

TOWN OF WARWICK PLANNING BOARD

January 20, 2021

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, January 20, 2021 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: Happy New Year. Before we start our meeting, I would like to do a little housekeeping. I appoint Roger Showalter as the Planning Board's Vice-Chairman in my absents. Thank you, Roger for all you do for this Board. During inclement weather and there is a meeting scheduled, we could hold our meetings by WebEx if the Board would be ok with that?

Mr. Showalter: I am ok with that.

Mr. Kennedy: That is what we will do.

PUBLIC HEARING Of Pennings RE Holdings, LLC.

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

Representing the applicant: Kirk Rother, P.E. Steve Pennings, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Pennings Cidery public hearing.

Mr. Astorino: Thank you.

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. All items on the site plan checklist must be submitted. The following items must be submitted:
 - a. Item H. County Tax Map.
 - b. Item I. NYSDEC Enviromapper.
 - c. Item J. NWI Federal wetlands map.
 - d. Item P6a. Update drawing name to Pennings Cidery Farm Market Expansion.
 - e. Item P10. A summary note documenting Purchase of Development Rights (PDR) on the property should be added to Sheet 1.
 - f. Item P16. Names of property owners within 300-ft.
 - g. Item P20. Erosion control measures and details must be shown on the plan.
 - h. Item P25. Traffic patterns are not shown on the plan.
 - i. Item P26. The addition appears to encroach in the area of the existing parking space; individual parking spaces and aisle width to be shown on this plan.
 - j. Item P39. Existing septic system was designed for 60 seats but 62; plan should be updated under parking calculations.
8. The following note must be added to the plan: Signs shall not be erected until a sign permit has been submitted and approved by the Town of Warwick Building Department in accordance with §164-43.1 of the Town Code.
9. This site plan must be in compliance with the Town of Warwick Stormwater regulations §164-47.10. Erosion control measures and details must be added to the plan.
10. The square-footage of the addition should include all roofed areas outside of the original 50' x 80' building.
11. 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).
12. Any pertinent declarations for this project must be filed in the Orange County Clerk's Office.
13. Surveyor to certify that iron rods have been set at all property corners.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

Pennings RE Holdings, LLC.- None submitted.

The following comment submitted by the ARB:

Pennings RE Holdings, LLC.- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This was classified as a Type 2 Action under SEQRA. The Board adopted a Resolution to this effect on 12/2/20. The OC Planning did not have any comments on this application. I don't have any further comments.

Comment #2: Applicant to discuss project.

Kirk Rother: This application is for a proposed 20'x70' addition to the existing farm market cidery building. It will be used for the processing of apples. The existing structure is 4,000 s.f. This addition to the structure would make it over 4,000 s.f. which prompt it to go before the Planning Board.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending response

Mr. Astorino: We received OC Planning's comment. They had no comments on this application. We owe Megan at the County a big Thank you for their quick response to this application.

Comment #6: TW Building Department – pending response

Laura Barca: There is a building permit that is open for a storage addition.

Mr. Astorino: Ok.

Comment #7: All items on the site plan checklist must be submitted. The following items must be submitted:

- a. Item H. County Tax Map.
- b. Item I. NYSDEC Enviromapper.
- c. Item J. NWI Federal wetlands map.
- d. Item P6a. Update drawing name to Pennings Cidery Farm Market Expansion.
- e. Item P10. A summary note documenting Purchase of Development Rights (PDR) on the property should be added to Sheet 1.
- f. Item P16. Names of property owners within 300-ft.
- g. Item P20. Erosion control measures and details must be shown on the plan.
- h. Item P25. Traffic patterns are not shown on the plan.
- i. Item P26. The addition appears to encroach in the area of the existing parking space; individual parking spaces and aisle width to be shown on this plan.
- j. Item P39. Existing septic system was designed for 60 seats but 62; plan should be updated under parking calculations.

Laura Barca: The Applicant has submitted all of those items except for letter (e). Letter (e) they will add a note to the plan stating that there is a PDR conservation easement on the property.

Comment #8: The following note must be added to the plan: Signs shall not be erected until a sign permit has been submitted and approved by the Town of Warwick Building Department in accordance with §164-43.1 of the Town Code.

Kirk Rother: We added that.

Comment #9: This site plan must be in compliance with the Town of Warwick Stormwater regulations §164-47.10. Erosion control measures and details must be added to the plan.

Kirk Rother: We added that.

Comment #10: The square-footage of the addition should include all roofed areas outside of the original 50' x 80' building.

Kirk Rother: We added that.

Comment #11: 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).

Kirk Rother: They added that.

Comment #12: Any pertinent declarations for this project must be filed in the Orange County Clerk’s Office.

Mr. Bollenbach: They have been filed. They are all referenced on the plan.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

Kirk Rother: John McGloin the Surveyor set the pins on the property during the PDR time. We are asking the Board for a waiver.

Mr. Astorino: I have no problem with that.

Mr. Showalter: I have no issue with that.

Mr. Astorino: Ok. We could waive the certification of iron pins.

Comment #14: Payment of all fees.

Kirk Rother: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to addressing the Pennings Cidery addition application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. McConnell makes a motion to waive Comment #13, Surveyor to certify that iron rods have been set at all property corner.

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

Mr. Showalter makes a motion on the Pennings RE Holdings, LLC application, granting conditional Site Plan Approval and Special Use Permit for the construction and use of a 20x70 square foot addition to the existing Farm Market 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 Turnpike, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was granted on December 2, 2020, subject to the following conditions:

1. A summary note documenting Purchase of Development Rights (PDR) on the property should be added to Sheet I on the plans.
2. Surveyor to certify that iron rods have been set at all property corners. (WAIVED)
3. Payment of All Fees.

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

Public Hearing Of Viola Cox

Application for Final Approval 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, 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 Cox Subdivision application.

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 – 10/07/20: 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. The standard driveway notes shall be added to the plans, including specifically stating which driveways are required to be paved in their entirety. If all driveways are not proposed to be paved, then a detail shall be added for the non-paved driveway cross section.
9. 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.
10. On Sheet 1, Open Space Note, please correct the note to state that the open space is located on Lot 1.
11. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
12. 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.
13. Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
14. Payment of all fees.

The following comment submitted by the Conservation Board:

Viola Cox – None submitted.

The following comment submitted by the ARB:

Viola Cox – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action under SEQRA. The Board adopted a SEQRA Lead Agency Resolution on 2/18/20. The Applicant has addressed SEQRA issues that arose by the State such as; Indiana Bats and Rattlesnakes. The Applicant had prepared environmental protection notes that restricts time of the year cutting of forested areas. There are also provisions for rattlesnakes on the plans. There are also notes on the plan regarding the Penaluna landfill and measures that needs to be taken by the homeowners as a result of possible groundwater contamination. This project is also in an archeological sensitive area. We have a letter from the State in our files that states there would be no impacts on any resources that are eligible or listed. This is a Cluster subdivision. I have prepared a Draft Negative Declaration for the Board's consideration.

Comment #2: Applicant to discuss project.

Brian Friedler: I think Ted has covered it all.

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 covered that.

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

Brian Friedler: That permit has been closed out.

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

Mr. Astorino: We have that letter in our files.

Comment #8: The standard driveway notes shall be added to the plans, including specifically stating which driveways are required to be paved in their entirety. If all driveways are not proposed to be paved, then a detail shall be added for the non-paved driveway cross section.

Brian Friedler: Ok.

Comment #9: 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: That was a typo.

Comment #10: On Sheet 1, Open Space Note, please correct the note to state that the open space is located on Lot 1.

Brian Friedler: Ok.

Comment #11: 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 #12: 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: We need to add to Comment #12, a note stating no further subdivision. The reason being is that this is a Cluster subdivision. Ted, was there anything specifically in the Negative Declaration regarding the wetlands?

Mr. Fink: The wetlands are within the proposed open space. That would be protected as part of the Cluster subdivision plan.

Mr. Bollenbach: Do we want to put it into the declaration to put people on notice that there is a wetland located there? Is it under the DEC jurisdiction or not?

Mr. Fink: The wetland is only on Lot #1. The rest of the property won't be affected.

Mr. Bollenbach: Should there be a reference in the declaration or not?

Mr. Fink: John, I don't think there would be a need for it since it is going to be in the protected open space area. It would be subject to the declaration for open space.

Mr. Bollenbach: Ok. There is no need for it.

Comment #13: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Brian Friedler: Ok.

Comment #14: Payment of all fees.

Brian Friedler: Ok.

Mr. McConnell: What is the square-footage of the finished 1st floor?

Brian Friedler: That should be 951.

Laura Barca: Dennis, that is not the square-footage. That is the actual elevation.

Brian Friedler: Yes. The 951 is the elevation.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Do any other Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Cox Subdivision application, please rise and state your name for the record. 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: Cox Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed four lot subdivision at 35 Old Tuxedo Road, Town of Warwick, 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 dated 1-29-20, 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.

Mr. Showalter makes a motion on the Viola Cox Subdivision application, granting conditional Final Approval for 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on January 20, 2021. Approval is granted subject to the following conditions:

1. NYS Parks, Recreation, and Historic Preservation letter dated January 30, 2020 – no impact letter.
2. The standard driveway notes shall be added to the plans, including specifically stating which driveways are required to be paved in their entirety. If all driveways are not proposed to be paved, then a detail shall be added for the non-paved driveway cross section.
3. 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.
4. On Sheet 1, Open Space Note, please correct the note to state that the open space is located on Lot 1.
5. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
6. 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), and No Further Subdivision note must be added to the plan.
7. Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
8. Payment of all fees.

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

Brian Friedler: Thank you.

Public Hearing Of Jared Schutzman and Andrea Klein

Application Final Approval of a proposed Lot Line Change, situated on tax parcels S 47 B 1 L 81 and 82.22; 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, County of Orange, State of New York.

Representing the applicant: Dave Getz from Engineering Properties.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Schutzman-Klein 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 – 12/11/20 no advisory 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, ZBA is separate application.
7. The lots shall be identified as Lot 1 and Lot 2.
8. The Applicant forms must also be signed by the Owner - Ms. Klein.
9. Applicant requesting a waiver from 137-21.K(1) Shape of Lot (this was previously waived in 2009).
10. Please add the Engineering Firm's name and date these soil tests were witnessed on Sheet 2 of the plans.
11. A potential area for a replacement septic system should be shown on for Lot 47-1-82.22 that complies with required separation distances and potential soil characteristics.
12. The shared portion of the driveway should be shown. It should also be called out who is responsible to maintain the unshared portion of the driveway for Lot 47-1-81 that is located on Lot 47-1-82.22.
13. Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.
14. 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
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 must be added to the plan

18. The liber and page for the Agricultural, Aquifer, Ridgeline, Environmental Conservation, sight distance triangles, and shared driveway notes must be added to the plan.
19. Payment of all fees.

The following comment submitted by the Conservation Board:

Jared Schutzman and Andrea Klein- None submitted.

The following comment submitted by the ARB:

Jared Schutzman and Andrea Klein- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The application was already classified as a Type 2 Action on 12/2/20. The Planning Board does not need to do anything further under SEQRA. I have no outstanding comments on this lot line alteration.

Comment #2: Applicant to discuss project.

Dave Getz: The Applicants own two adjacent properties. One lot is approximately 1-acre in size. The other lot is approximately 53 acres in size. The proposal is to enlarge the small lot from 1-acre to approximately 4 acres. That would make the back lot about 50 acres in size. There is an existing house on the large lot. They propose a new house on the smaller lot. There would be a shared driveway between the 2 properties. This property originally received conditional final approval back in the year 2009 when the Thomson's owned the property.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 12/11/20 no advisory 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, ZBA is separate application.

Mr. Bollenbach: We can strike Comment #6.

Comment #7: The lots shall be identified as Lot 1 and Lot 2.

Dave Getz: Ok.

Comment #8: The Applicant forms must also be signed by the Owner - Ms. Klein.

Dave Getz: Ok.

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

Mr. Astorino: I don't see a problem with that. Is the Board ok with that?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Comment #10: Please add the Engineering Firm's name and date these soil tests were witnessed on Sheet 2 of the plans.

Dave Getz: Ok.

Comment #11: A potential area for a replacement septic system should be shown on for Lot 47-1-82.22 that complies with required separation distances and potential soil characteristics.

Dave Getz: Will add.

Comment #12: The shared portion of the driveway should be shown. It should also be called out who is responsible to maintain the unshared portion of the driveway for Lot 47-1-81 that is located on Lot 47-1-82.22.

Dave Getz: We will clarify that.

Comment #13: Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.

Dave Getz: Ok. The attorney will be working on that.

Comment #14: 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 #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: Gary Rich the Surveyor will be doing that.

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

Dave Getz: Ok.

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

Dave Getz: Ok.

Comment #19: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Schutzman-Klein Lot Line Change application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Showalter makes a motion to waive Comment #9 from 137-21K(1) Shape of Lot (this was previously waived in 2009).

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

Mr. Kennedy makes a motion on the Jared Schutzman and Andrea Klein application, granting conditional Final Approval for a proposed lot line, situated on tax parcels S 47 B 1 L 81 and L 82.22; 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, County of Orange, State of New York. A Type 2 Action was adopted on December 2, 2020. Approval is granted subject to the following conditions:

1. The lots shall be identified as Lot 1 and Lot 2.
2. The Applicant forms must also be signed by the Owner - Ms. Klein.
3. Applicant requesting a waiver from 137-21.K(1) Shape of Lot.
4. Please add the Engineering Firm's name and date these soil tests were witnessed on Sheet 2 of the plans.
5. A potential area for a replacement septic system should be shown on for Lot 47-1-82.22 that complies with required separation distances and potential soil characteristics.
6. The shared portion of the driveway should be shown. It should also be called out who is responsible to maintain the unshared portion of the driveway for Lot 47-1-81 that is located on Lot 47-1-82.22.
7. Add all shared driveway notes and shared driveway agreements (liber and page) to the drawing.
8. 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
9. Surveyor must sign the final plans.
10. 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.
11. The liber and page for the deed referencing the changes made to the lot lines must be added to the plan.
12. The liber and page for the Agricultural, Aquifer, Ridgeline, Environmental Conservation, sight distance triangles, and shared driveway notes must be added to the plan.
13. Payment of all fees.

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

Dave Getz: Thank you.

Review of Submitted Maps:***Black Bear Campground Site Plan & Special Use Permit #2***

Application for Site Plan Approval and Special Use Permit for the construction and use of an existing campground's continued use of operation of from 74 permitted campsites to 130 permitted campsites 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: Brad Cleverly from MJS Engineering.

The following review 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: 11/18/20 no advisory comments
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. Add a note on Sheets C-1, C-4 and C-5 that a Professional Engineer design and a building permit are required for retaining walls greater than 4-ft.
12. The areas of disturbance on Sheet C-7 are not legible.
13. There is overlapping and crowded text near the main entrance that should be corrected.
14. A surveyor seal/signature must be shown on the plan.
15. §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 30th, July 31st, October 31st, and January 31st 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). Building Department has confirmed compliance with this requirement.
16. 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 by providing a photograph of ledger.
17. Payment of any bonds or site inspection fees, if applicable.
18. 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).
19. Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24. This is a post-approval requirement.
20. 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.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: At the work session, I had noted that the EAF document sent to me was filled with a number of unanswered questions. Following the meeting, Brad Cleverly forwarded another version of the EAF and this one was filled out completely. It is an Unlisted Action and there are other agencies involved. I recommend that the Planning Board conduct a coordinated review and have prepared a draft resolution to that effect and attached it. Letters for the coordinated review will follow. The SEQR review process will need to be redone using the originally approved number of campsites, as per the Court's determination. That can occur once lead agency is established following a 30 day wait period.

Mr. McConnell makes a motion for Intent To Be 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 Intent to be Lead Agency
Type 1 Action

Name of Action: Black Bear Campground

Whereas, the Town of Warwick Planning Board is in receipt of an application for Site Plan and Special Use Permit by Black Bear Campground for a ± 54.6 acre parcel of land located at 197 Wheeler Road, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 11/23/2020 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 1 Action that meets the thresholds in 6 NYCRR 617.4(b)(6)(i); 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 Board has determined that there are other involved and/or federal agencies on this matter including the Orange County Health Department, Orange

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Comment #2: Applicant to discuss project.

Mr. Astorino: I think Ted had covered that.

Brad Cleverly: Yes. Ted had covered it.

Mr. Astorino: Do any Board members or Professionals have any comments? We will list Comment #3 through Comment #20 for the record.

Brad Cleverly: We would request from the to be set for a public hearing.

Mr. Astorino: We could set you for a public hearing at the next available agenda.

Mr. McConnell makes a motion to set the Black Bear Campground Site Plan & Special Use Permit application for a Public Hearing at the next available agenda.

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

Brad Cleverly: Thank you.

Comment #3: Conservation Board comments: no comments received

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

Comment #5: OCPD: 11/18/20 no advisory comments

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

Comment #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.

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

Comment #11: Add a note on Sheets C-1, C-4 and C-5 that a Professional Engineer design and a building permit are required for retaining walls greater than 4-ft.

Comment #12: The areas of disturbance on Sheet C-7 are not legible.

Comment #13: There is overlapping and crowded text near the main entrance that should be corrected.

Comment #14: A surveyor seal/signature must be shown on the plan.

Comment #15: §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 30th, July 31st, October 31st, and January 31st 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). Building Department has confirmed compliance with this requirement.

Comment #16: 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 by providing a photograph of ledger.

Comment #17: Payment of any bonds or site inspection fees, if applicable.

Comment #18: 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 #19: Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24. This is a post-approval requirement.

Comment #20: Payment of all fees.

Pete Fini Subdivision

Application for Sketch Plat Review of a proposed 4-Lot (Minor) Subdivision, situated on tax parcel S 42 B 1 L 51; parcel located on the southern side of C.R. 1A, 1200 feet west of Sanfordville Road (121 C.R. 1A), in the RU zone, of the Town of Warwick.

Representing the applicant: Brian Friedler from Engineering Properties.

Mr. Bollenbach: Mr. Chairman, I am recusing myself from the Pete Fini Subdivision application.

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 – 01/04/21 no violations
7. OCDPW – no comments received
8. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted.
9. Planning Board to determine if a site inspection is necessary
10. Application forms need to be signed by the owner in page 2 at the top; the bottom portion should be completed for the owner to provide a proxy to allow Pete Fini to represent her as the Applicant.
11. Soil tests for the proposed septic systems must be witnessed by the Planning Board Engineer.
12. 911 addresses must be obtained from the Building Department and then shown on the plan.
13. The shared driveway must be paved in its entirety; a note and a detail shall be added to the plan set.
14. The areas of disturbance shown on Sheet C-3 and C-7 should be consistent.
15. Provide a legend for areas shown on Environmental Resource Mapper.
16. Include lot boundaries on National Wetlands Inventory map and Environmental Resource Mapper map.
17. Applicant to provide a SWPPP in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements.
18. On sheet C-1, the legend and vicinity map extend beyond the top of the viewport. Revise plan layout extends for clarity.
19. On sheet C-3, add masks to callout text backgrounds for clarity (i.e. construction entrance callout, PT/TP locations, etc.).
20. Line type –x— not defined in legend on sheet C-3. It appears that it indicates the use of silt fence; applicant to define this line type.
21. Provide details for soil stockpile protection on sheet C-6.

22. Identify areas of grading and areas where soil stabilization will be required (i.e., seeding, mulching, etc.). Provide acceptable dates / windows of application for seeding.
23. Provide a construction phasing plan to minimize extents of disturbed areas as much as possible during a given phase.
24. Define extents of existing vegetation on site and identify locations of tree protection, if applicable.
25. Soil boundaries appear to be identified only on sheet C-1. These boundaries should be shown on existing and proposed conditions plans. Soil types should be defined and the NRCS Soil Data report should be included.
26. Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site.
27. Provide a soil restoration plan in accordance with the GP-0-20-001 and the NYSDEC Standards & Specifications for Erosion and Sediment Control, latest edition.
28. Provide specific inspection frequency requirements for the temporary soil erosion and sediment control features, including silt fence, stabilized construction entrance, etc.
29. Soil Erosion Control Note #3 notes that temporary seeding is required in areas where the land will remain vacant for more than 1 month. Note that areas must be stabilized within 14 days of no construction activity. Revise notes accordingly. Include information on plans regarding winter stabilization and inspection requirements.
30. Soil Erosion Control Note #7 on sheet C-7 notes the use of stone check dams in locations where driveway swales exceed 8% slope. Identify the locations on the plans where this criterion is met and a check dam is required. Provide detail for check dam construction, maintenance, and inspection requirements.
31. Soil Erosion Control Note #8 on sheet C-7 notes the use of slope stabilization fabric in locations where slopes are >15%. Identify the locations on the plans where this criteria is met and slope stabilization matting is required. Provide detail for fabric installation, maintenance, and inspection requirements.
32. Clarify if mulching is recommended during temporary seeding (Soil Erosion Control Note #3 on sheet C-7).
33. Applicant to confirm if there are any water bodies on the site, and identify extends of floodplain, if relevant.
34. Pavement section of driveway on sheet C-6 does not comply with Town of Warwick Code §A168-19.A. If a non-paved driveway is proposed, that cross section should also be added to the plan.
35. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Map Note
36. Surveyor to certify that iron rods have been set at all property corners.
37. The liber and page for the Agricultural and Ridgeline notes, as well as the Shared Driveway Agreement must be added to the plan.
38. Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
39. Payment of all fees.

The following comment submitted by the Conservation Board:

Pete Fini Subdivision – None submitted.

The following comment submitted by the ARB:

Pete Fini Subdivision- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF. This application should be classified as an Unlisted Action. I have prepared a draft Lead Agency Resolution for the Planning Board's consideration for its review of the subdivision under SEQRA.

Mr. Kennedy makes a motion for Lead Agency

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

617.6

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

Name of Action: Fini Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Subdivision approval of a 22.973 ± acre parcel of land located at 121 Orange County Highway 1, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 12/4/20 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 within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Orange County Department of Public Works.

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.

Brian Friedler: This application is a proposed 4-Lot subdivision. We are proposing a shared driveway coming off C.R. 1A. We had met with the County at the site back in September. They have a set of plans to start their review.

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 – 01/04/21 no violations

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

Laura Barca: No.

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

Mr. McConnell: Looking at the map on Sheet 1, what does the dotted line that extends further than the site itself mean?

Brian Friedler: It is for the different soil types.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: We will list Comment #7 through Comment #39 for the record.

Brian Friedler: We ask the Board to set this application for a public hearing.

Mr. Astorino: That would be fine.

Mr. McConnell makes a motion to set the Pete Fini Subdivision application for Final Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Comment #7: OCDPW – no comments received

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

Comment #9: Planning Board to determine if a site inspection is necessary.

Comment #10: Application forms need to be signed by the owner in page 2 at the top; the bottom portion should be completed for the owner to provide a proxy to allow Pete Fini to represent her as the Applicant.

Comment #11: Soil tests for the proposed septic systems must be witnessed by the Planning Board Engineer.

Comment #12: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #13: The shared driveway must be paved in its entirety; a note and a detail shall be added to the plan set.

Comment #14: The areas of disturbance shown on Sheet C-3 and C-7 should be consistent.

Comment #15: Provide a legend for areas shown on Environmental Resource Mapper.

Comment #16: Include lot boundaries on National Wetlands Inventory map and Environmental Resource Mapper map.

Comment #17: Applicant to provide a SWPPP in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements.

Comment #18: On sheet C-1, the legend and vicinity map extend beyond the top of the viewport. Revise plan layout extends for clarity.

Comment #19: On sheet C-3, add masks to callout text backgrounds for clarity (i.e. construction entrance callout, PT/TP locations, etc.).

Comment #20: Line type –x— not defined in legend on sheet C-3. It appears that it indicates the use of silt fence; applicant to define this line type.

Comment #21: Provide details for soil stockpile protection on sheet C-6.

Comment #22: Identify areas of grading and areas where soil stabilization will be required (i.e., seeding, mulching, etc.). Provide acceptable dates / windows of application for seeding.

Comment #23: Provide a construction phasing plan to minimize extents of disturbed areas as much as possible during a given phase.

Comment #24: Define extents of existing vegetation on site and identify locations of tree protection, if applicable.

Comment #25: Soil boundaries appear to be identified only on sheet C-1. These boundaries should be shown on existing and proposed conditions plans. Soil types should be defined and the NRCS Soil Data report should be included.

Comment #26: Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site.

Comment #27: Provide a soil restoration plan in accordance with the GP-0-20-001 and the NYSDEC Standards & Specifications for Erosion and Sediment Control, latest edition.

Comment #28: Provide specific inspection frequency requirements for the temporary soil erosion and sediment control features, including silt fence, stabilized construction entrance, etc.

Comment #29: Soil Erosion Control Note #3 notes that temporary seeding is required in areas where the land will remain vacant for more than 1 month. Note that areas must be stabilized within 14 days of no construction activity. Revise notes accordingly. Include information on plans regarding winter stabilization and inspection requirements.

Comment #30: Soil Erosion Control Note #7 on sheet C-7 notes the use of stone check dams in locations where driveway swales exceed 8% slope. Identify the locations on the plans where this criterion is met and a check dam is required. Provide detail for check dam construction, maintenance, and inspection requirements.

Comment #31: Soil Erosion Control Note #8 on sheet C-7 notes the use of slope stabilization fabric in locations where slopes are >15%. Identify the locations on the plans where this criteria is met and slope stabilization matting is required. Provide detail for fabric installation, maintenance, and inspection requirements.

Comment #32: Clarify if mulching is recommended during temporary seeding (Soil Erosion Control Note #3 on sheet C-7).

Comment #33: Applicant to confirm if there are any water bodies on the site, and identify extends of floodplain, if relevant.

Comment #34: Pavement section of driveway on sheet C-6 does not comply with Town of Warwick Code §A168-19.A. If a non-paved driveway is proposed, that cross section should also be added to the plan.

Comment #35: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Map Note

Comment #36: Surveyor to certify that iron rods have been set at all property corners.

Comment #37: The liber and page for the Agricultural and Ridgeline notes, as well as the Shared Driveway Agreement must be added to the plan.

Comment #38: Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #39: Payment of all fees.

Tina and Keyvan Saghafi

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change, situated on tax parcel S 16 B 1 L 17.112 and 17.111; parcels located on the western side of Big Island Road and Hedges Road, 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 comments
6. TW Building Department – 12/31/20 Lot 17.111: open permit for new construction (expires 09/14/21); Lot 17.112: permit required for pole barn & pool shed, CO required for an addition, accessory building must be 10-ft from dwelling, pool permit (12132) is expired
7. ZBA: The required lot area (for both lots) and setback between the house and an accessory building (the pool house) has not been met.
8. Planning Board to determine if site inspection is desired.
9. All application forms and final plans must be signed by Tina Saghafi, the Trustee of the Family Trust.
10. A north arrow shall be added to the drawing or clarify if the north arrow in the far upper right is for the location map, as well as the drawing.
11. Applicant to label lots as Lot 1 and Lot 2.
12. Applicant to show compliance with the Square Rule §137-21.K(1).
13. Applicant to show buildable area §137-21.A.
14. The approximate location of the septic system for Parcel 16-1-17.112 must be shown.
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. Surveyor must sign the final plans.
17. Surveyor to complete Town of Warwick Certification of Iron Pins form.
18. The liber and page for the deed referencing the changes made to the lot lines and the Agricultural notes must be added to the plan.
19. Payment of all fees.

The following comment submitted by the Conservation Board:

Tina and Keyvan Saghafi – None submitted.

The following comment submitted by the ARB:

Tina and Keyvan Saghafi – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 2 Action but it also requires Zoning variances. It is my understanding that the Planning Board will refer it to the ZBA for their consideration of the variances. Once the Applicant has completed with the ZBA, then the Planning Board could consider a draft Resolution classifying it as Type 2 Action when they return to the Planning Board.

Comment #2: Applicant to discuss project.

Kirk Rother: This application has 2 existing parcels that are both owned by the Saghafi's. Both lots are non-conforming for lot area as per the current Zoning. Mr. Saghafi proposes to build a new single-family dwelling on the vacant lot. He is looking to transfer ownership of an existing accessory structure from his old house to his proposed new house.

Mr. Astorino: Ok. You will need to go to the ZBA.

Kirk Rother: Yes. We need to go to the ZBA because both lots are non-conforming and for the existing accessory structure.

Mr. Astorino: Do any Board members have any issues on referring them to the ZBA?

Mr. Kennedy: No.

Mr. Showalter: No.

Mr. Astorino: We will send you the referral to the ZBA. We will list Comment #3 through Comment #19 for the record.

Kirk Rother: Thank you.

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 – 12/31/20 Lot 17.111: open permit for new construction (expires 09/14/21); Lot 17.112: permit required for pole barn & pool shed, CO required for an addition, accessory building must be 10-ft from dwelling, pool permit (12132) is expired

Comment #7: ZBA: The required lot area (for both lots) and setback between the house and an accessory building (the pool house) has not been met.

Comment #8: Planning Board to determine if site inspection is desired.

Comment #9: All application forms and final plans must be signed by Tina Saghafi, the Trustee of the Family Trust.

Comment #10: A north arrow shall be added to the drawing or clarify if the north arrow in the far upper right is for the location map, as well as the drawing.

Comment #11: Applicant to label lots as Lot 1 and Lot 2.

Comment #12: Applicant to show compliance with the Square Rule §137-21.K(1).

Comment #13: Applicant to show buildable area §137-21.A.

Comment #14: The approximate location of the septic system for Parcel 16-1-17.112 must be shown.

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: Surveyor must sign the final plans.

Comment #17: Surveyor to complete Town of Warwick Certification of Iron Pins form.

Comment #18: The liber and page for the deed referencing the changes made to the lot lines and the Agricultural notes must be added to the plan.

Comment #19: Payment of all fees.

Other Considerations:

1. **Pioneer Farm Subdivision** – Letter from Dan Getz, Engineering properties dated 12/11/20 addressed to the Planning Board in regards to the Pioneer Farm Subdivision – requesting 6-Month Extension on 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 they need additional time to address the conditions of the approval and revisions to the legal declarations.* The 6-Month Extension becomes effective on 12/5/20.

Representing the applicant: Brian Friedler from Engineering Properties.

Brian Friedler: I have the email that Dan sent to you.

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

Mr. McConnell makes a motion on the Pioneer Farm Subdivision application, granting a 6-Month Extension on Re-Approval of Final Approval for a proposed 4-Lot subdivision, SBL #52-1-26.2 (60 NYS Route 94S). Conditional Final Approval was granted on 6/5/19.

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

2. Planning Board Minutes of 12/2/20 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 12/2/20.

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

3. Planning Board to discuss canceling the 1/25/21-Work Session & 2/3/21-PB Meeting.

Mr. McConnell makes a motion to cancel the 1/25/21-Work Session & 2/3/21-PB Meeting.

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

4. Planning Board to discuss Extensions and Re-Approvals on subdivisions.

Mr. Astorino: I want to bring something to the Planning Board regarding extension and re-approvals on subdivisions. The Town Board since the year 2008 has been granting yearly or every two-years extensions on these approvals. The Town Board

did not renew it this year. The economy has been moving for a while now. What is the Planning Board's feeling on extensions and re-approvals?

Mr. McConnell: We will see if it continues to move.

Mr. Astorino: I agree. But some of these subdivisions have been lingering around for the past years since 2008. Connie prepared a list of subdivisions that have been receiving extensions over the past years. We could have Connie email it to us. Maybe some of them could continue with extensions. We don't have to make a decision about it tonight. It is something to think about.

Mr. McConnell: I would suggest that we go along with extending as the Town has been doing. There should be proper notification given to any of the projects that are on the list to the Town Board. That is just a suggestion to the Town Board for some period of time. People have been relying upon past behavior by the Town Board in extending. If that is going to be changed, you would need to give them ample time.

Mr. Astorino: I agree. That has expired as of 1/1/21.

Mr. McConnell: I get that. But, do you want guaranteed lawsuits?

Mr. Showalter: I say that we continue with the path that we have been on with letting the applicants extend their approvals. It is up to the Applicants if they want to continue with their project or not.

Mr. Astorino: Just think about where your heads are with this. This has been going on since the year 2008. My personal opinion, I think it is time to start wrapping these up.

Mr. Showalter: But if the guy has to start their approval all over again, then it will never happen because it cost him millions of dollars to do the project.

Connie Sardo: This does not relate to the current projects that have approvals. The current projects have up to one year for an extension and re-approval.

Mr. Showalter: Right.

Mr. Astorino: We could think about doing it on a case-by-case basis. Let's just think about it.

Mr. McConnell: I don't agree with Mr. Showalter's characterization of it being unfair.

Mr. Astorino: We have been doing this since 2008.

Mr. McConnell: There is a reason why there are time limits built into the Code.

Mr. Astorino: It is something to think about. We will get a list together with the dates of the projects.

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 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 January 20, 2021 Planning Board Meeting.

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