

TOWN OF WARWICK PLANNING BOARD

May 6, 2020

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, May 6, 2020 via WebEx 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**

**Review of Submitted Maps:**

***Pulpit Rock Inn/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. ***\*\*Public Scoping Session for the Draft Scoping Document was held on 12/18/19 with the written comment period opened until 1/2/20.\*\* Planning Board to discuss Draft Scoping Document.***

Representing the Applicant: Jane Samuelson from Engineering Properties.

Mr. Fink: The Planning Board issued a Positive Declaration on 10/16/19. The Applicant submitted a Draft Scoping Document to the Planning Board. We had a Public Scoping Session on the Draft Scoping Document on 12/18/19 with the public written comment period opened until 1/2/20. After that, we had a meeting with the Applicant to clarify some items in the Draft Scoping Document. We talked about it. We clarified some issues. The Planning Board was ready to discuss the Draft Scoping Document at its 3/18/20 Planning Board Meeting, but then the Covid-19 happened. The 3/18/20 Planning Board Meeting was canceled. We are here now to discuss the Draft Scoping Document.

Mr. Astorino: Do any Board members or Professionals have any comments on the Scoping Document? Let the record show no further comments from the Planning Board and its Professionals. We need a motion for the Board to adopt the Scoping Document.

Mr. McConnell makes a motion to adopt the Final Scoping Document.

Seconded by Mr. Showalter. The following Resolution was carried 4-Ayes (Mr. Astorino, Mr. Showalter, Mr. McConnell, and Mr. MacDonald). 0-Nays and 1-Absent (Mr. Kennedy).

## Town of Warwick Planning Board Pulpit Rock Inn Resolution Adopting Final Scoping Document

WHEREAS, the Town of Warwick Planning Board (the "Planning Board") received an application from NADA LLC (the "Applicant") for Site Plan and Special Use Permit approval for development of a 7,853 square foot hotel with 62 rooms, an outdoor pool, parking for up to 120 spaces, six cottages with eight lodging units in each for a total of 110 lodging units and a total of 21,269 square feet of buildings on a 9.022 acre site located on West Street Extension 1000 feet east of County Route 1, identified as Section 43, Block 1, Lot 48 in the Town of Warwick, Orange County, New York; and

WHEREAS the Planning Board classified the action as Type 1 and was established as the SEQR lead agency for conducting the environmental review of the proposed Project on October 16, 2019 following a coordinated review with other Involved Agencies; and

WHEREAS, the Planning Board adopted a Positive Declaration on October 16, 2019, requiring the preparation of a Draft Environmental Impact Statement ("DEIS") to assess potential environmental impacts of the Project; and

WHEREAS, Public Scoping of the DEIS was undertaken when the applicant submitted a Draft Scoping Document and the Planning Board distributed the Draft Scoping Document to Involved and Interested agencies and the public, through with a Public Scoping Session to discuss the applicant's Draft Scoping Document conducted on December 18, 2019, and through the submission of written comments on the applicant's Draft Scoping Document until January 2, 2020; and

WHEREAS, the Planning Board has considered the comments made at the scoping session and submitted in writing on the Draft Scoping Document by Involved and Interested agencies and members of the public; and

WHEREAS, the Planning Board has reviewed the proposed Final Scoping Document for the Pulpit Rock Inn Project, which has been prepared on behalf of the Planning Board by the Town Planner, with input from Planning Board members, the Planning Board Engineer, the Planning Board Attorney, and other Town officials; and

WHEREAS, the Planning Board members have considered the Final Scoping Document, those oral comments made at the scoping session, those written comments submitted during the scoping process, and other advice, information and impressions available to them.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board acting as Lead Agency for the Proposed Pulpit Rock Inn project adopts the Final Scoping Document for preparation of the Draft Environmental Impact Statement in the form before it with this Resolution; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary, with the assistance of the Town Planner, Planning Department Staff, Planning Board Attorney, and Planning Board Engineer, provide a copy of the Final Scoping Document to NADA LLC, to all Involved and Interested Agencies under SEQR and to any individual or entity that has expressed an interest in writing to the Planning Board as Lead Agency; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary shall keep copies of the Final Scoping Document available for review and reproduction for the public.

Mr. Astorino: FYI, to the members of the public, this now goes back to the Applicant, and its Professionals to address all of these concerns that are in the Scoping Document to the Planning Board's satisfaction.

Mr. McConnell: Is there any time limit on that?

Mr. Fink: No. It would all be up to the Applicant on however long it would take for them to prepare the DEIS. The Planning Board has nothing else to do on this from a Planning Board's perspective until the Applicant submits a Preliminary DEIS (Draft Environmental Impact Statement) for the Planning Board's review to compare it with the Final Scoping Document on the adequacy and accuracy of the DEIS.

Mr. McConnell: Is it adequacy or completeness of the DEIS?

Mr. Fink: It would be the completeness of the DEIS that it adequately addresses the concerns in the Final Scoping Document.

Mr. McConnell: Ok.

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

Mr. Bollenbach: Ben, what is the status of the escrow?

Mr. Astorino: The Applicant has paid everything up to date. There will be no further review until the escrow account has been replenished.

Mr. Bollenbach: Ok. Thank you.

***John Simon***

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. Previously discussed at the November 20, 2019 Planning Board Meeting.

Representing the Applicant: Jane Samuelson from Engineering Properties. Jeremy Havens, Attorney.

The following review comment submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 05-04-20 no comments
4. Architectural Review Board – no comments received
5. OC Planning Department – 12/10/19 advisory comments for shared driveway agreement and applicant going to ZBA.
6. TW Building Department – 10/30/19 no violations
7. The Final Subdivision Application Form and Checklist need to be submitted. Forms submitted; need to be signed.
8. Square Rule §137-21.K(1) must be shown (a 200-ft square must be shown within each proposed lot). PB waiver requested.
9. Buildable Area §137-21.A must be shown for proposed lots. A Planning Board waiver will be required if this criteria cannot be satisfied. PB waiver requested.
10. Add a note to the plan: No further subdivision of either lot.
11. The surveyor must complete the one-page affidavit prior to receiving the Chairman's signature on the plans.
12. Shared driveway agreement and parking area must be provided to Planning Board Attorney for review.
13. The liber and page for the Agricultural Notes, Indiana Bat, and shared driveway agreement must be added to the plan.
14. A legal description and deeded declaration for the dedication strips to the Town for highway purposes will need to be submitted for the Town Board's consideration. HDR has reviewed the description and it is acceptable.
15. Payment of fee in lieu of parklands per §75-3.A(2)(a)(3) for one lot.
16. Payment of all fees.

The following comment submitted by the Conservation Board:

John Simon, Trustee – None submitted.

The following comment submitted by the ARB:

John Simon, Trustee – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board reviewed this application with a short EAF. There is no construction proposed. It is listed as a Type 2 Action. I have prepared a Resolution for the Planning Board's consideration.

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

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

617.6  
State Environmental Quality Review (SEQR)  
**Resolution**  
Type 2 Action

**Name of Action:** Simon Subdivision

**Whereas**, the is in receipt of a application by James Beaugard as applicant and Dolores Daly Simon Rev. Trust as owner for a ± 3.916 acre parcel of land located at 63 Blooms Corners Road, Town of Warwick, Orange County, New York, and

**Whereas**, an Environmental Assessment Form (EAF) dated 10/23/19 was submitted at the time of application, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(11), (18), and (32) and, therefore, SEQR does not apply, and

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

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

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

Comment #2: Applicant to discuss project.

Jane Samuelson: We submitted to the Planning Board back in November of 2019. The Planning Board sent us to the ZBA. We received variances from the ZBA. We are back before the Planning Board to seek final approval.

Comment #3: Conservation Board – 05-04-20 no comments

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 12/10/19 advisory comments for shared driveway agreement and applicant going to ZBA.

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

Comment #7: The Final Subdivision Application Form and Checklist need to be submitted. Forms submitted; need to be signed.

Jane Samuelson: That was submitted.

Connie Sardo: We did not receive the Final Application or the Final Application fee.

Jeremy Havens: The Applicant, James Beaugard said he mailed that out approximately a month ago.

Connie Sardo: We have not received it.

Laura Barca: We have a Final Application and Final Checklist. It just has not been signed.

Mr. Astorino: We will check our files on that.

Comment #8: Square Rule §137-21.K(1) must be shown (a 200-ft square must be shown within each proposed lot). **PB waiver requested.**

Comment #9: Buildable Area §137-21.A must be shown for proposed lots. A Planning Board waiver will be required if this criteria cannot be satisfied. **PB waiver requested.**

Mr. Bollenbach: Those two waivers are up to the Applicant to demonstrate how they could be complied with an explanation as to why a waiver is requested.

Jane Samuelson: They cannot be complied.

Mr. Bollenbach: You will need to give an explanation.

Jane Samuelson: Ok.

Comment #10: Add a note to the plan: No further subdivision of either lot.

Jane Samuelson: Ok.

Comment #11: The surveyor must complete the one-page affidavit prior to receiving the Chairman's signature on the plans.

Jane Samuelson: Ok.

Comment #12: Shared driveway agreement and parking area must be provided to Planning Board Attorney for review.

Jane Samuelson: We will provide.

Comment#13: The liber and page for the Agricultural Notes, Indiana Bat, and shared driveway agreement must be added to the plan.

Jane Samuelson: Ok.

Comment #14: A legal description and deeded declaration for the dedication strips to the Town for highway purposes will need to be submitted for the Town Board's consideration. HDR has reviewed the description and it is acceptable.

Jane Samuelson: Ok.

Comment #15: Payment of fee in lieu of parklands per §75-3.A(2)(a)(3) for one lot.

Jane Samuelson: Ok.

Comment #16: Payment of all fees.

Connie Sardo: Regarding payment of all fees, the Final Application fee as of 3/31/20 has not been paid. We did receive an escrow check from the Applicant in April. We did not receive the Final Application Fee.

Jeremy Havens: Ok. I think the confusion was that they sent the escrow check but not the application fee.

Mr. Astorino: We will check on that. We will get back to you. Do any Board members or Professionals have any comments? Does the Applicant wish to be set for a public hearing?

Jane Samuelson? Yes. We request to be set for a public hearing.

**Mr. MacDonald makes a motion to set the John Simon, Trustee application for a Final Public Hearing at the next available agenda.**

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

***Corinna Lewis Lot Line Change #2***

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 64.2 and L 64.322; parcels located on the eastern side of NYS Route 94N 1000 feet south of Old Ridge Road, in the RU zone, of the Town of Warwick. Previously discussed at the August 21, 2019 Planning Board Meeting.

Planning Board Member, Bo Kennedy arrives at the May 6, 2020 Planning Board Meeting.

Representing the Applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 09/13/19 no advisory comments
6. TW Building Department – open permit #25313 for a shed (for lot 31-2-64.322)
7. According to the Town's 911 coordinator, the 911 address for Lot 1 Parcels A and B will remain as Route 94N until there are a driveway and a building proposed. Please update the note on Sheet 1.
8. Applicant is proposing to create a land-locked parcel for 31-2-64.322; this lot has an existing home and should have its own access to either a public or private road. ZBA 280(a) was granted on February 24, 2020.
9. Please add the ZBA language in its entirety to the drawing set.
10. Applicant is proposing to connect the farm-field portion of 31-2-64.332 and 31-2-64.2 across a 50-ft wide portion of 31-2-64.112; Applicant to clarify.
11. Add a note to the plan stating that the two agricultural fields are one tax parcel and can only be subdivided with Town of Warwick planning board approval.
12. Add a note to the plan stating that the two agricultural fields are proposed for agricultural use only; any other use must be approved by the Town of Warwick planning board.
13. Applicant to clarify how Proposed Lot 1 (Agricultural fields) has access; Applicant to clarify if this lot is part of the existing shared driveway agreement.
14. Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.
15. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1, Note 6.
16. Surveyor must sign the final plans.
17. Surveyor to certify that iron rods have been set at all property corners.
18. Provide date of filing, liber, and page for the right-of-way access and maintenance agreement for the Lot 2 (31-2-64.322).



19. The liber and page for the deed referencing the changes made to the lot lines.
20. Payment of all fees.

The following comment submitted by the Conservation Board:

Corinna Lewis Lot Line Change #2 – None submitted.

The following comment submitted by the ARB:

Corinna Lewis Lot Line Change #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board classified this application as a Type 2 Action back on August 21, 2019. This application is for a lot line change. There is no construction proposed. SEQRA has been complied with.

Comment #2: Applicant to discuss project.

Kirk Rother: This parcel is located off NYS Route 94 N just south of Old Ridge Road. Ms. Lewis had done a lot line change approximately 2 years ago for her daughter to build a house in the back. We gave frontage on Route 94N. Since then her brother has retired. They want to undo what they did 2 years ago. They want to lease the land and put into an LLC.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/13/19 no advisory comments

Comment #6: TW Building Department – open permit #25313 for a shed (for lot 31-2-64.322)

Mr. Astorino: Please inform the Applicant about that.

Kirk Rother: Will do.

Comment #7: According to the Town's 911 coordinator, the 911 address for Lot 1 Parcels A and B will remain as Route 94N until there are a driveway and a building proposed. Please update the note on Sheet 1.

Kirk Rother: Ok.

Comment #8: Applicant is proposing to create a land-locked parcel for 31-2-64.322; this lot has an existing home and should have its own access to either a public or private road. ZBA 280(a) was granted on February 24, 2020.

Kirk Rother: Yes. The ZBA granted the variance.

Comment #9: Please add the ZBA language in its entirety to the drawing set.

Kirk Rother: Will do.

Comment #10: Applicant is proposing to connect the farm-field portion of 31-2-64.332 and 31-2-64.2 across a 50-ft wide portion of 31-2-64.112; Applicant to clarify.

Kirk Rother: The two front field parcels adjacent to Route 94N Lot 1 Parcel A & Parcel B with a 50-foot strip to Corinna's house is not part of this application.

Mr. Bollenbach: How is there a Parcel A and B? I didn't realize that 911 accepts A and B designation. It is all one parcel with a contiguous Z. They could never be conveyed separately without Planning Board approval.

Kirk Rother: We will take Parcel A and B off the map.

Mr. Bollenbach: Ok.

Comment #11: Add a note to the plan stating that the two agricultural fields are one tax parcel and can only be subdivided with Town of Warwick planning board approval.

Kirk Rother: Ok.

Comment #12: Add a note to the plan stating that the two agricultural fields are proposed for agricultural use only; any other use must be approved by the Town of Warwick planning board.

Kirk Rother: Ok.

Comment #13: Applicant to clarify how Proposed Lot 1 (Agricultural fields) has access; Applicant to clarify if this lot is part of the existing shared driveway agreement.

Kirk Rother: The access to those two fields via for farm vehicles are through the existing driveway. They are not formally part of the Shared Driveway Agreement that was created for Corinna Lewis and her daughter.

Mr. Bollenbach: It may have to be amended or modified.

Kirk Rother: Ok.

Comment #14: Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.

Kirk Rother: Yes.

Comment #15: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1, Note 6.

Kirk Rother: Ok.

Comment #16: Surveyor must sign the final plans.

Kirk Rother: Yes.

Comment #17: Surveyor to certify that iron rods have been set at all property corners.

Kirk Rother: Yes.

Comment #18: Provide date of filing, liber, and page for the right-of-way access and maintenance agreement for the Lot 2 (31-2-64.322).

Kirk Rother: Ok.

Mr. Bollenbach: I will have to take a look at that.

Comment #19: The liber and page for the deed referencing the changes made to the lot lines.

Kirk Rother: Right.

Comment #20: Payment of all fees.

Kirk Rother: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? Let the record show that there were no further comments from the Board or Professionals. John, does this application require a public hearing?

Mr. Bollenbach: No. It is just a simple lot line change. No construction is proposed. The public hearing could be waived at the Applicant's request.

Kirk Rother: We ask the Board to waive the Final Public Hearing and grant us conditional Final Approval.

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

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

Mr. McConnell makes a motion on the Corinna Lewis Lot Line Change #2 application, granting conditional Final Approval of a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 64.2 and L 64.322; parcels located on the eastern side of NYS Route 94N 1000 feet south of Old Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on August 21, 2019. Approval is granted subject to the following conditions:

1. TW Building Department – open permit #25313 for a shed (for lot 31-2-64.322)
2. According to the Town's 911 coordinator, the 911 address for Lot 1 Parcels A and B will remain as Route 94N until there are a driveway and a building proposed. Please update the note on Sheet 1.

3. Applicant is proposing to create a land-locked parcel for 31-2-64.322; this lot has an existing home and should have its own access to either a public or private road. ZBA 280(a) was granted on February 24, 2020.
4. Please add the ZBA language in its entirety to the drawing set.
5. Applicant is proposing to connect the farm-field portion of 31-2-64.332 and 31-2-64.2 across a 50-ft wide portion of 31-2-64.112; Applicant to clarify.
6. Add a note to the plan stating that the two agricultural fields are one tax parcel and can only be subdivided with Town of Warwick planning board approval.
7. Add a note to the plan stating that the two agricultural fields are proposed for agricultural use only; any other use must be approved by the Town of Warwick planning board.
8. Applicant to clarify how Proposed Lot 1 (Agricultural fields) has access; Applicant to clarify if this lot is part of the existing shared driveway agreement.
9. Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.
10. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 6.
11. Surveyor must sign the final plans.
12. Surveyor to certify that iron rods have been set at all property corners.
13. Provide date of filing, liber, and page for the right-of-way access and maintenance agreement for the Lot 2 (31-2-64.322).
14. The liber and page for the deed referencing the changes made to the lot lines.
15. Payment of all fees.

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

***Serotta 2-Lot Subdivision***

Application for Sketch Plat Review of a proposed 2-Lot subdivision, situated on tax parcel S 27 B 1 L 54.24; parcel located on the southern side of C.R. 1, 1000 feet west of Blooms Corners Road (291 County Hwy 1), in the RU zone, of the Town of Warwick.

Representing the Applicant: Dan Getz from Lehman & Getz Engineering

The following review comment submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 05/04/20 supports protection of archaeologically sensitive sites and recommends that the planning board require the posting of visible markers along the 50’ buffers to remain throughout construction.
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. OCDPW review and acceptance is required for both driveway entrances.
7. TW Building Department – 04/02/20 no violations
8. NYS Parks, Recreation, and Historic Preservation letter dated December 18, 2019 – project is within an archaeologically sensitive area; Phase I recommended.
9. Phase I report encountered three very small historic sites; there is no disturbance proposed in these areas.
10. Please submit a FEMA Firmette with the project site shown.
11. The plans indicate black dots with a circle around it. The black dots should be added to the legend for a positive archaeological shovel test. The 50-ft radius should be shown on each circle. There are also notes on the plan indicating that the “black dots” have statewide importance; please add a note to the plan indicating why these points have statewide importance.
12. Emergency Service Plans can be circulated to those agencies.
13. The septic system on Lot 2 appears to have a note “not for design.” Applicant to clarify.
14. 911 addresses must be added to Sheet 1, Note 14.
15. It is recommended to include guiderails for the Lot 2 driveway.
16. The SWPPP Narrative should be included by reference on the plans and the Sequence of Construction and other stabilization guidance in the Narrative should be copied onto the Plans in the form of notes for ease of reference.
17. The grading for Lot 1 includes a drainage swale to route runoff away from the house and the septic system, which is practical; however the swale should incorporate a level spreader or similar means at the terminus to avoid erosion of the slope.
18. The proposed stabilized construction entrance has an accompanying detail; however, the title of the detail should match the practice for consistency.
19. The driveway entrances are noted as being paved for the initial 25’; however it is not clear if the remainder of the driveway will be paved or gravel. Based on driveway Note #3 it is implied that they will be unpaved but this should be further clarified on the plan.

20. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1 Note 13
21. Surveyor to certify that iron rods have been set at all property corners.
22. The liber and page for the Agricultural Notes, Indian bat, and Archaeological Sensitive Area Notes must be added to the plan.
23. Payment of Parkland Fee for 1-Lot.
24. Payment of all fees.

The following comment submitted by the Conservation Board, dated 5/6/20:

Serotta 2-Lot Subdivision – The CB supports the protection of archaeologically sensitive sites and recommends the PB require the posting of visible markers along the various 50’ buffers to remain throughout the construction phase. The CB recommends that, due to the presence of Indiana (sic) bat habitat (Note 20), the note on the plan should include protection of live and dead tree species known to support the Indiana bat, listed by the U.S. Fish and Wildlife Service as an endangered species. Indiana bats prefer dead or dying trees with exfoliating bark. Indiana bats show an affinity for very large trees that receive lots of sunlight. Live roost trees are usually Shagbark Hickory, Silver Maple, and White Oak.

The following comment submitted by the ARB:

Serotta 2-Lot Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We have received a Short EAF. It is an Unlisted Action. The only Involved Agency is OCDPW. The Planning Board could go ahead and declare itself Lead Agency. I have prepared a Resolution for the Planning Board’s consideration.

Mr. McConnell makes a motion for Lead Agency.

Seconded by Mr. Kennedy. The following Resolution was carried 5-Ayes.

617.6

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

Name of Action: Serotta Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Subdivision approval for a ±8.682 acre parcel of land located at 291 County Route 1, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 3/24/20 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply, and

Whereas, after examining the EAF, the Planning Board has determined that the Orange County Department of Public Works is an Involved Agency which will make its own determination of significance, and there are no federal agencies on this matter.

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

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Dan Getz: Back in 2009 we submitted to the Building Department a septic and house plans to build a house. We are before the Planning Board to subdivide the property into 2-Lots to build 2 houses. We received ODCPW approval for Lot #1. There was an Archeological study done on Lot #1. There are wetlands on the site on Lot #2. The wetlands have been delineated.

Comment #3: Conservation Board – 05/04/20 supports protection of archaeologically sensitive sites and recommends that the planning board require the posting of visible markers along the 50' buffers to remain throughout construction.

Mr. McConnell: We received a comment from the Conservation Board. It is stated as follows: The CB supports the protection of archaeologically sensitive sites and recommends the PB require the posting of visible markers along the various 50' buffers to remain throughout the construction phase. The CB recommends that, due to the presence of Indiana (sic) bat habitat (Note 20), the note on the plan should include protection of live and dead tree species known to support the Indiana bat, listed by the

U.S. Fish and Wildlife Service as an endangered species. Indiana bats prefer dead or dying trees with exfoliating bark. Indiana bats show an affinity for very large trees that receive lots of sunlight. Live roost trees are usually Shagbark Hickory, Silver Maple, and White Oak.

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: OCDPW review and acceptance is required for both driveway entrances.

Laura Barca: Just as Dan had previously said, they received OCDPW approval for one entrance on Lot #1. They need OCDPW approval for entrance on Lot #2.

Comment #7: TW Building Department – 04/02/20 no violations

Comment#8: NYS Parks, Recreation, and Historic Preservation letter dated December 18, 2019 – project is within an archaeologically sensitive area; Phase I recommended.

Dan Getz: We have done a Phase I report. It was sent to the Planning Board and SHPO.

Comment #9: Phase I report encountered three very small historic sites; there is no disturbance proposed in these areas.

Dan Getz: Correct.

Comment#10: Please submit a FEMA Firmette with the project site shown.

Dan Getz: Ok.

Comment #11: The plans indicate black dots with a circle around it. The black dots should be added to the legend for a positive archaeological shovel test. The 50-ft radius should be shown on each circle. There are also notes on the plan indicating that the “black dots” have statewide importance; please add a note to the plan indicating why these points have statewide importance.

Dan Getz: Will do. That was supposed to be for soil types.

Comment #12: Emergency Service Plans can be circulated to those agencies.

Dan Getz: Yes. That was sent out.

Comment #13: The septic system on Lot 2 appears to have a note “not for design.” Applicant to clarify.

Dan Getz: We will clarify.



Comment #14: 911 addresses must be added to Sheet 1, Note 14.

Dan Getz: Will do.

Comment #15: It is recommended to include guiderails for the Lot 2 driveway.

Dan Getz: Will add.

Comment #16: The SWPPP Narrative should be included by reference on the plans and the Sequence of Construction and other stabilization guidance in the Narrative should be copied onto the Plans in the form of notes for ease of reference.

Dan Getz: Will do.

Comment #17: The grading for Lot 1 includes a drainage swale to route runoff away from the house and the septic system, which is practical; however the swale should incorporate a level spreader or similar means at the terminus to avoid erosion of the slope.

Dan Getz: We will take a look at that.

Comment #18: The proposed stabilized construction entrance has an accompanying detail; however, the title of the detail should match the practice for consistency.

Dan Getz: Ok.

Comment #19: The driveway entrances are noted as being paved for the initial 25'; however it is not clear if the remainder of the driveway will be paved or gravel. Based on driveway Note #3 it is implied that they will be unpaved but this should be further clarified on the plan.

Dan Getz: Yes. We intend it to be gravel.

Comment #20: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1 Note 13

Dan Getz: Yes.

Comment #21: Surveyor to certify that iron rods have been set at all property corners.

Dan Getz: Will do.

Comment #22: The liber and page for the Agricultural Notes, Indian bat, and Archaeological Sensitive Area Notes must be added to the plan.

Dan Getz: WE don't have notes for the Archaeological Sensitive Area.

Mr. Bollenbach: We had another Planning Board application called the Sodrck Subdivision that has Archeological notes. We could provide you with a sample of those notes. We would also have to take a look at SHPO comments and incorporate that into the Archeological notes.

Mr. Astorino: It also goes with the Conservation Board's comment.

Dan Getz: I will have to take a look.

Mr. Bollenbach: You would need to clarify.

Dan Getz: Will do.

Comment #23: Payment of Parkland Fee for 1-Lot.

Dan Getz: Will do.

Comment #24: Payment of all fees.

Dan Getz: Will do.

Mr. Astorino: Does the Applicant wish to be set for a Public Hearing?

Dan Getz: Yes. We would ask to be set for a Public Hearing.

**Mr. Showalter makes a motion to set the Serotta 2-Lot Subdivision for a Final Public Hearing at the next available agenda.**

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

***MTAG, Inc. (Andrew Gurda)***

Application for Site Plan Approval and Special Use Permit for the construction and use of migrant housing, situated on tax parcels S 3 B 1 L 65.2 and 71.2; project located on the southern side of Mission Land Road 850 feet west of C.R. 1, in the SL zone, of the Town of Warwick. Previously discussed at the August 21, 2019 Planning Board Meeting.

Representing the Applicant: Brian Friedler 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 – 5/6/20 no comments
4. Architectural Review Board – no comments received
5. OC Planning Department – 9/10/19 advisory comments to restrict number of migrant workers to six (not eight).
6. TW Building Department – 8/13/19 no violations; 2 barns, 1 family dwelling, 2 family dwelling, shed.
7. OCDOH – engineering department has accepted the proposed septic system (3/20/20) and the proposed well location (2/5/20; sanitarians for permit and operations later in the process.
8. ZBA – The rear setback of the existing shed structure is 48-ft where 50-ft is required; this shed is shown to be relocated on the drawing.
9. Applicant to clarify if lots 3-1-65.2 and 3-1-71.2 will be combined as part of this application. PB attorney to clarify.
10. Applicant to provide owner of the right of way identified as lot 3-1-65.2 on the drawing. Also the right of way boundaries should be clarified with a different line type.
11. Applicant to clarify who has permission to use Brozdowski Lane.
12. Applicant to clarify if the use will be for seasonal or year-round farm owners.
13. Applicant to confirm square footage of living area within the building structure.
14. Applicant to clarify how structure will be utilized if it is no longer used for migrant housing.
15. The existing residences on this property are a one-family structure and two-family structures; Applicant to label on the drawings.
16. §164-46.J(120) Accessory tenant housing and mobile homes to house tenant and migrant farm laborers shall be located no closer than 100 feet from any public road, shall be suitably landscaped in accordance with § 164-46H(8), shall be operated in conformance with Orange County Health Department regulations, and shall be located only on land that is considered a part of the same farming operation in which the tenant/migrant labor

is employed. Employment documentation shall be provided annually to the Town Code Enforcement Officer. Add this note to the drawings.

17. A note shall be added to the plans stating that employment documentation shall be provided annually to the Town Code Enforcement Officer.
18. Add a note to the plan stating that the project will comply with NYS DOH Part 15, Migrant Farmworker Housing.
19. Applicant must demonstrate compliance of §164-47.10 stormwater regulations on the plans.
20. Applicant to provide dumpster location and associated screening.
21. Applicant to clarify why a portion of the proposed curtain drain for the septic system transforms is a dotted line and the rest is a solid line. The perforated portion of the pipe has not been labeled.
22. The 911 address must be shown on the plan. Applicant to confirm with 911 coordinator if more than one address is needed.
23. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, map note.
24. Surveyor to certify that iron rods have been set at all property corners.
25. The liber and page for the Agricultural Notes must be added to the plan.
26. Payment of all fees.

The following comment submitted by the Conservation Board:

MTAG, Inc., (Andrew Gurda) – No comment.

The following comment submitted by the ARB:

MTAG, Inc., (Andrew Gurda) – No comment.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Planning Board had declared itself Lead Agency back on August 21, 2019.

Comment #2: Applicant to discuss project.

Brian Friedler: This is an application for site plan approval and special use permit for the use of migrant housing. We have received OC Department of Health approval for the well and septic back in August.

Comment #3: Conservation Board – 5/6/20 no comments

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 9/10/19 advisory comments to restrict number of migrant workers to six (not eight).

Comment #6: TW Building Department – 8/13/19 no violations; 2 barns, 1 family dwelling, 2 family dwelling, shed.

Comment #7: OCDOH – engineering department has accepted the proposed septic system (3/20/20) and the proposed well location (2/5/20; sanitarians for permit and operations later in the process.

Comment #8: ZBA – The rear setback of the existing shed structure is 48-ft where 50-ft is required; this shed is shown to be relocated on the drawing.

Mr. Astorino: Are you going to be moving the shed?

Brian Friedler: Yes.

Comment #9: Applicant to clarify if lots 3-1-65.2 and 3-1-71.2 will be combined as part of this application. PB attorney to clarify.

Mr. Bollenbach: That would be up to the Applicant.

Brian Friedler: The Applicant does not want to do that. But, he will do it if he had to.

Mr. Bollenbach: I will take a look at that.

Comment #10: Applicant to provide owner of the right of way identified as lot 3-1-65.2 on the drawing. Also the right of way boundaries should be clarified with a different line type.

Brian Friedler: There is nothing on record to show Right-Of-Way.

Comment #11: Applicant to clarify who has permission to use Brozdowski Lane.

Brian Friedler: We are unsure about that. We can't find any record of that.

Mr. Astorino: Is there any Maintenance Agreement on Brozdowski Lane?

Brian Friedler: I am not sure.

Comment #12: Applicant to clarify if the use will be for seasonal or year-round farm owners.

Brian Friedler: It is for seasonal farm works. They will build for year round.

Comment #13: Applicant to confirm square footage of living area within the building structure.

Brian Friedler: We will clarify.

Comment #14: Applicant to clarify how structure will be utilized if it is no longer used for migrant housing.

Brian Friedler: He is not too sure if it would be for migrant or if he would live there. We will clarify.

Mr. Astorino: You would need to put a note on the plan.

Comment #15: The existing residences on this property are a one-family structure and two-family structures; Applicant to label on the drawings.

Brian Friedler: Ok.

Comment #16: §164-46.J(120) Accessory tenant housing and mobile homes to house tenant and migrant farm laborers shall be located no closer than 100 feet from any public road, shall be suitably landscaped in accordance with § 164-46H(8), shall be operated in conformance with Orange County Health Department regulations, and shall be located only on land that is considered a part of the same farming operation in which the tenant/migrant labor is employed. Employment documentation shall be provided annually to the Town Code Enforcement Officer. Add this note to the drawings.

Brian Friedler: Ok.

Mr. Bollenbach: You will need to send Ted Fink some visuals for landscaping or screening.

Brian Friedler: There are a few residential properties.

Mr. Bollenbach: It should be taken into consideration.

Comment #17: A note shall be added to the plans stating that employment documentation shall be provided annually to the Town Code Enforcement Officer.

Brian Friedler: Ok.

Comment #18: Add a note to the plan stating that the project will comply with NYS DOH Part 15, Migrant Farmworker Housing.

Brian Friedler: Ok.

Comment #19: Applicant must demonstrate compliance of §164-47.10 stormwater regulations on the plans.

Brian Friedler: Ok.

Comment #20: Applicant to provide dumpster location and associated screening.

Brian Friedler: Ok.

Comment #21: Applicant to clarify why a portion of the proposed curtain drain for the septic system transforms is a dotted line and the rest is a solid line. The perforated portion of the pipe has not been labeled.

Brian Friedler: Ok. We will label that.

Comment #22: The 911 address must be shown on the plan. Applicant to confirm with 911 coordinator if more than one address is needed.

Brian Friedler: Ok.

Comment #23: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, map note.

Brian Friedler: Ok.

Comment #24: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: Ok.

Comment #25: The liber and page for the Agricultural Notes must be added to the plan.

Brian Friedler: Ok.

Comment #26: Payment of all fees.

Brian Friedler: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? Let the record show no further comments from the Planning Board and Professionals. Does the Applicant wish to be set for a public hearing?

Brian Friedler: Yes. We ask the Board to set us for a public hearing.

**Mr. Kennedy makes a motion to set the MTAG, Inc., (Andrew Gurda) application for a Site Plan Approval and Special Use Permit Public Hearing at the next available agenda.**

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

Mr. Bollenbach: Regarding Comment#25 the Declaration. That Declaration should also include Comment #16 regarding accessory tenant housing and mobile homes to house tenants and migrant farm laborers.

Mr. Astorino: That makes sense.

**Other Considerations:**

1. **Warwick Isle Subdivision Section I (7-Lots)** – Letter from Bob Krahulik, Attorney dated 3/9/20 addressed to the Planning Board in regards to the Warwick Isle Subdivision – requesting 9<sup>th</sup> Re-Approval of Final Approval + 6-Month Extension for Section I consisting of 7-Lot Cluster subdivision including Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster subdivision into sections, situated on tax parcel SBL # 3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval for Section I was granted on 4/6/11. *The Applicant has stated that they are currently working to satisfy the conditions of the final approval and actively marketing this development. Market conditions have improved, and they intend to now satisfy all conditions and proceed with development.* The 9<sup>th</sup> Re-Approval of Final Approval for Section I (7-Lots) become effective on 4/6/20; subject to the conditions of Final Approval granted on 4/6/11. The 6-Month Extension for Section I (7-Lots) becomes effective on 10/6/20.

Representing the Applicant: Bob Krahulik, Attorney

Mr. Astorino: Are they proceeding?

Bob Krahulik: Yes. We are working on the Affordable Housing. We are moving as quickly as we can on this. The project is moving forward.

Mr. McConnell makes a motion on the Warwick Isle Subdivision, granting granted 9<sup>th</sup> Re-Approval of Final Approval + 6-Month Extension for Section I (7-Lot Cluster Subdivision) including a Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster subdivision into Sections, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval for Section I (7-Lots) granted on 4/6/11.

The 9<sup>th</sup> Re-Approval of Final Approval for Section I (7-Lots) becomes effective on 4/6/20; subject to the conditions of Final Approval granted on 4/6/11.

The 6-Month Extension on 9<sup>th</sup> Re-Approval of Final Approval for Section 1 (7-Lots) becomes effective on 10/6/20.

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



2. **Round Hill Subdivision Section I** – Letter from Steven Spiegel, Attorney dated 3/10/20 addressed to the Planning Board in regards to the Round Hill Subdivision –requesting 1<sup>st</sup> Re-Approval of Final Approval for Section I to consist of 3-Lot Cluster subdivision, situated on tax parcel SBL #7-2-51.1; parcel located along the northerly side of Wheeler Road between Meadow Road & Hunt Drive, in the RU zone, of the Town of Warwick. Conditional Final Approval for Section I was granted on 3/20/19. *The Applicant has stated that the Re-Approval is needed because of legal issues that need to be further resolved.* The 1<sup>st</sup> Re-Approval of Final Approval for Section I (3-Lots) becomes effective on 3/20/20; subject to the conditions of Final Approval granted on 3/20/19.

Mr. Astorino: There is no one here tonight to represent the Round Hill Subdivision application.

Mr. Bollenbach: Their Attorney has provided a Draft Declaration. I took a look at it and reviewed it. I can tell you that they have done a good job on it. They will need to file the Declaration in the County Clerk's office and put the filing information on the final maps.

Mr. Astorino: Ok. That is good to hear.

Mr. Showalter makes a motion on the Round Hill Subdivision application, granting 1<sup>st</sup> Re-Approval of Final Approval for Section 1 to consist of a 3-Lot Cluster Subdivision, situated on tax parcel 7-2-51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU Zone of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval for Section I was granted on 3/20/19.

The 1<sup>st</sup> Re-Approval of Final Approval for Section I (3-Lots) becomes effective on 3/20/20; subject to the conditions of Final Approval granted on 3/20/19.

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

3. **Planning Board Minutes of 2/19/20** – Planning Board Minutes of 2/19/20 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 2/19/20.

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

4. **Fusco Subdivision** – Letter from Dave Higgins, Lanc & Tully Engineering dated 4/6/20 addressed to the Planning Board in regards to the Fusco Subdivision – requesting 3<sup>rd</sup> Re-Approval of 4<sup>th</sup> Amended Final Approval + 6-Month Extension of a proposed 12-Lot + 1-Affordable Home Cluster subdivision, situated on tax parcel SBL #18-1-31.2; parcel located on the southern side of Taylor Road 920± feet east of intersection of Taylor Road and Jessup Road, in the RU zone, of the Town of Warwick. The 4<sup>th</sup> Amended Final Approval was granted on 5/17/17. *The Applicant has stated that they have continued to market the property and there has been some interest from local builders and developers, the Applicant has not found a committed buyer of the property. Also, the Applicant and her Attorney are in the process of preparing the legal documents and obtaining the required performance bond and fees.* The 3<sup>rd</sup> Re-Approval of 4<sup>th</sup> Amended Final Approval becomes effective on 5/17/20. The 6-Month Extension becomes effective on 11/17/20.

Mr. Astorino: There is no one here tonight to represent the Fusco Subdivision application.

Mr. Showalter makes a motion on the Fusco Subdivision application, granting “2<sup>nd</sup> Re-Approval” of 4<sup>th</sup> Amended Final Approval + 6-Month Extension of a proposed 12-Lot + 1-Affordable Home Cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road 920± feet east of intersection of Taylor Road and Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of 4<sup>th</sup> Amended Final Approval granted on 5/17/17. (See attached).

The 3<sup>rd</sup> Re-Approval of 4<sup>th</sup> Amended Final Approval becomes effective on 5/17/20.

The 6-Month Extension becomes effective on 11/17/20.

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

5. **Wheeler Road Estates** – Letter from Nicholas Rugnetta, P&P Engineering, dated 4/27/20 addressed to the Planning Board in regards to the Wheeler Road Estates – requesting 28<sup>th</sup> and 29<sup>th</sup> 6-Month Extensions on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable Homes, situated on tax parcel SBL #8-2-44.223; parcel located along the northerly side of Wheeler Road (County Road 41) at the intersection with Dussenbury Drive, in the SL zone, of the Town of Warwick. Preliminary Approval was granted on 11/2/05. *The Applicant has stated that they are currently addressing comments from the HDR Engineering comment letter dated 11/8/19.* The 28<sup>th</sup> 6-Month Extension becomes effective on 11/2/19. The 29<sup>th</sup> 6-Month Extension becomes effective on 5/2/20.

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

Mr. Astorino: What is the status on Wheeler Road Estates?

Nick Rugnetta: We have been going back and forth with HDR comments, dated 11/18/19. We are addressing them and working on them with Laura Barca.

Laura Barca: That is correct.

Mr. Showalter makes a motion on the Wheeler Road Estates application, granting a 28<sup>th</sup> and 29<sup>th</sup> 6-Month Extensions on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05.

The 28<sup>th</sup> 6-Month Extension becomes effective on, 11/2/19.

The 29<sup>th</sup> 6-Month Extension becomes effective on, 5/2/20

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

### **Correspondences:**

Mr. Astorino: Connie, do we have any correspondences this evening?

Connie Sardo: No.

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

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

**Mr. McConnell makes a motion to adjourn the May 6, 2020 Planning Board Meeting.**

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