

TOWN OF WARWICK PLANNING BOARD

November 20, 2019

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Christine Little,
Bo Kennedy, John MacDonald, Alt.
Laura Barca, HDR Engineering
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, November 20, 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.

Review of Submitted Maps:

Pulpit Rock Inn

Planning Board to discuss the Draft Scoping Document and setting the Pulpit Rock Inn for a Public Scoping Session.

Representing the applicant: Jane Samuelson from Engineering & Surveying Properties.

Mr. Astorino: We do have a Draft Scoping Document. This is for the Planning Board to set the Pulpit Rock for a Scoping Session, which we are looking at December 18, 2019 for that. Just to let the public know, the Public Scoping Session is to garner questions and concerns to the Board to be included in the Scoping Document. We don't have anything to review yet. It is just to get the comments in and to get them into the Scoping Document. We will need a motion to set the Draft Scoping Session for the December 18, 2019 Planning Board Meeting.

Mr. Showalter makes a motion to set the Pulpit Rock Inn for a Draft Scoping Session for December 18, 2019 at 7:30 p.m. Planning Board Meeting.

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

Mr. Astorino: It will be published for the December 18, 2019 at 7:30 p.m. Planning Board Meeting.

Connie Sardo: It will be posted on the Town's website and in the Dispatch.

Simon 2 Lot Subdivision

Application for Sketch Plat Review of a proposed 2-Lot subdivision, situated on tax parcel S 27 B 1 L 39; parcel located on the eastern side of Blooms Corners Road 750 Feet south of Waterbury Road (63 Blooms Corners Road), in the RU zone, of the Town of Warwick.

Representing the applicant: Jane Samuelson from Engineering & Surveying Properties.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 10/30/19 no violations
7. ZBA: The following ZBA variances are required:
 - a. Proposed Lot 1: lot area (3.2 ac vs. 4.0 ac)
 - b. Proposed Lot 1: lot width (215.1 ft vs. 250.0 ft)
 - c. Proposed Lot 1: sideyard (43.1 ft vs. 175 ft)
 - d. Proposed Lot 1: both sideyards (136.4 ft vs. 150 ft)
 - e. Proposed Lot 2: lot area (0.82 ac vs. 4.0 ac)
 - f. Proposed Lot 2: lot depth (84.9 ft vs. 250.0 ft)
 - g. Proposed Lot 2: rear yard (33.8 ft vs. 50 ft)
 - h. Proposed Lot 2: sideyard (24.5 ft vs. 75 ft)
 - i. Proposed Lot 2: both sideyards (67.2 ft vs. 150 ft)
 - j. Proposed Lot 2: livable floor area (720 sf vs. 1200 sf)
8. Square Rule §137-21.K(1) must be shown (a 200-ft square must be shown within each proposed lot).
9. Buildable Area §137-21.A must be shown for proposed lots. A Planning Board waiver will be requirement if this criteria cannot be satisfied.
10. FEMA floodplain map must be submitted with lot location shown.
11. USDA soil mapping must be submitted with lot location shown.
12. The driveway extending to the home on Lot 2 should be shown.
13. The proposed well location for Lot 2 must be further from the septic system on Lot 1 because they are shown to be at approximately the same elevation.
14. It has been confirmed with the Building Department that these two homes on one lot pre-existed zoning.
15. The number of bedrooms for each home must be shown. The larger home has 4 bedrooms and the smaller home has 2 bedrooms.
16. The number of bedrooms for each home must correlate to the known information for the septic system; otherwise the system must be field-tested to confirm adequacy.
17. A replacement septic system location must be shown for each lot. The engineer shall test the soil to confirm suitability for future septic system installation.
18. Updated 911 addresses must be obtained from the Building Department and then shown on the plan.
19. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
20. Surveyor to certify that iron rods have been set at all property corners.

21. Shared driveway agreement and parking area must be provided to Planning Board Attorney for review.
22. The liber and page for the Agricultural Notes and shared driveway agreement must be added to the plan.
23. A legal description and declaration for the dedication strips to the Town for highway purposes will need to be submitted for the Town Board's consideration.
24. Payment of all fees.

The following comment submitted by the Conservation Board:

Simon 2-Lot Subdivision – None submitted.

The following comment submitted by the ARB:

Simon 2-Lot Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: Mr. Ted Fink is not here this evening. This application would need to go to the ZBA first. We are not doing the SEQRA this evening. We will do SEQRA when they come back from the ZBA.

Comment #2: Applicant to discuss project.

Jane Samuelson: We are taking about 4 acres and dividing that into 2 lots. One lot would be .8 acres. The remainder lot would be 3 acres. Both houses and septic systems are existing. There is an existing well that is currently serving both houses. It is proposed to drill a 2nd well on Lot #2.

Mr. Astorino: You will need to go to the ZBA for numerous variances.

Jane Samuelson: Correct.

Mr. Astorino: We will refer you to the ZBA. We will list Comment #3 through Comment #24 for the record. Do any Board members or Professionals have any comments?

Jane Samuelson: Ok. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 10/30/19 no violations

Comment #7: ZBA: The following ZBA variances are required:

- a. Proposed Lot 1: lot area (3.2 ac vs. 4.0 ac)
- b. Proposed Lot 1: lot width (215.1 ft vs. 250.0 ft)
- c. Proposed Lot 1: sideyard (43.1 ft vs. 175 ft)
- d. Proposed Lot 1: both sideyards (136.4 ft vs. 150 ft)
- e. Proposed Lot 2: lot area (0.82 ac vs. 4.0 ac)
- f. Proposed Lot 2: lot depth (84.9 ft vs. 250.0 ft)
- g. Proposed Lot 2: rear yard (33.8 ft vs. 50 ft)
- h. Proposed Lot 2: sideyard (24.5 ft vs. 75 ft)

- i. Proposed Lot 2: both sideyards (67.2 ft vs. 150 ft)
 - j. Proposed Lot 2: livable floor area (720 sf vs. 1200 sf)
- Comment #8: Square Rule §137-21.K(1) must be shown (a 200-ft square must be shown within each proposed lot).
- Comment #9: Buildable Area §137-21.A must be shown for proposed lots. A Planning Board waiver will be requirement if this criteria cannot be satisfied.
- Comment #10: FEMA floodplain map must be submitted with lot location shown.
- Comment #11: USDA soil mapping must be submitted with lot location shown.
- Comment #12: The driveway extending to the home on Lot 2 should be shown.
- Comment #13: The proposed well location for Lot 2 must be further from the septic system on Lot 1 because they are shown to be at approximately the same elevation.
- Comment #14: It has been confirmed with the Building Department that these two homes on one lot pre-existed zoning.
- Comment #15: The number of bedrooms for each home must be shown. The larger home has 4 bedrooms and the smaller home has 2 bedrooms.
- Comment #16: The number of bedrooms for each home must correlate to the known information for the septic system; otherwise the system must be field-tested to confirm adequacy.
- Comment #17: A replacement septic system location must be shown for each lot. The engineer shall test the soil to confirm suitability for future septic system installation.
- Comment #18: Updated 911 addresses must be obtained from the Building Department and then shown on the plan.
- Comment #19: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
- Comment #20: Surveyor to certify that iron rods have been set at all property corners.
- Comment #21: Shared driveway agreement and parking area must be provided to Planning Board Attorney for review.
- Comment #22: The liber and page for the Agricultural Notes and shared driveway agreement must be added to the plan.
- Comment #23: A legal description and declaration for the dedication strips to the Town for highway purposes will need to be submitted for the Town Board’s consideration.
- Comment #24: Payment of all fees.

Schluter-Curti Subdivision

Application for Sketch Plat Review of a proposed 2-Lot Subdivision, situated on tax parcel S 46 B 1 L 12; parcel located on the side south of Chancellor Lane (66 Chancellor Lane), in the RU zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich 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 – pending comments
6. TW Building Department – 10/31/19 no violations
7. Applicant to clarify why not connecting proposing Lot 2 directly to the existing private road called Russell Lane AKA Chancellor Lane or directly to the lot owned by Orange & Rockland.
8. The drawing seems to indicate that approximately half of parcel 46-1-8.1 is owned by Schluter-Curti and Orange & Rockland; Applicant to verify.
9. According to §164-45.1.D: Existing lots in the Agricultural Protection Overlay District. Lots within the AP-O District qualifying area that were in existence on January 1, 2002, may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district. Town Board Resolution #R2019-274 on 10/10/19.
10. A §280-a variance is required from the ZBA because access is not proposed to be from a public roadway.
11. The 33' wide access easement called Russell Lane AKA Chancellor Lane is called out on the plan as being described in liber 5728 page 262; this filed document must be submitted to the planning board.
12. Drawing should be revised to show how Chancellor Lane connects with Kings Highway.
13. The drawing does not appear to correctly show the parcels and parcel owners located on John Hicks Drive; drawing should be updated.
14. "Future electrical equipment area" will require planning board approval at such time that this use is proposed.
15. Currently, proposed Lot 2 must be shown to be buildable, including: well location, septic design and location, driveway location, and house location.
16. A replacement septic system location for Lot 1 must be shown. The engineer shall test the soil to confirm suitability for future septic system installation.
17. 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."
18. Updated 911 addresses must be obtained from the Building Department and then shown on the plan.
19. Surveyor to certify that iron rods have been set at all property corners.
20. The liber and page for the Agricultural, Aquifer, and Biodiversity notes, as well as a shared driveway agreement/easement agreement must be added to the plan.
21. Payment of all fees.

The following comment submitted by the Conservation Board:

Schluter-Curti Subdivision – None submitted.

Schluter-Curti Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: Mr. Ted Fink is not here this evening. This application would need to go to the ZBA first. We are not doing the SEQRA this evening. We will do SEQRA when they come back from the ZBA.

Comment #2: Applicant to discuss project.

Karen Emmerich: We have 140-acre parcel located on Chancellor Lane. We are subdividing the parcel into 2 Lots. The new lot would be 2 acres. That lot would be intended in the future for electrical equipment. Orange & Rockland Utilities has expressed an interest in purchasing the property. They have a sub-station adjacent to it. They are planning on expanding. This 2-acre lot would be for that purpose. There is an existing dwelling on the remaining acreage.

Mr. Astorino: You will need to go to the ZBA for 280-a variance.

Karen Emmerich: Right. We realize that.

Mr. Astorino: Ok. We will list Comment #3 through Comment #21 for the record. Do any Board members or Professionals have any comments?

Mr. McConnell: Karen, at the Work Session we had discussed the fact that there was a gap. Did you get a chance to address that at all?

Karen Emmerich: I did. I had asked the Surveyor regarding the couple of questions you had about the survey. Looking at the map the one question was regarding this piece here which was delineated as part of the easement. That is part of the O&R easement.

Mr. McConnell: Ok.

Karen Emmerich: This little triangle here is the part that you had also asked about why it was done that way? The Surveyor told me that it was done so that the owner would have some privacy around that lot for his driveway from Chancellor Lane. He wanted to keep a buffer. He also wanted to keep the lot at 2 acres. The Surveyor drew it this way. The owner approved it.

Mr. McConnell: What do we do about that if O&R doesn't want to buy it?

Ms. Little: Right. It is a bizarre lot formation.

Mr. McConnell: Yes.

Mr. McConnell: Why would we sign off on designing a lot that wouldn't have any other purpose except this one specific one and we can't be sure it that would ever happen.

Karen Emmerich: It could be a residential lot.

Mr. Astorino: It would also have to function as a residential lot as well. We would have to make sure of that.

Mr. McConnell: Right.

Karen Emmerich: We are doing soil tests on the property.

Mr. McConnell: Ok.

Mr. Astorino: You are off to the ZBA.

Karen Emmerich: Ok. Could we be set for a public hearing?

Mr. Astorino: We would have to do SEQRA when you get back from the ZBA.

Karen Emmerich: Right.

Mr. Astorino: We could set you for a public hearing at the next available agenda if the Board so desires.

Karen Emmerich: Right.

Mr. Showalter: I have no problem with that.

Mr. Astorino: Could we have a motion to set this application for a public hearing at the next available agenda?

Mr. Showalter makes a motion to set the Schluter-Curti Subdivision for a Final Public Hearing at the next available agenda.

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

Karen Emmerich: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 10/31/19 no violations

Comment #7: Applicant to clarify why not connecting proposing Lot 2 directly to the existing private road called Russell Lane AKA Chancellor Lane or directly to the lot owned by Orange & Rockland.

Comment #8: The drawing seems to indicate that approximately half of parcel 46-1-8.1 is owned by Schluter-Curti and Orange & Rockland; Applicant to verify.

Comment #9: According to §164-45.1.D: Existing lots in the Agricultural Protection Overlay District. Lots within the AP-O District qualifying area that were in existence on January 1, 2002, may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district. Town Board Resolution #R2019-274 on 10/10/19.

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Comment #18: Updated 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #19: Surveyor to certify that iron rods have been set at all property corners.

Comment #20: The liber and page for the Agricultural, Aquifer, and Biodiversity notes, as well as a shared driveway agreement/easement agreement must be added to the plan.

Comment #21: Payment of all fees.

Other Considerations:

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

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

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

2. Planning Board to cancel the 11/25/19-W.S. & 12/4/19-PB Meeting.

Mr. McConnell makes a motion to cancel the 11/25/19-W.S. & 12/4/19-PB Meeting.

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

3. **Pioneer Farm Subdivision** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 11/13/19 addressed to the Planning Board in regards to the Pioneer Farm Subdivision – requesting 6-Month Extension on conditional Final Approval of a proposed 4-Lot subdivision, situated on tax parcel SBL #52-1-26.2; parcel located at (60 NYS Route 94S), in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 6/5/19. *The Applicant has stated they are working on completing the conditions of the approval.* The 6-Month Extension becomes effective 12/5/19.

Mr. McConnell makes a motion on the Pioneer Farm Subdivision application, granting a 6-Month Extension on conditional Final Approval for a proposed 4-Lot subdivision. Conditional Final Approval was granted on 6/5/19.

The 6-Month Extension becomes effective on 12/5/19.

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

Ms. Little: Karen, is there something that they are having a hard time completing?

Karen Emmerich: We had to go back to the DOT once we designed the stormwater so they could sign off on that. They have signed off on that. The problem is with the Legal agreements between the attorneys to get them prepared and filed so we could get them on the final maps.

Correspondences:

1. Letter from Penny Steyer, dated 10/16/19 addressed to the Planning Board in regards to the Pulpit Rock Inn.
2. Letter from Mary Ann Knight, Warwick Historical Society, dated 11/19/19 addressed to the Planning Board in regards to Pulpit Rock Inn.

Mr. Astorino: We have those correspondences 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.

Mr. McConnell: I have a question pertaining to the correspondence that I had first seen today from the Warwick Historical Society. It was mentioned in that letter the Historical Society was in possession of more than one item that we might find of interest in evaluating the Pulpit Rock. I was a little surprised that they did not include that with the letter. We want to be sure that we ask them for that.

Mr. Astorino: Sure. We could have our Professionals reach out to them about that.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address any of the agenda items?

Christina Thomas: There was a problem with the escrow account on the Pulpit Rock. Has that problem been resolved?

Mr. Astorino: Yes. They are up to date.

Christina Thomas: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address any of the agenda items? Let the record show no further public comment.

Mr. McConnell makes a motion to adjourn the November 20, 2019 Planning Board Meeting.

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