

TOWN OF WARWICK PLANNING BOARD

December 2, 2020

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Bo Kennedy,
John MacDonald, Rich Purcell, 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, September 2, 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 comment 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 RTT Associates/Ted Edwards

Application for Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 40 B 1 L 97; parcel located on the northern side of Onderdonk Road 250 feet east of Acorn Drive (90 Onderdonk Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Brian Friedler from Engineering Properties.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the RTT Associates 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 – 10/28/20 advisory comments for bog turtle habitat and wetlands on the property
6. TW Building Department – 09/18/20 no violations
7. NYS Parks, Recreation, and Historic Preservation letter dated 10/28/20, no concerns
8. Owner to sign final application forms in the correct location.
9. On Sheet 5 of 5, the Design Percolation Rate of Lot 2 should be 8 to 10 minutes.
10. Surveyor to certify that iron rods have been set at all property corners.
11. The liber and page for the Ridgeline Overlay Notes must be added to the plan
12. Payment in lieu of parkland for two lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
13. Payment of all fees.

The following comment submitted by the Conservation Board:

RTT Associates/Ted Edwards – None submitted.

The following comment submitted by the ARB:

RTT Associates/Ted Edwards – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Planning Board has already declared itself as Lead Agency. The only issue that came up in SEQRA were about the Bog Turtles that showed up in the EAF as being present in the area as an endangered species in NYS. Although there are no wetlands on the property, There is a State protected freshwater wetland found on the parcel to the west of the project site and a portion of the State's 100-foot adjacent protected area may be found on the project site. This wetland area is also considered waters of the United States subject to the jurisdiction of the US Army Corps of Engineers. The Applicant hired David Griggs from ERS Consultants. It was determined no disturbance is proposed to the wetland nor the State's 100-foot adjacent regulated adjacent area as these areas are on adjoining sites. There is no Bog Turtle habitat located on the project site. But, NYS records indicate that Bog turtles may be found in the surrounding area. The nearest "limit of disturbance" on proposed Lot #3 where a physical alteration will occur is more than 500 feet from the State and federal wetlands areas. The NYS DEC had asked that a note be added to the plans for Lot #3 to reflect that. The property is located in the Ridgeline Overlay and Agricultural Districts. Those notes should be placed on the plan. I have prepared a Draft Negative Declaration for the Planning Board's consideration.

Mr. Astorino: Brian, please put DEC note for Lot #3 on the plans and also the Ridgeline Overlay and Agricultural notes on the plans.

Brian Friedler: Yes. No problem.

Mr. Fink: If you need a copy of that to put on the plan, I could send you a copy.

Brian Friedler: Yes. Please send me a copy.

Mr. Bollenbach: Please also send a copy to Connie.

Mr. Fink: Ok.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 3-Lot subdivision. The last revisions made to this project was made on 10/15/20. HDR has witnessed the soil test for Lot 2 and Lot 3. We sent ERS Consultants to do the Bog Turtle study. We sent that letter to Ted and Laura.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 10/28/20 advisory comments for bog turtle habitat and wetlands on the property.

Mr. Astorino: There are no wetlands located on the property. We just discussed the Bog Turtle habitat.

Comment #6: TW Building Department – 09/18/20 no violations

Comment #7: NYS Parks, Recreation, and Historic Preservation letter dated 10/28/20, no concerns

Comment #8: Owner to sign final application forms in the correct location.

Comment #9: On Sheet 5 of 5, the Design Percolation Rate of Lot 2 should be 8 to 10 minutes.

Mr. Astorino: Laura, what is that? Is that just a change?

Laura Barca: Yes. That was just a typo.

Brian Friedler: No problem.

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

Brian Friedler: Ok.

Comment #11: The liber and page for the Ridgeline Overlay Notes must be added to the plan.

Brian Friedler: Ok.

Mr. Bollenbach: We will add to Comment #11, Liber and Page for the Ridgeline Overlay, Agricultural Protection, Wetland and Site Distance Triangle Clearing notes to the plan.

Brian Friedler: Ok.

Mr. Bollenbach: Regarding the Ridgeline Overlay. It looks like it is wooded all the way around the perimeter. I don't see the need for supplemental plantings. It is under the 25-foot where a Visual Analysis is not required. Ted, do you agree with that?

Mr. Fink: Yes. I agree. Thank you for pointing that out.

Mr. Astorino: John, do we need a waiver on that?

Mr. Bollenbach: No.

Comment #12: Payment in lieu of parkland for two lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Brian Friedler: Ok.

Comment #13: Payment of all fees.

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 RTT Associates/Ted Edwards Subdivision application, please raise your hand to be unmuted to speak? Let the record show no public comment.

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: RTT Associates Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision on a 15.1 acre parcel at 90 Onderdonk Road, Orange County, New York, and

Whereas, there are no other involved agencies pursuant to SEQR, 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, 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 closed the public hearing.

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

Mr. Kennedy makes a motion on the RTT Associates/Ted Edwards application, granting conditional Final Approval for a proposed 3-Lot subdivision, stated on tax parcel S 40 B 1 L 97; parcel located on the northern side of Onderdonk Road 250 feet east of Acorn Drive (90 Onderdonk Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on December 2, 2020. Approval is granted subject to the following conditions:

1. NYS Parks, Recreation, and Historic Preservation letter dated 10/28/20, no concerns
2. Owner to sign final application forms in the correct location.
3. On Sheet 5 of 5, the Design Percolation Rate of Lot 2 should be 8 to 10 minutes.
4. Surveyor to certify that iron rods have been set at all property corners.
5. The liber and page and AP-O, Wetland, the Ridgeline Overlay and Site Distance Triangle Clearing notes must be added to the plan
6. Payment in lieu of parkland for two lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
7. Payment of all fees.

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

Brian Friedler: Thank you.

Review of Submitted Maps:***Schutzman-Klein Lot Line Change***

Application for Sketch Review of a proposed Lot Line Change with construction proposed, situated on tax parcels S 47 B 1 L 81 and L 82.22 (formally known as Thomson Lot Line Change); parcels located on the eastern side of Bellvale Lakes Road, 11,500 feet north of Iron Forge Road (282 Bellvale Lakes Road), in the MT zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Engineering Properties.

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 – 11/10/20 pending application for proposed driveway gate; ZBA approval required because it is over 6-ft tall. (Per attorney this ZBA variance request is a separate application.)
7. Planning Board to determine if site inspection is desired.
8. The deed for both properties must be submitted.
9. Applicant requesting a waiver from 137-21.K(1) Shape of Lot (this was previously waived in 2009).
10. Soil tests for the proposed septic system must be witnessed by the office of the Planning Board Engineer.
11. The extents of the 16-ft wide common driveway should be clearly shown on the drawings.
12. Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.
13. 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.
14. Applicant submitted 911 addresses from 2009; Applicant to confirm these addresses with Building Department.
15. Surveyor must sign the final plans.
16. Applicant submitted 2009 Certification of Iron Pins; Surveyor to confirm that the iron rods are still in place and update the Certification of Iron Pins.
17. The liber and page for the deed referencing the changes made to the lot lines.
18. The liber and page for the Agricultural, Aquifer, Ridgeline, Environmental Conservation, and Shared driveway notes must be added to the plan.
19. Payment of all fees.

The following comment submitted by the Conservation Board:

Schutzman-Klein Lot Line Change – None submitted.

The following comment submitted by the ARB:

Schutzman-Klein Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 2 Action. SEQRA review is not necessary. I have prepared a Type 2 Action for the Planning Board's consideration.

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

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

617.6
State Environmental Quality Review (SEQR)

Resolution

Type 2 Action

Name of Action: Schutzman Lot Line Alteration

Whereas, the Town of Warwick Planning Board is in receipt of an application for re-subdivision approval (lot line alteration) by Jared Schutzman for a ± 54.6 acre parcel of land located at 282 & 284 Bellvale Lakes Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10/28/20 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 a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(11) and (32) and, therefore, SEQR does not apply, and

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

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

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

Comment#2: Applicant to discuss project.

Dave Getz: Back in the year 2009 the Planning Board approved the same project that was owned by Rose and Leslie Thomson. They reached the point to conditional final approval. The Surveyor had set the iron pins. They had satisfied many of the conditions of the final approval but not all of them. The final maps were never signed off and filed. Rose and Leslie Thomson had both passed away. The new owners Schutzman and Klein would like to get approvals for the same lot line change. We kept the proposed lots the same size and the same location. There is an existing house located on the rear lot situated on approximately 53 acres. They also own a small one-acre lot that is located off Bellvale Lakes Road. There is a shared driveway that would serve both of those lots. The proposal is to add 3 acres from the large lot that has the existing house on it to the small lot for a proposed new dwelling for

their in-laws. We have submitted the same new plans that was conditionally approved in 2009 with some updates regarding a few minor changes.

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 – 11/10/20 pending application for proposed driveway gate; ZBA approval required because it is over 6-ft tall. (Per attorney this ZBA variance request is a separate application.)

Mr. Astorino: John, as per the ZBA variance that would be a separate application. Is that correct?

Mr. Bollenbach: Yes. Dave, you will need to delete that gate from the map.

Dave Getz: Ok.

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

Mr. Astorino: There is no need for the Planning Board to do a site visit.

Comment #8: The deed for both properties must be submitted.

Dave Getz: We will provide that.

Comment #9: Applicant requesting a waiver from 137-21.K(1) Shape of Lot (this was previously waived in 2009).

Mr. Astorino: The Board has no problem with issuing a waiver on that.

Comment #10: Soil tests for the proposed septic system must be witnessed by the office of the Planning Board Engineer.

Dave Getz: We had noted on the original plan and the current plan that the soil test pits were witnessed but we don't say that for the perc test. Laura, is that the reason or is it the time that has elapsed?

Laura Barca: I didn't see on the map that all the soil tests were witnessed. I just need clarification if they were witnessed or not.

Dave Getz: I will check on that.

Comment #11: The extents of the 16-ft wide common driveway should be clearly shown on the drawings.

Dave Getz: We will clarify that.

Comment #12: Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.

Dave Getz: Ok.

Comment #13: 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.

Dave Getz: Ok.

Comment #14: Applicant submitted 911 addresses from 2009; Applicant to confirm these addresses with Building Department.

Dave Getz: Ok. Will do.

Comment #15: Surveyor must sign the final plans.

Dave Getz: Ok.

Comment #16: Applicant submitted 2009 Certification of Iron Pins; Surveyor to confirm that the iron rods are still in place and update the Certification of Iron Pins.

Dave Getz: Ok. Will do.

Comment #17: The liber and page for the deed referencing the changes made to the lot lines.

Dave Getz: Ok.

Comment #18: The liber and page for the Agricultural, Aquifer, Ridgeline, Environmental Conservation, and Shared driveway notes must be added to the plan.

Dave Getz: Ok. Will do.

Comment #19: Payment of all fees.

Dave Getz: Ok.

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

Mr. Bollenbach: Regarding Comment #18, the Environmental Conservation note refers to the Indiana Bat. You also need to include the site distance triangle clearing.

Mr. Astorino: John, is that required on this?

Mr. Bollenbach: Yes.

Dave Getz: Yes. We do show a site distance triangle in the front.

Mr. Astorino: Ok. We will add that to Comment #18.

Mr. Astorino: Does the Applicant wish to be set for a public hearing at the next available agenda?

Dave Getz: Yes.

Mr. McConnell makes a motion to Set the Schutzman-Klein Lot Line Change application for a Final Public hearing at the next available agenda.

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

Dave Getz: Thank you.

Cox Subdivision #3

Application for Sketch Plat Review of a proposed 4-Lot Cluster Subdivision, situated on tax parcel S 61 B 1 L 38.2, parcel located on the western side of Old Tuxedo Road 300 feet south of Nelson Road (35 Old Tuxedo Road), in the MT Zone, of the Town of Warwick.

Representing the applicant: Brian Friedler from Engineering Properties. Bob Krahulik, Attorney.

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 – 10/07/20: advisory for endangered species (Timber Rattlesnake and Northern Long-Eared Bat), referral to ZBA & private road agreement
6. TW Building Department – 02/05/20 open permit for oil tank removal and installation (#22921)
7. NYS Parks, Recreation, and Historic Preservation letter dated January 30, 2020 – no impact letter.
8. Applicant shows to relocated Lot 2 driveway to the other side of the proposed home. Tentative agreement to have driveways for Lots 3 and 4 immediately adjacent to each other along the property line; each driveway would be 12-ft wide and technically not shared.
9. Applicant should confirm that water saving devices are already in the home or include a note stating that water saving devices will be installed if this septic design is constructed.
10. 911 addresses must be obtained from the Building Department and then shown on the plan.
11. On Sheet C-3 the Finished First Floor (FFF) of the proposed home on Lot 2 is shown to be 961.0; Applicant to confirm if this is a typographical error.
12. The Town of Warwick Standard Notes for projects that are in the immediate area of the former Penaluna Landfill are shown on Sheet 4. These are important notes that should be included on Sheet 1 or at least referenced on Sheet 1.
13. 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.
14. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
15. The liber and page for the Ridgeline Overlay, Aquifer Protection, Rattle Snakes/Indiana Bat environmental notes, and Penaluna Landfill proximity Notes (Water Testing & Vapor Barrier Notes) must be added to the plan.
16. Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
17. Payment of all fees.

The following comment submitted by the Conservation Board:

Cox Subdivision #3 – None submitted.

The following comment submitted by the ARB:

Cox Subdivision #3 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already declared itself Lead Agency. We have been reviewing the application with a short EAF. There were a couple SEQRA issues. This is in an area where the Long-Eared Bats and Rattlesnakes are found. We spoke about this at the Work Session that it would need notes and declarations for both of them. We do have a SHPO sign-off on the historic and archeological features. I believe that was it where SEQRA is concerned.

Mr. Bollenbach: What about the landfill?

Mr. Fink: Yes. The Penaluna notes are mentioned in HDR's comments tonight that relates to SEQRA.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 4-Lot Cluster subdivision situated on approximately 26 acres located off Old Tuxedo Road. There would be 13 acres dedicated to open space. New driveways are proposed off Old Tuxedo Road. Lot # 3 and Lot #4 would use a 24-foot-wide driveway coming off Old Tuxedo Road. It would then split into separate driveways. Lot #3 would have its own driveway. The existing house on the property would continue using their own driveway. We have done soil tests on the property with HDR. I have updated the septic systems with the results of the soil tests that were witnessed with HDR.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 10/07/20: advisory for endangered species (Timber Rattlesnake and Northern Long-Eared Bat), referral to ZBA & private road agreement

Mr. Astorino: We talked about that. We will take care of the referral to the ZBA as the project moves forward.

Mr. McConnell: When Brian talked about the driveways the 24-foot wide that happens to be the 2 driveways that are touching. Is that correct? It is not a shared driveway. If it was a shared driveway even a small section of it would require a maintenance agreement. Is that correct?

Brian Friedler: Yes. They want to do a 24-foot driveway. 12 feet on each side. It would not be considered shared. They want 2 separate driveways.

Mr. McConnell: I just wanted that clarified for the record.

Mr. Bollenbach: There would have to be a reference in the declaration that each own their respective side and there would be a cross easement that they could use each other.

Brian Friedler: Ok.

Comment #6: TW Building Department – 02/05/20 open permit for oil tank removal and installation (#22921)

Mr. Astorino: They need to take care of that.

Brian Friedler: Ok.

Comment #7: NYS Parks, Recreation, and Historic Preservation letter dated January 30, 2020 – no impact letter.

Comment #8: Applicant shows to relocated Lot 2 driveway to the other side of the proposed home. Tentative agreement to have driveways for Lots 3 and 4 immediately adjacent to each other along the property line; each driveway would be 12-ft wide and technically not shared.

Mr. Bollenbach: That would have to be referred as refined or defined. Would there be a demarcation or a barrier between the 2 driveways? It would have to be something that would need to be addressed.

Mr. McConnell: I thought Brian said it was for Lots 1 and 2? Is that correct?

Brian Friedler: It is for Lots 3 and 4. It is on the Cluster plan.

Mr. McConnell: Ok.

Comment #9: Applicant should confirm that water saving devices are already in the home or include a note stating that water saving devices will be installed if this septic design is constructed.

Brian Friedler: Ok. We will add note.

Comment #10: 911 addresses must be obtained from the Building Department and then shown on the plan.

Brian Friedler: Ok.

Comment #11: On Sheet C-3 the Finished First Floor (FFF) of the proposed home on Lot 2 is shown to be 961.0; Applicant to confirm if this is a typographical error.

Brian Friedler: We will take a look at that.

Comment #12: The Town of Warwick Standard Notes for projects that are in the immediate area of the former Penaluna Landfill are shown on Sheet 4. These are important notes that should be included on Sheet 1 or at least referenced on Sheet 1.

Brian Friedler: Will do. I took that note off. I thought it was far away. I will put the note back on the plans.

Comment #13: 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.

Brian Friedler: Ok.

Comment #14: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Brian Friedler: Ok.

Comment #15: The liber and page for the Ridgeline Overlay, Aquifer Protection, Rattle Snakes/Indiana Bat environmental notes, and Penaluna Landfill proximity Notes (Water Testing & Vapor Barrier Notes) must be added to the plan.

Brian Friedler: Ok.

Mr. Bollenbach: You will need to add Open Space.

Mr. Astorino: Do we need sight triangles?

Laura Barca: No.

Comment #16: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Brian Friedler: Ok.

Comment #17: Payment of all fees.

Brian Friedler: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments. Let the record show that the Board and Professionals have no comments. Does the Applicant wish to be set for a public at the next available agenda?

Brian Friedler: Yes. We wish to be set for a public hearing.

Mr. Kennedy makes a motion to Set the Cox Subdivision #3 application for a Final Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Mark and Jill Mante 2-Lot Subdivision

Application for Sketch Plat Review of a proposed 2-Lot Cluster (**MINOR**) subdivision, situated on tax parcel S 47 B 1 L 78.232; parcel located on the eastern side of Bellvale-Lakes Road 8,775 feet north of Kain Road, (242 Bellvale Lakes Rd.), in the MT zone, of the Town of Warwick.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 10/23/20 no violations
7. ZBA – variance needed for Lot 2 to have an existing garage has a principle use until a new dwelling is constructed.
8. NYS Office of Parks, Recreation, and Historic Preservation letter.
9. Planning Board to determine a date for a site inspection.
10. As this Cluster Subdivision Process moves forward, it is noted that the Applicant will submit a Context Plan and a Four-Step Process Plan.
11. A note shall be added to the plan stating that there will be no future subdivision of any lot.
12. A replacement septic system location must be shown on Lot 1. The engineer shall test the soil to confirm suitability for future septic system installation and the replacement area must be shown on the drawing.
13. Soil tests for the proposed septic system on Lot 2 must be witnessed by the Planning Board Engineer.
14. 911 addresses must be obtained from the Building Department and then shown on the plan.
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.”
16. Information on adjoining owners shall be provided; in particular, the lot that possesses a right of way (Lot 47-1-78.232) shall indicate the “Now or Formerly” owner information.
17. Confirmation that another lot can access from the existing right of way. Please submit the recording information and the entire declaration that was filed.
18. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
19. The liber and page for the Aquifer, Open Space, and Shared Driveway/Right-of-Way notes must be added to the plan.
20. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
21. Payment of all fees.

The following comment submitted by the Conservation Board:

Mark and Jill Mante 2-Lot Subdivision – None submitted.

The following comment submitted by the ARB:

Mark and Jill Mante 2-Lot Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is subject to SEQRA. We have received a short EAF. It is an Unlisted Action. The Applicant needs to go to the ZBA for a couple of variances. Once they are done with the ZBA, the Applicant would come back to the Planning Board and could do SEQRA then.

Mr. Astorino: Kirk, do any of these comments stand out to you?

Kirk Rother: No. We are here tonight because we need a referral from the Planning Board to the ZBA.

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

Mr. Bollenbach: Regarding Comment #7, the ZBA variance is for an existing “accessory” garage as a principle use. They would also need a 280a variance. Regarding the Right Of Way, is there a provision for an additional lot to access? The paperwork that I have does not have the Recording information for that declaration. The paperwork that I did receive was to benefit Lots 1, 2, 3 and 4. Now we are adding a 5th lot. There is no provision. I believe all of the lots are owned by family members. If there is no provision for that 5th lot, unless you have some other documentation, then perhaps the maintenance use could be amended or revised to accommodate.

Kirk Rother: John, this was the same thing that we had done with the Allan Mante Subdivision a few years ago. There were 4 lots created as part of the original filed map from the 1970’s. We subdivided one lot into two lots for Allan Mante and his daughter. Now, this is the same thing. Mark and Jill Mante want to subdivide their lot into two lots for their son. The declaration documents that I have given you were the documents that Mante had in their possession. I just want to make the Board aware that with everything that has been happening with the Corona-virus, there has been limitations on getting documents from the County. There are options to get them online, but this subdivision goes back to 1977. Their online records don’t go back that far. The County’s online records start around the year 2000 and something.

Mr. Bollenbach: We could pick up the pieces and file a new declaration. They would need new declarations anyway.

Kirk Rother: There were 4 lots originally. There are now 5 lots because of the Allan Mante subdivision and now this one would make the 6th lot.

Mr. Bollenbach: We would have to take a look at that. I thought there was an additional subdivision that had been done. We would have to pull the files. We will take a look at that.

Mr. Astorino: John, you will review that. Is that correct?

Mr. Bollenbach: Yes.

Mr. Astorino: You are off to the ZBA. We will list Comment #2 through 21 for the record. Does the Board want to schedule a site visit?

Mr. McConnell: I am not familiar with this property. I was going to ask John if this subdivision is classified as a Minor or Major subdivision? The agenda description states a minor.

Mr. Bollenbach: It would be classified as a Major subdivision.

Kirk Rother: Yes. It is a Major subdivision.

Mr. Astorino: We will schedule a site visit at a later date once they come back from the ZBA and we have further information.

Kirk Rother: Ok. Thank you.

Comment #2: Applicant to discuss project.

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 – 10/23/20 no violations

Comment #7: ZBA – variance needed for Lot 2 to have an existing garage has a principle use until a new dwelling is constructed.

Comment #8: NYS Office of Parks, Recreation, and Historic Preservation letter.

Comment #9: Planning Board to determine a date for a site inspection.

Comment #10: As this Cluster Subdivision Process moves forward, it is noted that the Applicant will submit a Context Plan and a Four-Step Process Plan.

Comment #11: A note shall be added to the plan stating that there will be no future subdivision of any lot.

Comment #12: A replacement septic system location must be shown on Lot 1. The engineer shall test the soil to confirm suitability for future septic system installation and the replacement area must be shown on the drawing.

Comment #13: Soil tests for the proposed septic system on Lot 2 must be witnessed by the Planning Board Engineer.

Comment #14: 911 addresses must be obtained from the Building Department and then shown on the plan.

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.”

Comment #16: Information on adjoining owners shall be provided; in particular, the lot that possesses a right of way (Lot 47-1-78.232) shall indicate the “Now or Formerly” owner information.

Comment #17: Confirmation that another lot can access from the existing right of way.

Please submit the recording information and the entire declaration that was filed.

Comment #18: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #19: The liber and page for the Aquifer, Open Space, and Shared Driveway/Right-of-Way notes must be added to the plan.

Comment #20: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #21: Payment of all fees.

Pennings Cidery Site Plan

Application for Site Plan Approval and Special Use Permit for the construction and use of a 20x70 square foot addition to the existing cidery building to be used for processing of agricultural products, situated on tax parcel S 51 B 1 L 36.2; parcel located on 4 Warwick Tpke., in the RU zone of the Town of Warwick.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending response
6. TW Building Department – pending response
7. The deed for the property must be submitted.
8. The application forms and site plan checklist must be provided.
9. All items on the site plan checklist must be submitted.
10. The Town of Warwick standard notes must be added.
11. This site plan must be in compliance with the Town of Warwick Stormwater regulations §164-47.10.
12. The notes from previous plan sets should be added to this site plan (e.g., agricultural, ridgeline, aquifer, OCDOH notes from septic plan about certain wash waters and cleaning, etc.).
13. The language from §164-46.J (3), (80), and (152) shall be added to the plan.
14. Applicant to clarify if the 10' x 10' proposed electric transformer pad is proposed or was already constructed.
15. There is a note stating outdoor seating area just south (uphill) from the existing cidery; Applicant to better define this outdoor seating area and demonstrate conformance with the seating allowed by OCDOH.
16. The square-footage of the addition should include all roofed areas outside of the original 50' x 80' building.
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.”
18. Any pertinent declarations for this project must be filed in the Orange County Clerk’s Office.
19. Surveyor to certify that iron rods have been set at all property corners.
20. Payment of all fees.

The following comment submitted by the Conservation Board:

Pennings Cidery Site Plan – None submitted.

The following comment submitted by the ARB:

Pennings Cidery Site Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant submitted a short EAF. I have checked it against its thresholds. It is classified as a Type 2 Action. There is no SEQRA review necessary. I have prepared a Type 2 Action Resolution for the Planning Board's consideration.

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

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

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

Name of Action: Pennings Cidery Addition

Whereas, the Town of Warwick Planning Board is in receipt of an application for Site Plan and Special Use Permit approval by Pennings RE Holdings, LLC for a ± 51.2 acre parcel of land located at Warwick Turnpike (OC Highway 21), Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 11/16/20 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 a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(4) and (9) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is within a New York State Agricultural District or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the

Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, 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 that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Kirk Rother: The application is for a proposed 20'x70' addition to the cidery building. It is for the purpose of processing products.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending response

Comment #6: TW Building Department – pending response

Comment #7: The deed for the property must be submitted.

Kirk Rother: No problem. We have no problem with the rest of these comments.

Mr. Astorino: Do any Board members or Professionals have any comments? We will list Comment # 8 through Comment #20 for the record. Laura, are there any comments here tonight that you would like to discuss?

Laura Barca: No.

Mr. Astorino: This will require a public hearing. We discussed that at the Work Session. The public hearing would only be for this 20x70 addition. I want the Board to know that this would not be a public hearing on the farm market below. It would be only for the addition to the cidery building. Is that correct?

Laura Barca: Correct.

Mr. Bollenbach: That is basically it, but the criteria for the farm market applies to the entirety of the project since it will exceed 4000 square feet.

Mr. Astorino: At the public hearing, we are not discussing all of the Pennings farm market.

Mr. Bollenbach: It is for the Planning Board to evaluate the entirety of the project.

Mr. Astorino: The Planning Board will do its job. I am talking about the public hearing. We are going to discuss the expansion of the cidery farm market addition. Is that correct?

Mr. Bollenbach: Correct.

Mr. Astorino: That is what I want to get on the record. Does the Applicant wish to be set for a public hearing?

Kirk Rother: Yes.

Mr. Purcell makes a motion to Set the Pennings Cidery Farm Market Addition for a Site Plan and Special Use Permit Public Hearing at the next available agenda.

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

Kirk Rother: Thank you. Merry Christmas to everyone.

Comment #8: The application forms and site plan checklist must be provided.

Comment #9: All items on the site plan checklist must be submitted.

Comment #10: The Town of Warwick standard notes must be added.

Comment #11: This site plan must be in compliance with the Town of Warwick Stormwater regulations §164-47.10.

Comment #12: The notes from previous plan sets should be added to this site plan (e.g., agricultural, ridgeline, aquifer, OCDOH notes from septic plan about certain wash waters and cleaning, etc.).

Comment #13: The language from §164-46.J (3), (80), and (152) shall be added to the plan.

Comment #14: Applicant to clarify if the 10' x 10' proposed electric transformer pad is proposed or was already constructed.

Comment #15: There is a note stating outdoor seating area just south (uphill) from the existing cidery; Applicant to better define this outdoor seating area and demonstrate conformance with the seating allowed by OCDOH.

Comment #16: The square-footage of the addition should include all roofed areas outside of the original 50' x 80' building.

Comment #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."

Comment #18: Any pertinent declarations for this project must be filed in the Orange County Clerk's Office.

Comment #19: Surveyor to certify that iron rods have been set at all property corners.

Comment #20: Payment of all fees.

Ciro Gagliardi

Application for Amended Final Approval for 1-Lot in the West View Estate/Pelton Crossing subdivision, Lot 5, situated on tax parcel S 42 B 4 L 5; parcel located at 10 Eagles Watch, in the SL zone, of the Town of Warwick.

Representing the Applicant: **Ciro Gagliardi, Applicant.**

Mr. Astorino: **Ciro, I know that Laura sent you an email on what needs to be done. Did you get that email?**

Ciro Gagliardi: Yes.

Mr. Astorino: **This is an Amended Final Approval for moving the home within the Ridgeline Overlay District. Are you good with that?**

Ciro Gagliardi: Yes. I will have Jim Dillan my Surveyor take care of everything. I will have the maps sent over to you by tomorrow.

Mr. Astorino: **Thank you for that. Laura, thank you for sending the email. Usually, our Professionals don't see any type of payments on something like this.**

Ciro Gagliardi: Thank you. I appreciate it.

Mr. Astorino: **What this is about is moving the house a couple of feet that is located within the Ridgeline Overlay District. We need a motion for Amended Final Approval.**

Mr. McConnell makes a motion on the **Ciro Gagliardi application, granting "Amended" Final Approval for 1-Lot in the West View Estate/Pelton Crossing subdivision, Lot #5, situated on tax parcel S 42 B 4 L 5; parcel located at 10 Eagles Watch, in the SL zone, of the Town of Warwick, County of Orange, State of New York.**

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

Other Considerations:

1. Planning Board Minutes of 11/4/20 for PB approval.

Mr. McConnell makes a motion to Approve the PB Minutes of 11/4/20.

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

2. Planning Board to discuss canceling the 12/7/20-Work Session & 12/16/20-PB Meeting.

Mr. McConnell makes a motion to cancel the 12/7/20-Work Session & 12/16/20-PB Meeting.

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

3. **Tinnirello Subdivision** – Request for 6-Month Extension on 11th Re-Approval of Final Approval for a proposed 3-Lot Cluster subdivision, situated on tax parcels SBL # 40-1-56 & 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. Conditional Final Approval was granted on 6/17/09. The 6-Month Extension on 11th Re-Approval of Final Approval becomes effective on 12/17/20.

Mr. McConnell makes a motion on the Tinnirello Subdivision, granting a 6-Month Extension on conditional Final Approval of a proposed 3-Lot Cluster subdivision. SBL #49-1-56 & 45.42. Conditional Final Approval was granted on 6/17/09.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone out in the audience wishing to address any of the agenda items, please raise your hand to speak or to be unmuted. Let the record show no public comment.

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

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