

TOWN OF WARWICK PLANNING BOARD

June 17, 2020

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, June 17, 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

Christopher Serotta

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

Representing the Applicant: Dan Getz from Lehman & Getz Engineering. Dave Getz from Lehman & Getz Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the 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 – 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 approval letters dated 06/29/09 (Lot 1) and 06/05/20.
7. TW Building Department – 04/02/20 no violations
8. A detail for the riprap apron should be provided.
9. 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).
10. Surveyor to certify that iron rods have been set at all property corners.
11. The liber and page for the Agricultural Notes, Indian bat, and Archaeological Sensitive Area Notes must be added to the plan.
12. Payment in lieu of parkland for one lot.
13. Payment of all fees.

The following comment submitted by the Conservation Board:

Christopher Serotta – None submitted.

The following comment submitted by the ARB:

Christopher Serotta: None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Applicant has submitted a short EAF. The Planning Board has declared Lead Agency. There were (3) SEQRA issues that needed to be addressed. The 1st issue was that the property is located in an archeological sensitive area. The Applicant had done a Phase I study. We recently received a letter from SHPO. They have made a determination that there was no impact on archeological resources. The 2nd issue was regarding the Federal wetlands on the site. ERS Consultants went to the site and delineated the wetlands. The proposed construction on the site would have no impact to the wetlands. It is an indirect impact. They have prepared a SWPPP. The 3rd and final issue is that the NYSDEC has determined there is an Indiana Bat habitat on the site. The DEC gave the standard recommendation on the time of year cutting of trees restrictions. Those notes have been placed on the plans. That restriction would also be included in the declaration. I have prepared a Draft Negative Declaration and a Part 2 and 3 EAF for the Planning Board’s consideration.

Comment #2: Applicant to discuss project.

Dan Getz: This application is for a proposed 2-lot subdivision. Each lot is proposed to have a dwelling on them. They both meet all of the zoning requirements. Each proposed dwelling would have 4-bedrooms with individual septic and wells. We have done the soils for the septic and they were witnessed by the Town. The soils are suitable for the septic. Both of the homes would have access off C.R. 1. They have received OCDPW approval for the access.

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. Astorino: We spoke about that at the Workshop. The Applicant will be putting up an orange fence.

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: OCDPW approval letters dated 06/29/09 (Lot 1) and 06/05/20.

Mr. Astorino: We have the OCDPW approval letters.

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

Comment #8: A detail for the riprap apron should be provided.

Dave Getz: Will do.

Comment #9: 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).

Laura Barca: That note is on the plans.

Comment #10: Surveyor to certify that iron rods have been set at all property corners.

Dan Getz: Yes.

Comment #11: The liber and page for the Agricultural Notes, Indian bat, and Archaeological Sensitive Area Notes must be added to the plan.

Dan Getz: Yes.

Mr. Bollenbach: Regarding Comment #11, the Indiana Bat note on the map does not reflect Ted’s SEQRA Part 3. It should just be Indiana Bat no Longed-Eared Bats.

Mr. Fink: Correct.

Mr. Astorino: Ted, they will be taking a couple of trees down at the driveway entrance.

Mr. Fink: What are the species of the trees?

Dan Getz: One tree is 7” and the other tree is 12”. We don’t know the species of the trees.

Mr. Fink: You will need to have Dave Griggs from ERS Consultants to go out and conduct a field investigation to determine whether the 2-trees represent Indiana Bat habitat. ERS Consultants would need to report back to the Planning Board prior to Final Subdivision approval.

Dan Getz: Ok. Will do. Maybe, we could just say on the plans remove within the time restriction. Would that be ok?

Mr. Bollenbach: Get it studied now by ERS Consultants.

Dave Getz: Ok. Will do.

Mr. Bollenbach: We will add to Comment #11, revise Indiana Bat note to the Town Planner's specifications.

Mr. Fink: We could revise the Negative Declaration subject to that change.

Comment #12: Payment in lieu of parkland for one lot.

Dave Getz: Ok.

Comment #13: Payment of all fees.

Dave Getz: 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 Serotta Subdivision application, please raise your hand to speak or to be unmuted?

Don Lomax: My property is next door to this proposed subdivision. I will be mostly impacted by this. I have concerns about the well tapping into the same water. I hope the Professionals took that into consideration. My next concern is regarding screening on proposed Lot #2. I would like to request that a couple rows of trees be planted south and southeast of the septic field expansion area and wetland. The septic system would be located too close to the wetland. This area for requested tree screening is located between the septic expansion area depicted for proposed Lot #2 on the subdivision plan and the existing wetlands shown as ACOE Wetland "A" on the plans. We have a storm water gully on our property that directly feeds water to the wetlands. My wife Kathryn had heard from the Planning Board's Engineer, Laura Barca. She had said that was normal. It will go into the wetlands. We are requesting that 2 additional rows of trees be planted for screening.

Mr. Astorino: We went out to the site with Dave Getz. We took some photos of the property. It shows an existing dense tree line there already. I don't feel there is a need to add any more trees on Lot 2.

Don Lomax: We can see from the road in the winter. There are no Conifer trees located over there.

Mr. Astorino: The lot is much vegetated.

Mr. Bollenbach: There is a limit of disturbance. None will be removed.

Don Lomax: In the wintertime, we could see the site from our deck. That is why we want Conifer trees planted over by the septic.

Mr. Astorino: The septic systems meet all of the guidelines.

Dave Getz: Yes. It meets the NYS requirements.

Laura Barca: As far as planting trees too close to a septic, roots would grow in underground and they could damage the septic. The closest that you could go would be 50 feet. You would know when a septic system is failing. You would smell septic odor and green grass would be growing rapidly.

Don Lomax: My 3rd concern is the gully. It would affect the wetlands.

Dave Getz: It would not. We could shorten the roof drain by 50 feet. That could help.

Don Lomax: Ok. We would also like to have the 2 rows of Conifer trees be planted on Lot #2.

Mr. Astorino: That would be up to the Applicant. The Planning Board will not require for that to be done. The tree line and vegetation that exists on the property meets the Town Code. How does the Board feel? Let the record state that the Board members agree that the existing tree line and vegetation on the property meets the Town Code.

Dave Getz: Ben, there is nothing in the Town Code that states new construction of homes needs to be completely covered so that the neighbors can't see the homes.

Mr. Astorino: I agree. Mr. Lomax, do you have any more comments or concerns?

Done Lomax. No. I would just like to state that South Hampton, New York does a good job there with their projects.

Mr. Astorino: Is there anyone else from the public out on the WebEx wishing to address the Serotta Subdivision application. Let the record show no further public comment. We need a motion for the Negative Declaration.

Mr. McConnell makes a motion for the Negative Declaration. Seconded by Mr. Kennedy. 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: Serotta Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two lot subdivision at Orange County Route 1, Town of Warwick, 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 3-24-20 and as revised through 6-18-20, 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.

Ms. Little makes a motion on the Christopher Serotta application, granting conditional Final Approval 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on June 17, 2020. Approval is granted subject to the following conditions:

1. OCDPW approval letters dated 06/29/09 (Lot 1) and 06/05/20.
2. A detail for the riprap apron should be provided.
3. 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).
4. Surveyor to certify that iron rods have been set at all property corners.
5. The liber and page for the Agricultural Notes, Indiana bat, and Archaeological Sensitive Area Notes must be added to the plan. Revise Indiana Bat Notes to the Town Planner’s specifications.
6. Shorten roof drain to the Planning Board Engineer’s specifications.
7. Payment in lieu of parkland for one lot.
8. Payment of all fees.

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

Review of Submitted Maps:***Roland Residence (Hazen Subdivision Lot #1)***

Amended Final Approval for 1-Lot in the Hazen Subdivision, Lot 1, situated on tax parcel S 52 B 1 L 42.11; parcel located at 18 Black Rock Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant. Dave Getz from Lehman & Getz Engineering. Mrs. Hazen, Applicant.

Mr. Astorino: This application is for Amended Final Approval from the original approved Hazen Subdivision. The Applicant is moving the proposed dwelling lower in in the Ridgeline Overlay District. There would be no visual impacts. Do any Board members have any comments? Let the record show the Board has no comment. We will need a motion from the Board for Amended Final Approval.

Mr. Kennedy makes a motion on the Hazen Subdivision application, granting "***Amended***" Final Approval was granted for the relocation of a proposed new dwelling by more than 20 feet from approved location, situated on tax parcel S 52 B 1 L 42.11; parcel located at 18 Black Rock Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

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

Dave Getz: Thank you.

George Brunjes Guest House #2

Application for Site Plan Approval & Special Use Permit for the construction and use of a Guest House and associated well and subsurface sewage disposal system, situated on tax parcel S 65 B 1 L 15.12; project located on the northern side of Buttermilk Falls Road 0 feet west of Cascade Road (16 Buttermilk Falls Rd.), in the MT zone, of the Town of Warwick.

Representing the Applicant: Dan Getz from Lehman & Getz Engineering.

The following review comments submitted by HDR

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 06/10/20 no violations
7. Planning Board to determine if a site inspection is necessary.
8. The existing home currently has access from both Cascade Road and Buttermilk Falls Road; the proposed home will do the same.
9. Soil tests for the new septic system must be witnessed by the Office of the Planning Board Engineer. These tests were completed on February 28, 2020.
10. Plans shall demonstrate that the existing septic system is sufficient for the guest house.
11. The area of disturbance (in acres) shall be included on the drawings.
12. The proposed electric service has an unknown starting point from the direction of Buttermilk Falls Road. The plan should indicate if this is a utility pole or an underground feed. The plan should also note the means of placing the line under the stream (although this will likely be performed by O & R).
13. The standard lighting note must be added to the plan: All outdoor lights shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at and across property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in §164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.
14. Any property that has access to Buttermilk Falls Road should be part of a private road maintenance agreement or, at a minimum, agree to become part of such agreement at a future date.
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 15)
16. Applicant to obtain 911 address for proposed home.
17. The declaration information for the common driveway, Ridgeline, and Biodiversity Notes must be added to the plans.
18. Surveyor to certify that iron rods have been set at all property corners.
19. Payment of all fees.

The following comment submitted by the Conservation Board:

George Brunjes Guest House #2 – None submitted.

The following comment submitted by the ARB:

George Brunjes Guest House #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has provided the Planning Board with a short EAF. It is an Unlisted Action. There are no other Involved Agencies. 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 and 0-Nays.

617.6

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

Name of Action: Brunjes Guest House

Whereas, the Town of Warwick Planning Board is in receipt of an application for Site Plan and Special Use Permit approvals for a 13.9 ± acre parcel of land located at 16 Buttermilk Falls Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/14/20 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 there are no other involved and/or 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: This application is for a proposed guest house situated at 16 Buttermilk Falls Road. There is an existing dwelling located on the property. They have a Road Maintenance Agreement that has been filed. They want to build a 2nd 4-bedroom dwelling on the 13.9-acre property. The Applicant is seeking site plan and special use permit approval for the smaller of the dwellings to be a guest house.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 06/10/20 no violations

Comment #7: Planning Board to determine if a site inspection is necessary.

Mr. Astorino: We will discuss scheduling a site visit at a later date once we know when site visits could resume again. Laura, do any of these comments stand out to you?

Laura Barca: No.

Mr. Astorino: Ok. We will list Comment #8 through Comment #14 for the record. Do any Board members or Professionals have any comments?

Mr. Bollenbach: Regarding Comment #14 the Private Road Maintenance agreement, there is one already filed. There is one item that is not included which is the Biodiversity. Ted, shouldn't that also be included?

Mr. Fink: Yes. We will address that under SEQRA.

Mr. Astorino: Ok. We will get back to you once we know when site visits could be scheduled. Do any Board members or Professionals have any comments?

Dan Getz: Regarding Comment #10 the septic, do I understand correctly to show that the existing septic system is sufficient for the guest house?

Laura Barca: Yes. You are correct.

Mr. Bollenbach: He had demonstrated on the plan for a single septic or a separate septic. Each dwelling will have its own individual septic system. Laura, is that correct?

Laura Barca: Yes.

Mr. Bollenbach: Ok.

Dan Getz: We ask the Board if you could set us for a public hearing at the next available agenda.

Mr. Astorino: We would have to do a site visit first. But, we could set you for a public hearing at the next available agenda to save you from having another meeting. Do any Board members want to make a motion on that?

Mr. Showalter makes a motion to set the George Brunjes Guest House #2 application for a Site Plan & Special Use Permit Public Hearing at the next available agenda.

Seconded by Ms. Little. Motion carried; 5-Ayes and 0-Nays.

Mr. Astorino: Ok. We will be in contact with you on when a site visit could be scheduled.

Dan Getz: Ok. Thank you.

Comment #8: The existing home currently has access from both Cascade Road and Buttermilk Falls Road; the proposed home will do the same.

Comment #9: Soil tests for the new septic system must be witnessed by the Office of the Planning Board Engineer. These tests were completed on February 28, 2020.

Comment #10: Plans shall demonstrate that the existing septic system is sufficient for the guest house.

Comment #11: The area of disturbance (in acres) shall be included on the drawings.

Comment #12: The proposed electric service has an unknown starting point from the direction of Buttermilk Falls Road. The plan should indicate if this is a utility pole or an underground feed. The plan should also note the means of placing the line under the stream (although this will likely be performed by O & R).

Comment #13: The standard lighting note must be added to the plan: All outdoor lights shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at and across property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in §164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.

Comment #14: Any property that has access to Buttermilk Falls Road should be part of a private road maintenance agreement or, at a minimum, agree to become part of such agreement at a future date.

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 15)

Comment #16: Applicant to obtain 911 address for proposed home.

Comment #17: The declaration information for the common driveway, Ridgeline, and Biodiversity Notes must be added to the plans.

Comment #18: Surveyor to certify that iron rods have been set at all property corners.

Comment #19: Payment of all fees.

Other Considerations:

1. **Snufftown Brewery/Dan Doyle** – Email Letter from Karen Emmerich, dated 5/26/20 - Planning Board to discuss referring Snufftown Brewery/Dan Doyle Application (10 Fence Road) to the ZBA for setback variances.

Representing the Applicant: Karen Emmerich from Lehman & Getz Engineering.

Mr. Astorino: The Snufftown Brewery will need to go to the ZBA for setback variances. We will refer them to the ZBA. Do I have a consensus from the Board?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Ms. Little: Yes.

Mr. Astorino: We will send a referral to the ZBA for Snufftown Brewery.

2. **Tinnirello Subdivision** – Letter from Douglas Tinnirello, dated 6/15/20 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting 11th Re-Approval of Final Approval of a proposed 3-Lot Cluster subdivision, situated on tax parcels SBL #49-1-56 & 45.42; parcels located on the southeast side of NYS Route 94 1000 feet south west of Wawayanda Road, in the RU zone, of the Town of Warwick. Conditional Final Approval granted on 6/17/09. *The Applicant has stated that the Re-Approval is needed due to the Covid-19 Pandemic.* The 11th Re-Approval of Final Approval becomes effective on 6/17/20; subject to the conditions of final approval granted on 6/17/09.

Connie Sardo: I have spoken to the Applicant. The only conditions left on the approval is the setting of iron pins and stone cairns. The Surveyor, Youngblood is currently installing them on the property this week. Due to the delay with Covid-19, they could not get out there sooner. They are working on it.

Mr. Bollenbach: I agree with Connie. I have been in contact with them also.

Ms. Little makes a motion on the Tinnirello Subdivision application, granting “**11th Re-Approval**” of Final Approval for a proposed 3-Lot Cluster subdivision, situated on tax parcels S 49 B 1 L 56 and L 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 6/17/09.

The 11th Re-Approval of Final Approval becomes effective on, 6/17/20; subject to the conditions of final approval granted on, 6/17/09

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

3. Planning Board Minutes of 5/20/20 for PB approval.

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

Seconded by Ms. Little. Motion carried; 5-Ayes and 0-Nays.

4. Planning Board to discuss cancelling the 6/22/20-W.S. & 7/1/20-PB Meeting.

Mr. Kennedy makes a motion to cancel the 6/22/20-W.S. & 7/1/20-PB Meeting.

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

Correspondences:

1. Email correspondence from Kathryn Johnston-Lomax, dated 6/16/20 addressed to the Planning Board in regards to the Serotta 2-Lot Subdivision.

Mr. Astorino: The Planning Board has received that email. We have it in our files.

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. Kennedy makes a motion to adjourn the June 17, 2020 Planning Board Meeting.

Seconded by Ms. Little. Motion carried; 5-Ayes and 0-Nays.