

## TOWN OF WARWICK PLANNING BOARD

November 4, 2020

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Bo Kennedy,  
John MacDonald, Rich Purcell, Alt.  
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, November 4, 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.

### **Review of Submitted Maps:**

#### ***Black Bear Campground #2***

Application for Site Plan Approval and Special Use Permit for the expanded construction and use of a previously approved campground's use and operation from 74 permitted campsites to 130 campsites with amenities known as the Black Bear Campground, situated on tax parcel S 8 B 2 L 27.14; project located on the eastern side of Wheeler Road 6,000± feet south of State Route 17A (197 Wheeler Rd.), in the RU zone, of the Town of Warwick.

Representing the applicant: Mike Sandor from MJS Engineering. Frank Merrick, Applicant.

The following comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: no comments received
4. Architectural Review Board comments: no comments received
5. OCPD: no comments received
6. OCDPW:02/11/16 no comments on existing entrance
7. OCDOH: 10/26/20 no comments; expect annual permit renewal to proceed without concerns
8. NYSDEC: 11/21/14 SPDES septic permit 3-3354-00662-00001, valid until 11/20/2024
9. NYSDEC: 10/15/14 SPDES stormwater permit NYR10Y583 issued under GP-0-10-001; Town Supervisor signed Notice of Termination (NOT) on 11/06/18.
10. Building Department: 10/19/20 no violations
11. Applicant to provide most recent OCDOH permit to operate a campground.
12. Applicant to provide most recent Building Department permit issued to operate a campground (Sheet 1, Note 24).
13. Planning Board to determine if a site inspection is necessary (e.g., proposed new sites (including grading and proposed retaining walls), proposed playground boulders around existing wells, boulder guide rail, internal roadway restoration, removal of propane, dumpster screening, sidewalk around two-story pavilion, card reader/key pad, etc.).

14. The grading for all new lots does not appear to be shown (e.g., lots 48 and 49 & lots 110 and 111) and should be shown, including the top of wall and bottom of wall for the proposed retaining walls (for at least 3 locations along the wall, including the highest point).
15. The limits of disturbance shown on Sheet C-7 equal more than that shown on Sheet 1 (0.9 acres). These two should be consistent.
16. Applicant to confirm if proposed items are proposed or existing (e.g., wading pool, proposed sign, proposed check-in building, automatic exit gate, access easements, entrance gate with card reader, play area, mini golf, pavilion, accessible parking, concrete walkway, bollards, dumpster pad with privacy fencing, boulder retaining wall, etc.).
17. There is overlapping and crowded text near the main entrance that should be corrected.
18. NWI Federal wetland map must be submitted.
19. FEMA floodplain map must be submitted.
20. A surveyor seal/signature must be shown on the plan.
21. §164-49.2.V(2) and (3) requires that quarterly Record of Occupancy reports for each campsite be submitted to the Town Building Department no later than April 30<sup>th</sup>, July 31<sup>st</sup>, October 31<sup>st</sup>, and January 31<sup>st</sup> of each year of operations. The quarterly report shall include a map showing the location of each campsite and its occupancy during the preceding calendar quarter. Applicant should show compliance with this requirement (Sheet 1, Note 30).
22. Black Bear shall keep a daily ledger (by computer or handwritten) tracking the daily occupancy of each campsite, which ledger shall be provided upon request by the Town and shall provide a quarterly report (based on an annual calendar year) to the Town Building Department showing the occupancy status of each campsite, and an annual report showing the final occupancy status of each campsite for the prior calendar year. Applicant to show compliance.
23. Payment of any bonds or site inspection fees, if applicable.
24. A copy of all declarations cited on the drawings and/or part of the previous Site Plan shall be submitted (e.g., Ridgeline, Ag, Sheet 1, Note 31).
25. Payment of all fees.

The following comment submitted by the Conservation Board:

Black Bear Campground #2 – None submitted.

The following comment submitted by the ARB:

Black Bear Campground #2 – None submitted.

Mr. McConnell: The Agenda description states 154 permitted campsites. Is that accurate?

Laura Barca: No.

Mr. Astorino: No. This is where we are with this project. Ted Fink, Town Planner has a memo out that is for informational purposes only at this time. The Applicant needs to provide an updated EAF. We had said that at the Work Session. That has not been done yet. Once we receive an updated EAF, we are going to go through this process step-by-step. A lot of stuff that was said at the Work Session will be provided. We will go through it. We will figure out where we are going to start from what lot count, etc... We will go from there. This should be very short for everyone this evening. Dennis, this description will change.

Mr. McConnell: I would like to see this in brackets so that nobody assumes.

Mr. Astorino: I agree. We will call this a draft right now.

Mr. McConnell: Ok.

Mr. Astorino: The Applicant will resubmit new information to the Board. We will review it as such.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: We cannot do SEQRA this evening because we don't have everything in place to do that. That is where we are with that right now.

Comment #2: Applicant to discuss project.

Mike Sandor: What we have done was reduced the number of existing campsites from 154 campsites to 130 campsites. The reason why it was reduced was to honor the 100-foot setback from the property line. That is what we have done.

Mr. Astorino: That relieves you from any ZBA variances.

Mike Sandor: That is correct. I understand it from what I have read in the correspondence from your Planner as well as your Engineer's comments. That is the thing that we would have to go back to take a look at and revise. What I plan on doing is a Full EAF, Part I. I will discuss in detail all of the issues that are raised in that in a Part III, EAF and have more of a detailed explanation of what took place between the 74 campsites to the 130 campsites.

Mr. Astorino: With that being said, our Attorney will be involved in this every step of the way as far our decision. Get in touch with Ted Fink, Town Planner. You will need to have meetings with our Attorney and Planner even if it has to be done via zoom. Right now, you are here before us. Until we get that updated EAF, we cannot go any further.

Mike Sandor: That is fine. I understand that.

Mr. Bollenbach: It is not just the increase from 74 campsites to 130 campsites. It is also to include all of the amenities. What were all of the amenities that were originally approved? Subsequent to the approval of the 74 campsites, there were several other approvals that the campground received. There were additional infrastructure improvements. There was grading and excavation done. There also was a pool and camp store. There were many things done on the campground that may have had approvals.

Mr. Astorino: This was all done before. It should not be hard to find out when all of these things were done. It should all be on file. We need to have everyone on the same page as we go through this process again.

Frank Merrick: Instead of the 154 campsites we are starting from the 74 campsites.

Mr. Astorino: Frank, yes, we are starting from square one.

Mr. Bollenbach: We are starting from the 74 campsites. We will go from there.

Mr. Astorino: John, if that is what you are saying, then I want to see the EAF and go from there.

Mr. Bollenbach: Yes.

Mr. Astorino: If that is what our Attorney is saying, I value his opinion on this. He has read the case. That is where we are at. We will start from that point. We will work from there.

Frank Merrick: A lot of the things we used to work our way to this supposed 154 campsites, we could use. Is that correct?

Mr. Astorino: Of course.

Mr. Bollenbach: You have to revise it to say 130 campsites.

Mr. Astorino: You are decreasing. Is that correct?

Frank Merrick: Yes.

Mr. McConnell: I think the description on the Agenda should reflect that we are starting from the 74 campsites as suggested by Mr. Bollenbach, then going to the 130 campsites. That way when someone is looking at this, they don't say they are reducing it from 154 to 130. That could cause an issue. I think it should reflect the actuality.

Mr. Bollenbach: It will be clarified.

Mr. Astorino: We will clarify that for the record.

Mr. McConnell: If the Court kicked this back that far, let it reflect that.

Mr. Astorino: I agree. We will clarify that for the record. Our next description will reflect that.

Mr. McConnell: Frank, what is your official connection to the campground?

Frank Merrick: I am the facility's manager.

Mr. McConnell: Ok. Do you have the authority to speak for the campground?

Frank Merrick: Yes. I have sent in the Proxy Statement.

Connie Sardo: Yes. We have that.

Mr. McConnell: Ok. Good.

Connie Sardo: Regarding the description of the application, I got that information regarding the 154 permitted campsites to 130 permitted campsites from the Site Plan and Special Use Permit application that was submitted by the Applicant.

Mr. Astorino: They will need to submit a new application to reflect that. We will get that clarified. There is nothing set in stone at this point. You are here to get this started. The EAF is the first step. Our Professionals are available by phone, zoom or WebEx. Get in contact with them.

Mike Sandor: Will do. I appreciate that.

Mr. Astorino: Going back and forth on this tonight would not be a smart move. We will go step-by-step and address the issues. Do any Board members or Professionals have any comments? We will list Comment #1 through Comment #25 for the record. Send us an updated EAF.

Frank Merrick: Chris Kleister requested from Mike Sweeton a site visit for the landscaping that has been done so we could get our landscape bond for the trees returned.

Laura Barca: The date that you had in the letter was the date that you had paid the Landscaping Bond. There is a letter that states that the 3-years starts from the date that the trees were planted. Connie, did you send that letter?

Connie Sardo: Yes. I emailed it.

Laura Barca: There is a letter that states the date that the trees were planted. I think it comes up due 6 months from now.

Mr. Astorino: Laura, are you saying it would be an additional 6 months from now?

Laura Barca: Yes.

Mr. Astorino: We will check back and clarify this matter.

Frank Merrick: In reality it is defunct at this point.

Mr. Astorino: You are right. That would be something that would have to go through the Town Board. We don't have the power to do that.

Mr. Bollenbach: I will discuss that with Mike Sweeton, Town Supervisor.

Laura Barca: We will find that out.

Mr. Astorino: Let's discuss scheduling a site visit with the Planning Board.

The Planning Board discussed scheduling a site visit for the Black Bear Campground. The site visit is scheduled for Sunday, November 8, 2020 at 3:00 p.m.

Mike Sandor: Thank you,

Frank Merrick: Thank you.

Comment #3: Conservation Board comments: no comments received

Comment #4: Architectural Review Board comments: no comments received

Comment #5: OCPD: no comments received

Comment #6: OCDPW:02/11/16 no comments on existing entrance

Comment #7: OCDOH: 10/26/20 no comments; expect annual permit renewal to proceed without concerns

Comment #8: NYSDEC: 11/21/14 SPDES septic permit 3-3354-00662-00001, valid until 11/20/2024

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Comment#10: Building Department: 10/19/20 no violations

Comment #11: Applicant to provide most recent OCDOH permit to operate a campground.

Comment #12: Applicant to provide most recent Building Department permit issued to operate a campground (Sheet 1, Note 24).

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Comment #20: A surveyor seal/signature must be shown on the plan.

Comment #21: §164-49.2.V(2) and (3) requires that quarterly Record of Occupancy reports for each campsite be submitted to the Town Building Department no later than April 30<sup>th</sup>, July 31<sup>st</sup>, October 31<sup>st</sup>, and January 31<sup>st</sup> of each year of operations. The quarterly report shall include a map showing the location of each campsite and its occupancy during the preceding calendar quarter. Applicant should show compliance with this requirement (Sheet 1, Note 30).

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Comment #23: Payment of any bonds or site inspection fees, if applicable.

Comment #24: A copy of all declarations cited on the drawings and/or part of the previous Site Plan shall be submitted (e.g., Ridgeline, Ag, Sheet 1, Note 31).

Comment #25: Payment of all fees.

**Other Considerations:**

1. **Wheeler Road Estates** – Letter from Nicholas Rugnetta, P&P Engineering, dated 10/13/20 addressed to the Planning Board in regards to Wheeler Road Estates Subdivision – requesting 30<sup>th</sup> 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable Homes, situated on tax parcel SBL #8-2-44.223; parcel located along the northerly side of Wheeler Rd. (C.R. 41) at the intersection with Dussenbury Dr., in the SL zone, of the Town of Warwick. Preliminary Approval was granted on 11/2/2005. *The Applicant has stated that they submitted to the Planning Board addressing HDR comment letter, and anticipate being placed on the November PB Meeting for discussion.* The 30<sup>th</sup> 6-Month Extension on Preliminary Approval becomes effective on 11/2/20.

Representing the applicant: Nick Rugnetta, P&P Engineering.

Mr. McConnell makes a motion on the Wheeler Road Estates application, granting granted a 30<sup>th</sup> 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05.

The 30<sup>th</sup> 6-Month Extension becomes effective on, 11/2/20.

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

Mr. Astorino: John, have you reviewed the letter from O.C. Planning Department that had a negative recommendation?

Mr. Bollenbach: Yes.

Mr. Astorino: Laura, you and I had spoken about this. I think the County was looking at this as a Conservation subdivision not as a Cluster subdivision.

Mr. Bollenbach: It is not a Conservation subdivision. It is a Cluster subdivision.

Mr. Astorino: Maybe, it could be resubmitted to the County with some comments to them. At this point, it doesn't make any sense. Is the Board ok with that?

Mr. Bollenbach: The O.C. Planning Department's letter didn't have any substance to it. They said that they didn't like it. They recommend to go from the 34 lots to 8 lots. There was not any rhyme or reason to the letter.

Mr. Astorino: Laura and John, please address a letter to O.C. Planning Department explaining what the project is and that it is a Cluster subdivision not a Conservation subdivision.

Laura Barca: Ok.

Mr. Astorino: Thank you.

2. **Planning Board Site Visits** – Planning Board to discuss scheduling site visits for the following projects: Black Bear Campground (C.R. 41), Wheeler Road Estates (C.R. 41) and Cox Subdivision (35 Old Tuxedo Rd.).

The Planning Board discussed scheduling the Planning Board site visits for the following applications:

Black Bear Campground – site visit scheduled for Sunday, 11/8/20 @ 3:00 p.m.

Wheeler Road Estates – site visit scheduled for Sunday, 11/8/20 @ 4:00 p.m.

Cox Subdivision – site visit scheduled for Monday, 11/9/20 @ 3 p.m.

3. Planning Board Minutes of 10/7/20 for PB Approval.

Mr. McConnell makes a motion to approve the PB Minutes of 10/7/20.

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

4. Planning Board to discuss canceling the 11/9/20-Work Session & 11/18/20-Planning Board Meeting.

Mr. McConnell makes a motion to cancel the 11/9/20-Work Session & 11/18/20-Planning Board Meeting.

### **Correspondences:**

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

Connie Sardo: No.

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

Mr. Astorino: If there is anyone 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 November 4, 2020 Planning Board Meeting.**

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