

TOWN OF WARWICK PLANNING BOARD

May 20, 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 20, 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.

Mr. Astorino: Laura, please could you explain how this WebEx meeting will work and for you to throw out some of the ground rules?

Laura Barca: The Town of Warwick is required to record this meeting as per the State's Covid-19 requirements. Please understand that muting you would be the same as if you were sitting in our meeting room. It is not to eliminate feedback from the public. It is to eliminate feedback and have people speak one at a time. When the Chairman opens up the public hearing for public comment, I will unmute and you will be able to speak. The Chairman and/or the Board will also be able to comment at that time.

Mr. Astorino: Thank you. Laura, will you be able to put the maps up on the WebEx for the public hearings?

Laura Barca: Yes.

PUBLIC HEARING OF

Valentine Home Builders, Inc.

Application for Final Approval of a proposed 3-Lot Subdivision situated on tax parcel S 17 B 1 L 32; parcel located on the southeast side of Union Corners Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Lehman & Getz Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Valentine public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received

4. Architectural Review Board – no comments received
5. OC Planning Department – 07/11/19 advisory comments for steep slopes & stormwater management
6. TW Building Department – 07/03/19 no violations; open permit for home renovations, expires 06/10/20
7. OCDPW: letter dated 03/20/20
8. NYSDEC: 08/12/19 NYSDEC Natural Heritage Program Database letter; Indiana bat in surrounding area
9. The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.
10. The proposed limits of disturbance (LOD) for the reworking of the existing driveway should be noted and incorporated within the total LOD. Silt fence should be added along the driveway possibly on each side as warranted. The Lot 2 grading near the driveway denotes use of silt fence; however, the location is not actually on the plans. Please clarify.
11. The proposed regrading of Lot 1 encroaches near the existing shed and might rely partially on the shed for retention of the slope. The grading in this area should be clarified or revised accordingly. In addition, the grading plan for Lots 1 and 3 entail the use of retaining walls up to a height of eight feet. This might require a separate submittal of stability calculations and details for wall construction for review by the Building Department.
12. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Note is included on Sheet 1.
13. A survey must be signed and sealed by a Licensed Land Surveyor.
14. Surveyor to certify that iron rods have been set at all property corners.
15. The liber and page for the Aquifer Overlay Notes, Agricultural Overlay Notes, and Indiana bat notes declaration must be added to the plan.
16. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for two lots.
17. Payment of all fees.

The following comment submitted by the Conservation Board:

Valentine Home Builders, LLC – None submitted.

The following comment submitted by the ARB:

Valentine Home Builders, LLC – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: It is an Unlisted Action. The Planning Board declared itself Lead Agency on this application. I have prepared the Part 2 of the EAF and the draft Negative Declaration for the Planning Board’s consideration. There are no major significant issues on this property. There are some Indiana Bat Habitats on the property. They will need to put on the map time of year restrictions for cutting trees. Regarding the NYS protected wetlands, Dave Getz provided a map showing that the site is not within the wetland or the 100-foot adjacent upland to the wetland.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 3-Lot subdivision located on Union Corners Road. The Applicant proposes 2 new dwellings on the property. Since our last meeting, we received OCDPW approval for each driveway. We had done soil tests on the property. The Town's Engineer witnessed the soil tests. We had to modify the septic systems a little bit. Nothing else has changed since the last meeting.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/11/19 advisory comments for steep slopes & stormwater management

Mr. Astorino: We have addressed those through the Planning Board.

Comment #6: TW Building Department – 07/03/19 no violations; open permit for home renovations, expires 06/10/20

Comment #7: OCDPW: letter dated 03/20/20

Mr. Astorino: You have stated that you have received OCDPW approval for the entrances.

Comment #8: NYSDEC: 08/12/19 NYSDEC Natural Heritage Program Database letter; Indiana bat in surrounding area.

Brian Friedler: Yes.

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

Brian Friedler: Yes.

Comment #10: The proposed limits of disturbance (LOD) for the reworking of the existing driveway should be noted and incorporated within the total LOD. Silt fence should be added along the driveway possibly on each side as warranted. The Lot 2 grading near the driveway denotes use of silt fence; however, the location is not actually on the plans. Please clarify.

Brian Friedler: Yes. We will put that on the plans. We will add the silt fence on the first driveway.

Comment #11: The proposed regrading of Lot 1 encroaches near the existing shed and might rely partially on the shed for retention of the slope. The grading in this area should be clarified or revised accordingly. In addition, the grading plan for Lots 1 and 3 entail the use of retaining walls up to a height of eight feet. This might require a separate submittal of stability calculations and details for wall construction for review by the Building Department.

Mr. Astorino: Laura that would require that. Is that correct?

Laura Barca: Correct. The first part will be required regarding the regrading.

Mr. Astorino: The stability calculations and details for the wall construction will be required. Is that correct?

Laura Barca: Part of the comment is for Planning. The other part of the comment is for the Building Department.

Comment #12: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Note is included on Sheet 1.

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

Brian Friedler: Yes.

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

Brian Friedler: Yes.

Comment #15: The liber and page for the Aquifer Overlay Notes, Agricultural Overlay Notes, and Indiana bat notes declaration must be added to the plan.

Brian Friedler: Yes.

Mr. Bollenbach: You will need to add to Comment #15, add grading easement on Lot #2 for the Benefit of Lot #3 as required.

Comment #16: Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for two lots.

Brian Friedler: Yes.

Comment #17: Payment of all fees.

Brian Friedler: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments before I open up to the public? There are no comments from the Board and Professionals. This is a public hearing. We will now open it up to the public via WebEx. If there is anyone out there wishing to address the Valentine Subdivision application, please raise your hand to speak or to be unmuted? Let the record show no public comment.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Showalter. The following Resolution was carried 5-Ayes and 0-Nays.

617.12(b)

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

Name of Action: Valentine Home Builders , LLC Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision at 96 Union Corners Road, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Orange County Department of Public Works, which has or will make its own SEQR determination of significance, and

Whereas, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) for the action, including the Part 1, Part 2, and Part 3 dated 6/25/19, the probable environmental effects of the action against the Criteria For Determining Significance, 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 Chairman 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 Chairman 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; 5-Ayes and 0-Nays.

Mr. Kennedy makes a motion on the Valentine Home Builders, LLC application, granting conditional Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 17 B 1 L 32; parcel located on the southeast side of Union Corners Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on May 20, 2020. Approval is granted subject to the following conditions:

1. TW Building Department – 07/03/19 no violations; open permit for home renovations, expires 06/10/20
2. OCDPW: letter dated 03/20/20
3. NYSDEC: 08/12/19 NYSDEC Natural Heritage Program Database letter; Indiana bat in surrounding area
4. The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.
5. The proposed limits of disturbance (LOD) for the reworking of the existing driveway should be noted and incorporated within the total LOD. Silt fence should be added along the driveway possibly on each side as warranted. The Lot 2 grading near the driveway denotes use of silt fence; however, the location is not actually on the plans. Please clarify.
6. The proposed regrading of Lot 1 encroaches near the existing shed and might rely partially on the shed for retention of the slope. The grading in this area should be clarified or revised accordingly. In addition, the grading plan for Lots 1 and 3 entail the use of retaining walls up to a height of eight feet. Provide separate submittal of stability calculations and details for wall construction.
7. 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.” Note is included on Sheet 1.
8. A survey must be signed and sealed by a Licensed Land Surveyor.
9. Surveyor to certify that iron rods have been set at all property corners.
10. The liber and page for the Aquifer Overlay Notes, Agricultural Overlay Notes, Grading Basements on Lot #2 for benefit of Lot #3, and Indiana bat notes declaration must be added to the plan.
11. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for two lots.
12. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 5-Ayes and 0-Nays.

PUBLIC HEARING OF**MTAG, Inc. Migrant Housing/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, County of Orange, State of New York.

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 – 05/04/20 no comments
4. Architectural Review Board – no comments received
5. OC Planning Department – 09/10/20 advisory comments to restrict number of migrant workers to six (not eight).
6. TW Building Department – 08/13/19 no violations; 2 barns, 1 family dwelling, 2 family dwelling, shed
7. OCDOH – engineering department has accepted the proposed septic system (03/20/20) and the proposed well location (02/05/20; 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 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., Migrant Housing/Andrew Gurda – None submitted.

The following comment submitted by the ARB:

MTAG, Inc. Migrant Housing/Andrew Gurda – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Applicant had provided a short EAF. I have reviewed Part 1 of the EAF. This application is subject to SEQRA. I have prepared a Part 2 and 3 of the EAF for the Board’s consideration. The SEQRA issue is regards to plantings because this application is a Special Use for Farm working housing. There are existing buildings on the site and it is a farm operation. I have prepared a draft Negative Declaration for the Planning Board’s consideration.

Comment #2: Applicant to discuss project.

Brian Friedler: The application is for migrant housing with a maximum of 8 migrant workers. We received approval from O.C. Dep’t. of Health for the well location and septic system. After they drill the well, there will be more testing required on the well. This is a migrant housing establishment on an existing farm operation.

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

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/10/20 advisory comments to restrict number of migrant workers to six (not eight).

Mr. Astorino: Brian, we discussed this at the Work Session. What is the number we have on the migrant workers?

Brian Friedler: He wants to have a maximum of 8 migrant workers.

Mr. Astorino: Do you have the square-footage for 8 migrant workers?

Brian Friedler: We have 50 s.f. of sleeping room area. Overall it is 100 s.f. I believe his building is going to be a little under 1200 s.f. of livable area.

Mr. Bollenbach: The issue is that the County did not realize that this is a 2-story structure. There is a 50 % to 75% area more than minimum requirement.

Laura Barca: The square-footage does meet the O.C. Health Department's requirement.

Mr. Astorino: Ok. Thank you.

Mr. MacDonald: Is it the number or occupants or workers? He uses the term workers.

Mr. Astorino: I agree.

Mr. Bollenbach: It should be the number of occupants. On Comment #5, we will change it from workers to occupants.

Comment #6: TW Building Department – 08/13/19 no violations; 2 barns, 1 family dwelling, 2 family dwelling, shed.

Mr. Astorino: We can strike Comment #6.

Comment #7: OCDOH – engineering department has accepted the proposed septic system (03/20/20) and the proposed well location (02/05/20; 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: We spoke about this at the Work Session about moving the shed. Are you still moving the shed?

Brian Friedler: Yes.

Mr. Astorino: Ok. ZBA is not needed.

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: No. They will need to be combined?

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: I have provided different line types. John McGloin cannot find any records of owner of the right of way.

Mr. Astorino: You will need to get us a letter of some sort.

Mr. Bollenbach: Yes.

Brian Friedler: I will ask John McGloin the Surveyor about that.

Mr. Astorino: You will need to get us a letter.

Brian Friedler: Ok.

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

Brian Friedler: That is the same issue as Comment #10.

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

Brian Friedler: Yes. It will be year-round.

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

Brian Friedler: Yes.

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

Brian Friedler: We have added a note if another use would be proposed, it would need Planning Board approval.

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

Brian Friedler: Yes.

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: Yes. That has been done.

Mr. Bollenbach: Add a note to the plans; “with declaration information and landscaping to the Town Planner’s specifications.

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: Yes. That has been done.

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: I have labeled the curtain drains.

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: I spoke to Stephanie and confirmed the 911 addressing. I put the 911 addresses on the plan.

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 or concerns?

Laura Barca: Regarding Comment #25 the liber and page for Agricultural Notes must be added to the plan, that is also to include Comment #16 with that.

Mr. Astorino: Ok. That makes sense.

Laura Barca: We also need to add an additional comment to state; "Final Landscape plan to the Town Planner's specifications".

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

Mr. McConnell: I took a drive out there after the Work Session. I saw a lot of new dirt moved around not necessarily new dirt, but dirt moved to a different location. It has been raised up about a foot or two from what the plan says. There was a pond or depression that accumulated water at one time and now it is not there. Could someone explain that to me?

Brian Friedler: That was an issue that he dealt with a while ago. He has been to court and has paid fines. I believe the Town has a record of that.

Mr. McConnell: Would it be fair to say that the plans are not accurate to the present condition of the land?

Brian Friedler: I am not sure. I think the topography was done some time ago. I would think the topography is accurate. I would have to look into that.

Mr. Astorino: Dennis, we could put a note on the plan to reflect that if it is not correct that it would have to be corrected.

Mr. McConnell: Ok.

Mr. Bollenbach: Whatever the court's determination was, I would like to have a copy of it for the file.

Brian Friedler: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns before I open up to the public? There are no comments from the Board and Professionals. This is a public hearing. We will now open it up to the public via WebEx. If there is anyone out there wishing to address the Valentine Subdivision application, please raise your hand to speak or to be unmuted?

Ross and Madelyn Folino from Brozdowski Lane join in to address their concerns regarding the MTAG, Inc., Migrant Housing application:

Madelyn Folino: We wanted to know if you received our letter dated last August 27, 2019? Did you address our concerns in that letter?

Mr. Astorino: We received your letter back in August of 2019. Could you please go over your letter of concerns?

Madelyn Folino: Our concern is the application for migrant housing on two residential lots across Brozdowski Lane from our house. We disagree with the notion that it is a 50-foot setback. Originally the application was for seasonal housing for laborers and families. Now it is year-round housing. The other issue is would it accommodate 8 people? It is barely larger than a garage. It is a real stretch to call it 2-story structure. We have a lot of concerns. This property has a pond. We have lived here for almost 40 years. That was illegally filled-

in. Given the history of the property and the owner, we wanted to know whatever the Planning Board recommends that would it be followed.

Mr. Astorino: As far as the size of the structure, it does meet the O.C. Health Department's requirements. This application does not require any variances. They do meet the setbacks according to the Town Code. As far as the owner following through with these conditions, the Building Department will get a copy of everything that we do. They would have to monitor everything if there would be a problem. As far as the pond, it was an issue. The Building Department was aware of that. The Planning Board does not do enforcement. That would be the Building Department.

Ross Folino: There was a question before concerning the right-of-way access. Why is it in front of our face, when the Gurda's have 5 acres out there? We know the barn has been there. Why does it have to be right in front of our faces?

Mr. Astorino: I agree. But, we can't tell them where to move it to. If they meet the conditions of the Code, they have the right to do it. It is an agricultural property. That is where they chose to put the barn. We have to follow the Code.

Ross Folino: This is Suburban Residential. It is not agricultural.

Mr. Astorino: It is an agricultural operation. Ted and John, is that correct?

Ross Folino: It is Suburban Residential zoning.

Mr. Bollenbach: Agriculture is permitted in the SL zone.

Mr. Fink: Correct. Agriculture is permitted as long as the application meets the requirements that are specified in the Code. That would be §164-46J (120). It lists the special conditions. As long it meets those special conditions of the Town Code, then it would be a permitted use.

Mr. Bollenbach: The Applicant proposes to the move that structure. Maybe it could be moved further? Maybe the Applicant would consider that. Or, as Comment #16 states additional screening and landscaping to be done. They could do additional screening and/or landscaping to benefit the Folino's.

Ross Folino: Do they plan to move the structure?

Mr. Bollenbach: They plan to move it 2.5 feet so that they don't need a ZBA variance for the setback. It would have to be relocated anyhow. Maybe the Applicant could relocate it a little further away?

Ross Folino: Our concern is whether the 50 feet or whatever the requirement is back from Brozdowski Lane. I don't believe that. This whole idea of it being expanded is very worrisome.

Mr. Bollenbach: It is not a 50-foot setback from Brozdowski Lane. It is a 50-foot setback from the property line.

Ross Folino: This is a private road. It is not clear on who owns it. It is not 50 feet back from the road.

Mr. Astorino: The 50-foot setback is from the property line. It is not from the road.

Mr. Bollenbach: Correct.

Mr. Astorino: Laura, please show the map to verify that.

Laura shows the map on the WebEx computer screen. She discusses and points out where the structure is located and where it would be moved 2.5 feet so that it would comply with the 50-foot setback from the property line.

Mr. Astorino: Brian, could there be any way where that structure could be shifted a little more than the 2.5 feet?

Brian Friedler: How much further? We have already done the septic approvals. If we keep moving it farther away, then we might have to modify the septic location. I could ask him. It is being reconstructed because the structure is in bad shape.

Mr. Astorino: Why don't we add a comment? I don't know how many feet you could do that without adjusting the septic. If you could move it 2.5 feet. Maybe you could move it 10-feet or something? If you can't do that, then give us a reason why you can't.

Brian Friedler: Ok.

Mr. Astorino: We will put a note on there to state to the Planning Board Engineer's specifications.

Mr. Astorino: That would be part of Comment #16 regarding the landscaping. If the structure is moved it might not need as much landscaping and the buffer could be adequate.

Mr. McConnell: I believe that part of the neighbor's concern is not realizing that Brozdowski Lane is enclosed by the property. It is not from the road. It is from the property line.

Mr. Astorino: Does the Folino's have any other concerns to address the Board?

Ross Folino: Not at this time. We are very concerned. We sent a letter to the Planning Board back in August of 2019 addressing our concerns. We have been living here for many decades. I am not a bigot. I am not against the Applicant. It is a concern of ours. This will depreciate our home value.

Mr. Astorino: We understand your concerns. We as the Planning Board has to follow the Town Code. The Applicant has been following the Town Code. We have to follow the Town Code. We did ask for the Applicant to add some more screening and landscaping. We have asked them if they could move the structure a little further to the Planning Board Engineer's specifications. Do any Board members or Professionals have any comments?

Mr. Bollenbach: Brian, could you locate the Folino's on the map?

Mr. Astorino: Brian, could you show the structure on the map?

Brian Friedler: Yes. I could show that on the map.

Mr. Astorino: It might require additional screening.

Brian Friedler: That would be fine. We could consider that.

Mr. Astorino: Mr. and Mrs. Folino, do you have any more concerns?

Madelyn Folino: No. Thank you for your consideration to our concerns. If you do approve this project, we hope the Planning Board's comments would be extensive. We have lived here almost 40 years. The building is a derelict building. We are greatly surprised by this application. We hope you would do your best to try to protect our interests. Thank you.

Mr. Astorino: Is there anyone else wishing to address the MTAG, Inc., Migrant Housing application? Let the record show no further public comment.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Showalter. The following Resolution was carried 5-Ayes and 0-Nays.

617.12(b)

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

Name of Action: MTAG Farm Worker Housing

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed migrant labor housing on a farm at 35 Missionland Road, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Orange County Department of Health, which has or will make its own SEQR determination of significance, and

Whereas, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) for the action, including the Part 1, Part 2, and Part 3 dated 7/31/19, the probable environmental effects of the action against the Criteria For Determining Significance, 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 Chairman 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 Chairman 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. Showalter. Motion carried; 5-Ayes and 0-Nays.

Mr. Kennedy makes a motion on the MTAG, Inc., Migrant Housing/Andrew Gurda application, granting conditional 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on May 20, 2020. Approval is granted subject to the following conditions:

1. OC Planning Department – 09/10/20 advisory comments to restrict number of occupants to six (not eight).
2. OCDOH – engineering department has accepted the proposed septic system (03/20/20) and the proposed well location (02/05/20; sanitarians for permit and operations later in the process
3. 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; therefore a ZBA variance is not required.
4. 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. Applicant to provide deed/letter for the file.
5. Applicant to clarify who has permission to use Brozdowski Lane.
6. Applicant to clarify if the use will be for seasonal or year-round farm owners. Applicant to add note to plan that workers will be year-round.
7. Applicant to confirm square footage of living area within the building structure.
8. Applicant to clarify how structure will be utilized if it is no longer used for migrant housing.
9. The existing residences on this property are a one-family and two-family structures; Applicant to label on the drawings.
10. §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\(8\)](#) added as a separate item, 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 with Declaration and Recording information.
11. A note shall be added to the plans stating that employment documentation shall be provided annually to the Town Code Enforcement Officer.
12. Add a note to the plan stating that the project will comply with NYS DOH Part 15, Migrant Farmworker Housing. [Notes that owner must comply with.]

13. Applicant must demonstrate compliance of §164-47.10 stormwater regulations on the plans.
14. Applicant to provide dumpster location and associated screening.
15. 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.
16. The 911 address must be shown on the plan. Applicant to confirm with 911 coordinator if more than one address is needed.
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.” Sheet 1, map note.
18. Surveyor to certify that iron rods have been set at all property corners.
19. The liber and page for the Agricultural Notes and Migrant Housing§164-48(H) Notes must be added to the plan.
20. Landscaping to be installed to Town Planner’s specifications.
21. Verify Topography and provide court determination for illegal filling of property and NYSDOH Part 15.
22. Payment of Three-Year Cash Landscape Bond and payment of Site Inspection Fee.
23. Applicant to clarify if can move building further from Brozdowski Lane.
24. Applicant to add locations of houses on other side of Brozdowski Lane.
25. Prior to issuing a Building Department permit, the Building Department should refer project to the Architectural Review Board (ARB) for comments.
26. Payment of all fees.

Mr. Astorino: Thank you.

PUBLIC HEARING OF**John Simon, Trustee**

Application for Final Approval 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, County of Orange, State of New York.

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

The following review comments 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 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 has adopted a Resolution classifying it as a Type 2 Action. There is no construction proposed. No SEQRA review is necessary.

Comment #2: Applicant to discuss project.

Jeremy Havens: This is a request for a 2-Lot subdivision on a single roughly square lot. The request was by the former lot owner in an Estate Planning and Trust to grant a pre-existing one family dwelling. It is to separate this property into 2-lots for an estate purpose. There is no construction proposed. They have gone to the ZBA for variances. They have received the variances. We are 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.

Mr. Astorino: That has been done. They went to the ZBA. They received their variances.

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.

Connie Sardo: We received that. We could strike Comment #7.

Mr. Bollenbach: Ok. We will strike Comment #7.

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.**

Mr. Astorino: We spoke about this at the Work Session. Do any Board members or Professionals have any comments on the requested waiver? Let the record show no comment from the Board and Professionals.

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. Astorino: We spoke about this at the Work Session. Do any Board members or Professionals have any comments on the requested waiver? Let the record show no comment from the Board and Professionals.

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

Jane Samuelson: There is a note on the plan.

Mr. Bollenbach: It should also be put in the Declaration.

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: We will provide that.

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

Jeremy Havens: That has been provided to Mr. Bollenbach.

Mr. Bollenbach: I will need to review that.

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

Mr. Astorino: You will need to add that to the plans.

Comment #14: 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. HDR has reviewed the description and it is acceptable.

Mr. Bollenbach: You will also need Title.

Jeremy Havens: Ok.

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

Jeremy Havens: Yes.

Comment #16: Payment of all fees.

Jane Samuelson: That will be provided.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns before I open up to the public? There are no comments from the Board and Professional. This is a public hearing. We will now open it up to the public via WebEx. If there is anyone out there wishing to address the Simon Subdivision application, please raise your hand to speak or be unmuted? Let the record show no public comment.

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

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays.

Mr. McConnell makes a motion on waiving Comment #8 Square Rule and Comment #9 Buildable Area.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays.

Mr. Kennedy makes a motion on the John Simon, Trustee application, granting conditional Final Approval 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, County of Orange, State of New York. A Type 2 Action was adopted on May 6, 2020. Approval is granted subject to the following conditions:

1. Square Rule §137-21.K(1) must be shown (a 200-ft square must be shown within each proposed lot). PB waiver Granted.
2. 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 Granted.
3. Add a note to the plan: No further subdivision of either lot.
4. The surveyor must complete the one-page affidavit prior to receiving the Chairman's signature on the plans.
5. Shared driveway agreement and parking area must be provided to Planning Board Attorney for review.
6. The liber and page for the Agricultural Notes, Indiana Bat, No Further Subdivision and shared driveway agreement must be added to the plan.
7. 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. HDR has reviewed the description and it is acceptable.
8. Payment of fee in lieu of parklands per §75-3.A(2)(a)(3) for one lot.
9. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 5-Ayes and 0-Nays.

Review of Submitted Maps:**Other Considerations:**

1. Planning Board to discuss canceling the 5/25/20-Work Session & 6/3/20-Planning Board Meeting.

Mr. McConnell makes a motion to cancel the 5/25/20-Work Session & 6/3/20-Planning Board Meeting.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays.

2. Planning Board Minutes of 5/6/20 for Planning Board Approval.

Mr. MacDonald makes a motion to Approve the Planning Board Minutes of 5/6/20.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays.

Correspondences:

Mr. Astorino: We received an email correspondence from Karley Meyer dated 5/20/20 addressed to the Planning Board in regards to the Valentine subdivision. The Planning Board and Professionals have received the email. Connie, do we have any other correspondences?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. Showalter makes a motion to adjourn the May 20, 2020 Planning Board Meeting.

Seconded by Mr. MacDonald. Motion carried; 5-Ayes and 0-Nays.