheduling a site visit for the Snufftown Brewery/Dan Doyle Site Plan & Special Use Permit located at 10 Fence Rd. (SBL # 17-1-37.2)

The Board came to a consensus on scheduling a site visit for the Snufftown Brewery/Dan Doyle application for Monday, June 24, 2019 @ 7:30 p.m.

4. **JK Dev Corp.** – Letter from Kirk Rother, P.E., dated 6/17/19 addressed to the Planning Board – requesting “Amended” Final Approval for Lots 34 & 33 of the West View Estates subdivision.

Mr. McConnell makes a motion on the JK Dev. Corp., granting “*Amended*” Final Approval for the relocation of 2-proposed homes located within the Ridgeline Overlay District, Lot # 33 and Lot #34, situated on tax parcels S 42 B 4 L 33 and S 42 B 4 L 34; parcels located on the northerly side of West Street Extension and the easterly side of Sanfordville Road, in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.

Correspondences:

1. Email from Mayor Michael Newhard dated 6/19/19 addressed to the Planning Board in regards to the Pulpit Inn Site Plan & Special Use application.

Mr. Astorino: We have that correspondence 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. Showalter makes a motion to adjourn the June 19, 2019 Planning Board Meeting.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.