

TOWN OF WARWICK PLANNING BOARD

September 2, 2020

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Bo Kennedy,  
Laura Barca, HDR Engineering  
John Bollenbach, Planning Board Attorney  
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, September 2, 2020 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: As you can see, our meeting room setup looks a little different. But, we are all glad to be back together again. I would like to make one statement. One of our Planning Board members has moved out of the area. I would like to put on the record on behalf of myself and from the rest of the Board, we would like to say Thank You to Christine Little for her services as a Planning Board member for all of these years. She was a great Planning Board member. She was a great asset to this Board. It will be a great loss to replace her. The public would like to thank Christine. We appreciate everything she has done for this Board over the years.

Mr. Showalter: I agree. We will miss her.

Mr. Astorino: Yes. We will.

**Review of Submitted Maps:**

***Gables At Warwick Subdivision***

Application for Sketch Plat Review of a proposed 5-Lot Cluster subdivision + Lot Line Change, situated on tax parcels S 44 B 1 L 132 & 131; parcels located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, 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.

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 submittal
6. TW Building Department – vacant; no violations
7. NYSDOT – 08/26/20 revised drawings submitted; pending response from NYSDOT
8. A revised EAF will need to be submitted.

9. Lot 5 is proposed to be Open Space, but the subdivision is creating a land-locked parcel. Applicant to explain how Lot 5 will be accessed and who will own Lot 5.
10. If Orange County will own parcel, please submit documentation from Orange County.
11. The title of the plan should specifically state that this is a cluster subdivision.
12. Sheet 1, Note 12 should state: No lot shall be further subdivided. (The words "...without approval by the planning board shall be removed.")
13. Septic system are located in the same position as the soil tests that were witnessed by Tectonic Engineering; therefore, no additional soil test witnessing is required.
14. Applicant to confirm that the proposed stormwater design is in compliance with the Town's stormwater code.
15. Applicant to confirm if landscaping is required to comply with the Town code requirements.
16. Provide 911 addresses for newly configured lots.
17. Applicant should show a connection to the existing Orange County Park Property.
18. 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 23.
19. Provide the declaration and recording information on the plan for the for the current Ridgeline Overlay Notes, current Aquifer Protection Overlay Notes, and Open Space Conservation to the PB Attorney's specifications.
20. Provide Performance Bond for shared driveways.
21. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.
22. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for four lots.
23. Payment of all fees.

The following comment submitted by the Conservation Board:

The Gables At Warwick Subdivision – None submitted.

The following comment submitted by the ARB:

The Gables At Warwick Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQRA comment is from Ted Fink: "The project is a significant reduction in the number of dwelling units. When it was larger, the Board had issued a Negative Declaration meaning that even with a larger number of dwellings, there would be no significant adverse impacts. Nevertheless, the applicant should provide a revised Part 1 Environmental Assessment Form (EAF). I believe that Dave Getz has already been alerted to this. There may be a need to Amend the original Negative Declaration or there may be no further need to do a further review under SEQRA, but we'll have to see the EAF first."

Dan Getz: We will provide that.

Comment #2: Applicant to discuss project.

Dan Getz: The proposal for the Gables subdivision is to reduce the lots to 4 buildable cluster lots. The original subdivision had a ring road. It would be changed to a shared driveway for the 4 lots.

The larger portion of the property would be a separate lot with the hope to give it to the County because this abuts up to the County Park.

Mr. Astorino: Do you have documents from the County that they would take it?

Dan Getz: We have not submitted that yet to the County. We do know that we will need to do that.

Mr. Astorino: Ok. Do any Board member or Professionals have any comments or concerns? Seeing that there are none, we will list Comment #3 through Comment #23 for the record. Does the Applicant wish to be set for a public hearing?

Dan Getz: Yes.

**Mr. McConnell makes a motion to set the Gables at Warwick subdivision for Final Public Hearing at the next available agenda.**

Seconded by Mr. Showalter: Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Mr. Astorino: You will need to notify the County. Provide us documents from the County.

Dan Getz: Will do. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending submittal

Comment #6: TW Building Department – vacant; no violations

Comment #7: NYSDOT – 08/26/20 revised drawings submitted; pending response from NYSDOT

Comment #8: A revised EAF will need to be submitted.

Comment #9: Lot 5 is proposed to be Open Space, but the subdivision is creating a land-locked parcel. Applicant to explain how Lot 5 will be accessed and who will own Lot 5.

Comment #10: If Orange County will own parcel, please submit documentation from Orange County.

Comment #11: The title of the plan should specifically state that this is a cluster subdivision.

Comment #12: Sheet 1, Note 12 should state: No lot shall be further subdivided. (The words "...without approval by the planning board shall be removed.")

Comment #13: Septic system are located in the same position as the soil tests that were witnessed by Tectonic Engineering; therefore, no additional soil test witnessing is required.

Comment #14: Applicant to confirm that the proposed stormwater design is in compliance with the Town's stormwater code.

Comment #15: Applicant to confirm if landscaping is required to comply with the Town code requirements.

Comment #16: Provide 911 addresses for newly configured lots.

Comment #17: Applicant should show a connection to the existing Orange County Park Property.

Comment #18: 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 23.

Comment #19: Provide the declaration and recording information on the plan for the for the current Ridgeline Overlay Notes, current Aquifer Protection Overlay Notes, and Open Space Conservation to the PB Attorney's specifications.

Comment #20: Provide Performance Bond for shared driveways.

Comment #21: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.

Comment #22: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for four lots.

Comment #23:

Payment of all fees.

***Wickham Lake Homes – Knight’s Lane “Amended” Final Approval***

Application for "AMENDED" Final Approval of a proposed 5-Lot subdivision, situated on tax parcels S 38 B 1 L 11-14, and 43; parcels located on the western side of Airport Road 140 feet west of Clark Street a/k/a Knight's Lane, in the SM 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. The deed for the future Town of Warwick Knight’s Lane parcel must be submitted.
7. Sheet 1, Note 9 shall be revised to state that Knight’s Lane will be offered to the Town of Warwick for dedication.
8. Sheet 1, Note 11 should be revised to state that “There will be no further subdivision of any lot.” (The words: “...That would create a new or additional building lot” shall be removed.”
9. Sheet 1, Note 13 shall be revised to the planning board Attorney’s specifications.
10. Sheet 1, Note 15 shall be revised to the planning board Engineer’s specifications.
11. The driveway for tax parcel 38-1-14 currently requires a shared driveway agreement because it connects to Simpson Lane (a private road); a connection to future Knight’s Lane will remove that requirement.
12. The stormwater feature shown on tax parcel 38-1-9 must not be located within a future Town of Warwick right-of-way.
13. The stormwater improvements shown must be revised to the Planning Board Engineer’s specifications.
14. The re-alignment of the future Town of Warwick Knight’s Lane must be revised to the Planning Board Engineer’s specifications.
15. The 911 addresses must be confirmed with the Town of Warwick’s 911 coordinator.
16. Surveyor to certify that iron rods and/or stone cairns have been set at all property corners.
17. Declarations, as required, to be prepared to the Planning Board Attorney’s specifications.
18. Payment of all fees.

The following comment submitted by the Conservation Board:

Wickham Lake Homes – Knight’s Lane “Amended” Final Approval – None submitted.

The following comment submitted by the ARB:

Wickham Lake Homes – Knight’s Lane “Amended” Final Approval – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following comment is from Ted Fink: "Laura and I have discussed the changes requested for this project. It appears as if there is a need for minor field changes to be made to an existing project with final approval and that is already under construction. Based on the proposed changes, there is no need to amend the original Negative Declaration granted on this project.

Comment #2: Applicant to discuss project.

Mr. Astorino: This project is located off Simpson Lane. There is a water main that the Town installed approximately 10 years ago. The alignment of the road going in as per the subdivision plat, it would put the water main right in the middle of the road. I talked to the Developer, Engineers, and Surveyor on the site they were gracious enough to slide the road over. At least the water main would not be down the center of the road. It would be located at the shoulder of the road. It would be easier for us to get to for repairs. It would make more sense to do that. I appreciate the Developer for doing that. It would make our lives easier in the Town.

Dan Getz shows the Board a map of the water main that shows the changes to the lot lines to move the road as far southeast as we would like to. We are trying to move the road towards the lake so that the water line could be on one side of it. We are trying to stay off the water line as much as possible.

Mr. Astorino: That makes sense. Laura, do any of these comments stand out?

Laura Barca: No.

Mr. Astorino: Dan, do you have any questions?

Dan Getz: We are fine with these comments.

Mr. Astorino: We will list Comment #3 through Comment #18 for the record. Do any Board members have any questions or concerns?

Mr. McConnell: Are these houses existing?

Mr. Astorino: No. They have not been built yet.

Dan Getz: There is an existing house on Lot #10. That is not part of this project. There has been no changes proposed there. These 5 houses have not been built yet.

Mr. McConnell: Would the setbacks be affected for those houses by moving the road?

Dan Getz: They respect the setbacks.

Mr. Astorino: They are not located in the Ridgeline Overlay District.

Laura Barca: The setbacks can be maintained. There would be no variances needed.

Mr. Bollenbach: Does the Applicant wish to waive the Final Public Hearing?

Dan Getz: Yes. We wish to waive the Final Public Hearing.

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

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: The deed for the future Town of Warwick Knight's Lane parcel must be submitted.

Comment #7: Sheet 1, Note 9 shall be revised to state that Knight's Lane will be offered to the Town of Warwick for dedication.

Comment #8: Sheet 1, Note 11 should be revised to state that "There will be no further subdivision of any lot." (The words: "...That would create a new or additional building lot" shall be removed.)

Comment #9: Sheet 1, Note 13 shall be revised to the planning board Attorney's specifications.

Comment #10: Sheet 1, Note 15 shall be revised to the planning board Engineer's specifications.

Comment #11: The driveway for tax parcel 38-1-14 currently requires a shared driveway agreement because it connects to Simpson Lane (a private road); a connection to future Knight's Lane will remove that requirement.

Comment #12: The stormwater feature shown on tax parcel 38-1-9 must not be located within a future Town of Warwick right-of-way.

Comment #13: The stormwater improvements shown must be revised to the Planning Board Engineer's specifications.

Comment #14: The re-alignment of the future Town of Warwick Knight's Lane must be revised to the Planning Board Engineer's specifications.

Comment #15: The 911 addresses must be confirmed with the Town of Warwick's 911 coordinator.

Comment #16: Surveyor to certify that iron rods and/or stone cairns have been set at all property corners.

Comment #17: Declarations, as required, to be prepared to the Planning Board Attorney's specifications.

Comment #18: Payment of all fees.

Mr. Kennedy makes a motion on the Wickham Lake Homes-Knight's Lane "Amended" Final Approval application, granting "Amended" Final Approval of a proposed 5-Lot subdivision, situated on tax parcels S 38 B 1 L 9, 11-14 and 43; parcels located on the western side of Airport Road 140 feet west of Clark Street a/k/a Knight's Lane, in the SM zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. The deed for the future Town of Warwick Knight's Lane parcel must be submitted.
2. Sheet 1, Note 9 shall be revised to state that Knight's Lane will be offered to the Town of Warwick for dedication.
3. Sheet 1, Note 11 should be revised to state that "There will be no further subdivision of any lot." (The words: "...That would create a new or additional building lot" shall be removed.)
4. Sheet 1, Note 13 shall be revised to the planning board Attorney's specifications.
5. Sheet 1, Note 15 shall be revised to the planning board Engineer's specifications.
6. The driveway for tax parcel 38-1-14 currently requires a shared driveway agreement because it connects to Simpson Lane (a private road); a connection to future Knight's Lane will remove that requirement.
7. The stormwater feature shown on tax parcel 38-1-9 must not be located within a future Town of Warwick right-of-way.
8. The stormwater improvements shown must be revised to the Planning Board Engineer's specifications.
9. The re-alignment of the future Town of Warwick Knight's Lane must be revised to the Planning Board Engineer's specifications.
10. The 911 addresses must be confirmed with the Town of Warwick's 911 coordinator.
11. Surveyor to certify that iron rods and/or stone cairns have been set at all property corners.
12. Declarations, as required, to be prepared to the Planning Board Attorney's specifications.
13. Payment of all fees.

Seconded by Mr. Showalter. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Dan Getz: Thank you.

**Other Considerations:**

1. **Pioneer Farm Subdivision** – Letter from Dan Getz, Lehman & Getz Engineering, dated 7/9/20 addressed to the Planning Board in regards to the Pioneer Farm Subdivision – requesting 1<sup>st</sup> Re-Approval of Final Approval of a proposed 4-Lot subdivision, situated on tax parcel SBL #52-1-26.2; parcel located on the southern side of NYS Route 94S (60 NYS Route 94S), in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 6/5/19. *The Applicant has stated that the Re-Approval is needed because they are awaiting for the attorney to prepare the declarations and finalize the water & sewer agreements with the Village of Warwick.* The 1st Re-Approval of Final Approval becomes effective on 6/5/20, subject to the conditions of final approval granted on 6/5/19.

Mr. McConnell: Do we have any indication that the Village will do the sewer agreement?

Mr. Astorino: I believe they will. That was why they had done that.

Mr. McConnell: John, is there any indication?

Mr. Bollenbach: The indication is that they will proceed with that.

Mr. McConnell: Ok.

Mr. Kennedy makes a motion on the Pioneer Farm Subdivision application, granting “Re-Approval of Conditional Final Approval for a proposed 4-Lot subdivision, situated on tax parcel S 52 B 1 L 26.2; parcel located on the southern side of NYS Route 94S (60 NYS Route 94S), in the SL zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 6/5/19.

The 1<sup>st</sup> Re-Approval of Final Approval becomes effective on 6/5/20, subject to the conditions of final approval granted on 6/5/19.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

2. **The Gables At Warwick** – Letter from Dave Getz, Lehman & Getz Engineering dated 7/8/20 addressed to the Planning Board in regards to the Gables Subdivision – requesting 4<sup>th</sup> Re-Approval of Amended Final Approval + 6-Month Extension of a proposed 15-Lot Cluster subdivision, situated on tax parcel SBL #44-1-132; parcel located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick. Conditional Amended Final Approval was granted on 6/15/16. *The Applicant has stated that the Re-Approval is needed because they have attempted to market the project, but have been unsuccessful.* The 4<sup>th</sup> Re-Approval of Amended Final Approval becomes effective on 6/15/20, subject to the conditions of amended final approval granted on 6/15/16. The 6-Month Extension becomes effective on 12/15/20.

Mr. Astorino: Hopefully by then, we wouldn't have to worry about that.

Dan Getz: Right.

Mr. Showalter makes a motion on the Gables At Warwick subdivision, granting **4<sup>th</sup> Re-Approval** of Amended Final Approval + 6-Month Extension of a proposed 15-Lot Cluster subdivision, situated on tax parcel S 44 B 1 L 132; parcel located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of "Amended" Final Approval granted on 6/15/16.

The 4<sup>th</sup> Re-Approval of Amended Final Approval becomes effective on 6/15/20; subject to the conditions of approval granted on 6/15/16.

The 6-Month Extension becomes effective on 12/15/20.

3. **Pawelski Lot Line Change** – Letter from Caleb Pawelski, P&P Engineering, dated 8/4/20 addressed to the Planning Board in regards to the Pawelski Lot Line Change – requesting Re-Approval of Final Approval of a proposed Lot Line Change, situated on tax parcels SBL #6-2-4 & 7; parcels located on the northern side of Quaker Creek Lane, south of Pulaski Hwy., in the AI zone, of the Town of Warwick. Conditional Final Approval was granted on 8/21/19. *The Applicant has stated there are minor outstanding legal issues by the Applicant. This process was slowed due to Covid-19 restrictions placed on non-essential business.* The 1<sup>st</sup> Re-Approval of Final Approval becomes effective on 8/21/20; subject to the conditions of final approval granted on 8/21/19.

Connie Sardo: I spoke to Caleb the Engineer. They are very close to the end. John, I believe you were reviewing the declaration. Is that correct?

Mr. Bollenbach: Yes. I have reviewed the declaration. They are fine. They just have to record it and revise the maps.

Connie Sardo: I spoke to Caleb today. He is in the process of doing that.

Mr. McConnell makes a motion on the Pawelski Lot Line Change application, granting Re-Approval of Conditional Final Approval of a proposed Lot Line Change, situated on tax parcels S 6 B 2 L 4 and L 7; parcels located on the northern side of Quaker Creek Lane south of Pulaski Highway, in the AI zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 8/21/19. (See attached)

The 1<sup>st</sup> Re-Approval of Final Approval becomes effective on 8/21/20; subject to the conditions of final approval granted on 8/21/19.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

4. **Pete Fini Residence (Ansley Subdivision Lot #3 73 Wawayanda Rd/)** – Planning Board to discuss referral to the ZBA.

Representing the applicant: John McGloin, PLS.

John McGloin: Mr. Fini purchased 2 Lots in the Ansley subdivision. We proceeded to stake clearing limits for Lot #3. Once he cleared and staked out the house, it would sit on approximately 15 feet of rock. Ben and Laura were out at the site. They saw where the house was proposed and where the problem would be.

Mr. Astorino: Yes. We took a look at it. Where the house would sit there is a cliff. It would not work there. It can't be done in that location.

Mr. Showalter: How come we did not catch that back then?

Mr. Astorino: We had probably done a site visit back then. They probably put a stake in at that time.

Laura Barca: The lot was completely wooded back then. You couldn't see it.

Mr. Showalter: Ok. So, he cleared the lot now.

Mr. Astorino: Yes. It can't be done in that location.

Mr. Showalter: Ok.

John McGloin: He built  $\frac{3}{4}$  of the driveway. Then we staked out the house.

Mr. Astorino: Mr. Fini is here before us to move the house location. That puts him into the setbacks where now he would need to go to the ZBA. It is sad with what has happened. That is why we put him on the agenda tonight to give a referral letter to the ZBA explaining the circumstances of this matter.

Mr. Kennedy makes a motion on referring the Pete Fini/Ansley Subdivision application to the ZBA.

Seconded by Mr. Showalter. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

**5. Planning Board Minutes of 6/17/20 – Planning Board Minutes of 6/17/20 for PB approval.**

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 6/17/20.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

**6. Planning Board 9/7/20 Work Session and 9/16/20 Planning Board Meeting due to no submittals and Labor Day holiday.**

Mr. Kennedy makes a motion to cancel the 9/7/20 Work Session and 9/16/20 Planning Board Meeting.

Seconded by Mr. Showalter. Motion carried; 4-Ayes and 1-Nays and 1-Absent.

**Correspondences:**

1. Email from Tara Lambert, dated 8/12/20 addressed to the Planning Board in regards to the Pulpit Rock Inn.

Mr. Astorino: Connie, do we have that correspondence in our packets?

Connie Sardo: Yes. I also emailed it to the Board.

Mr. Astorino: I will point out that she had some questions about the Applicants and the Professionals reviewing the Pulpit Rock's stuff. I gave her a call to let her know that we have Professionals that are fully competent. The Applicant will do whatever we ask them to do as to what is permitted in the Town Code.

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

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

**Mr. McConnell makes a motion to adjourn the September 2, 2020 Planning Board Meeting.**

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays and 1-Absent.