

TOWN OF WARWICK PLANNING BOARD

March 17, 2021

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, John MacDonald,
Rich Purcell, Alt.
Laura Barca, HDR Engineering
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, September 2, 2020 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Travis Glohs 2-Lot Subdivision

Application for Sketch Plat Review of a proposed 2-Lot Cluster (MAJOR) subdivision, situated on tax parcel S 49 B 1 L 62.4; parcel located on the eastern side of Wawayanda Road 1000± feet south of Hoyt Road (23 Wawayanda Rd.), in the RU zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler 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 – 01/28/21 no violations
7. NYS Parks, Recreation, and Historic Preservation letter
8. Planning Board to determine a date for a site inspection
9. Context Plan: The context map should identify the following items or include a note that they are not present on the plans:
 - a. Federal wetlands (pond, stream),
 - b. Public lands, and
 - c. Land protected under conservation easement.
10. The metes and bounds for all lot lines must be shown on the drawings. Similarly, a metes and bounds description shall be provided for the proposed open space.
11. The disturbance area shown in Sheet 1, Note 15 is not consistent with the information shown on PB-3.
12. Sheet 1, Notes 16 and 17 indicate that there are multiple wells and septic systems being installed; please update the words to be singular.
13. Sheet 1, Note 19 may have been included by mistake; please confirm.

14. On Sheet 1, the total area of open space is shown; please also show this area as a percentage to demonstrate that it complies with the Code requirement.
15. The plan seems to indicate that the existing septic system and the potential area for a future septic area are the same; Applicant to update.
16. Soil tests for the septic systems on Lot 2 must be witnessed by the Office of the Planning Board Engineer.
17. 911 addresses must be obtained from the Building Department and then shown on the plan.
18. A note shall be added to the plan stating that there will be no future subdivision of any lot included within this subdivision. Already on plan: Sheet PB-1, Map Note 2.
19. Sheet PB-3 indicates that a portion of the fencing shall be removed to allow for the construction of the driveway. Additional information should be added to clarify what the remaining fence will look like and confirm that the fence can support itself if a portion is taken away. Applicant to clarify if driveway could be relocated to avoid the fence.
20. Sheet PB-4, the Swale Detail needs notes added: general, surface covering, maintenance, etc.
21. 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.” Already added to Sheet 1, Map Note 1.
22. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
23. The liber and page for the Aquifer Protection, Open Space, and Biodiversity Notes must be added to the plan.
24. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
25. Payment of all fees.

The following comment submitted by the Conservation Board:

Travis Glohs 2-Lot Subdivision – None submitted.

The following comment submitted by the ARB:

Travis Glohs 2-Lot Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

1. Mr. McConnell: The following SEQRA comment has been prepared by Mr. Ted Fink: *“This two-lot Major Cluster subdivision is an Unlisted Action under SEQR. There are no other agencies involved so the Planning Board can declare itself lead agency tonight. A draft resolution initiating the SEQR process is attached. The site is within the Town’s Biodiversity Conservation Overlay District and based upon the Short EAF submitted, there is further information that will be required. The EAF identified the potential for Bog turtle habitats on the site or surrounding area. The Zoning Law requires that a habitat assessment be conducted in this case. The habitat assessment includes a survey of the existing environmental conditions on the site, identifies any areas of ecological sensitivity, determines what the impact of the proposed development will be, and devises mitigation measures to avoid or reduce identified impacts (if any). Contact with the NY State Department of Environmental Conservation (DEC) should be initiated by the applicant. The site is identified on the Short EAF as being located within an archaeologically sensitive location. The applicant should contact the NY State Office of*

Parks Recreation and Historic Preservation to determine if an on-site Phase 1 is necessary. The applicant has provided the cluster design 4-step process maps and the site context map. The site context map was prepared at a scale of 1" = 100'. This should be corrected to be at a scale of at least 1" = 1,000' feet to show a greater area surrounding the site as required by 164-41.1.E(1)(f). As a cluster subdivision, once the above information is provided, the Planning Board should consider scheduling a field visit to the site".

Mr. Purcell makes a motion for the Lead Agency.

Seconded by Mr. Showalter. 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: Glohs Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Subdivision approval of a 12.82 ± acre parcel of land located at 23 Wawayanda Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/12/21 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted Action, and

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

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

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to

determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 2-lot Cluster subdivision located off Wawayanda Road. The Applicant wants to do a Cluster subdivision to keep the back area of the property wooded. We have done soil tests on the property. We found an area to put in a septic system. The driveway would come off Wawayanda Road. Most of the property will stay with the existing house.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 01/28/21 no violations

Comment #7: NYS Parks, Recreation, and Historic Preservation letter

Comment #8: Planning Board to determine a date for a site inspection

Mr. Astorino: We could schedule a site visit. We usually do that with Cluster subdivisions. Before we do that, I know this is early in the process. Laura, do any of these comments stand out? I know they are standard comments. I would like the Board to do a site visit first before we get into this. Brian, do you have any questions on these comments tonight?

Brian Friedler: No.

Mr. Astorino: When would the Board like to do a site visit?

The Planning Board discusses scheduling the Glohs Subdivision for a site visit. The site visit is scheduled for Wednesday, April 21, 2021 at 6:00 p.m. That would be before our Regular meeting that night.

Mr. McConnell: Does this property front on two streets? There is not going to be a long driveway. They would have 2 driveways. Is that correct?

Brian Friedler: They would have very short driveways.

Mr. McConnell: Ok. That is interesting. You don't see too many pieces of property that have frontage on two streets.

Mr. Astorino: No. We have not. We will note Comment #9 through Comment #25 for the record. We are scheduled for a site visit for Wednesday, April 21, 2021 at 6:00 p.m.

Brian Friedler: We ask the Board to be set for a public hearing at the next available agenda.

Mr. Astorino: I don't see a problem with that.

Mr. McConnell makes a motion to set the Glohs Subdivision for a Preliminary Public Hearing at the next available agenda.

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

Mr. Bollenbach: Brian, what is the status of the habitat and the archeologically?

Brian Friedler: I have a letter from the NYSDEC.

Mr. Bollenbach: Does Connie have a copy of that?

Brian Friedler: No. I will send that tomorrow.

Mr. Bollenbach: What is the gist of that?

Brian Friedler: This is stating that there was a report of rare or state-listed animals and plants.

Laura Barca: What animals are they?

Brian Friedler: Bog Turtle.

Connie Sardo: What date is that letter?

Brian Friedler: The date of the NYSDEC letter is February 12, 2021.

Mr. Astorino: No matter what they were set for a public hearing. If they don't have the information that we need, we don't have to put them on for a public hearing. It is still early in the process. They may or may not be ready yet. We will be doing a site visit on April 21st.

Brian Friedler: Ok. Thank you.

Comment #9: Context Plan: The context map should identify the following items or include a note that they are not present on the plans:

- a. Federal wetlands (pond, stream),
- b. Public lands, and
- c. Land protected under conservation easement.

Comment #10: The metes and bounds for all lot lines must be shown on the drawings. Similarly, a metes and bounds description shall be provided for the proposed open space.

Comment #11: The disturbance area shown in Sheet 1, Note 15 is not consistent with the information shown on PB-3.

Comment #12: Sheet 1, Notes 16 and 17 indicate that there are multiple wells and septic systems being installed; please update the words to be singular.

Comment #13: Sheet 1, Note 19 may have been included by mistake; please confirm.

Comment #14: On Sheet 1, the total area of open space is shown; please also show this area as a percentage to demonstrate that it complies with the Code requirement.

Comment #15: The plan seems to indicate that the existing septic system and the potential area for a future septic area are the same; Applicant to update.

Comment #16: Soil tests for the septic systems on Lot 2 must be witnessed by the Office of the Planning Board Engineer.

Comment #17: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #18: A note shall be added to the plan stating that there will be no future subdivision of any lot included within this subdivision. Already on plan: Sheet PB-1, Map Note 2.

Comment #19: Sheet PB-3 indicates that a portion of the fencing shall be removed to allow for the construction of the driveway. Additional information should be added to clarify what the remaining fence will look like and confirm that the fence can support itself if a portion is taken away. Applicant to clarify if driveway could be relocated to avoid the fence.

Comment #20: Sheet PB-4, the Swale Detail needs notes added: general, surface covering, maintenance, etc.

Comment #21: 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.” Already added to Sheet 1, Map Note 1.

Comment #22: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #23: The liber and page for the Aquifer Protection, Open Space, and Biodiversity Notes must be added to the plan.

Comment #24: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #25: Payment of all fees.

John, Thomas and Amy Sibilla Family Trust

Application for Sketch Plat Review of a proposed 4-Lot (Minor) subdivision, situated on tax parcel S 27 B 1 L 116; parcel located on the right side of Skysail Lane 1000 feet south of Amity Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Brian Friedler 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 – 01/28/21 permit 16303 for shed/fence has expires; permit 17584 for pool has expires; permit required for hot tub
7. ZBA: Proposed Lot 1 (the existing home) has a front yard setback of 50-ft when 75-ft is required and all lots required a 280(a) for access from a non-public road
8. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted; no impact letter submitted dated January 07, 2021.
9. Planning Board to determine if a site inspection is necessary.
10. Soil tests for the proposed septic systems must be witnessed by the Planning Board Engineer.
11. 911 addresses must be obtained from the Building Department and then shown on the plan.
12. The shared driveway must be paved in its entirety; a note and a detail shall be added to the plan set.
13. Applicant to provide a SWPPP in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements.
14. Define extents of existing vegetation on site and identify locations of tree protection, if applicable.
15. Soil boundaries appear to be identified only on sheet PB-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.
16. Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site.
17. 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.
18. Provide specific inspection frequency requirements for the temporary soil erosion and sediment control features, including silt fence, stabilized construction entrance, etc.
19. 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.
20. Applicant to confirm if there are any water bodies on the site, and identify extends of floodplain, if relevant.
21. The existing condition and width of Skysail Lane is not shown on the plan; Applicant to provide information. Skysail Lane will be required to be paved in its entirety.

22. Skysail Lane must be improved to be a 24-ft wide private road, to private road specifications; more than 6 homes will access it.
23. A shared driveway agreement for all existing lot and the proposed new lots must be prepared and submitted.
24. 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, General Note 13
25. Surveyor to certify that iron rods have been set at all property corners.
26. The liber and page for the Agricultural and Ridgeline notes, as well as the Shared Driveway Agreement must be added to the plan.
27. Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
28. Payment of all fees.

The following comment submitted by the Conservation Board:

John, Thomas and Amy Sibilla Family Trust – None submitted.

The following comment submitted by the ARB:

John, Thomas and Amy Sibilla Family Trust – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQRA comment has been prepared by Mr. Ted Fink: *“This four-lot minor subdivision is an Unlisted Action under SEQRA. The Zoning Board of Appeals is an involved agency for an area variance on the proposed Lot # 1. This is a front yard setback that the existing dwelling does not meet and is a ZBA Type II action so the ZBA is not bound by SEQRA before they can consider approving the setback variance. There are no other agencies involved so the Planning Board can declare itself lead agency tonight. A draft resolution initiating the SEQRA process is attached. It should be noted that the EAF submitted appears to be incorrectly dated (i.e. 2013 instead of 2021) so this should be corrected for the Planning Board’s records.*

The site is within the Town’s Biodiversity Conservation Overlay District and based upon the Short EAF submitted, there is further information that will be required. The EAF identified the potential for Indiana bat habitat on the site or surrounding area and the DEC’s Natural Resource Mapper indicates areas of significant forests on the site. Further, the site is a “Known Important Area for Rare Terrestrial Animals.” Federal wetlands also appear to be present on the site based upon National Wetlands Inventory (NWI) information. While it does not appear as if the identified NWI Federal wetlands are near to the proposed limits of disturbance, any other potential additional wetlands areas should be identified or a note added to the plans that the identified NWI areas are the only wetlands present on the site. Contact with the NY State Department of Environmental Conservation (DEC) should be initiated by the applicant to determine if an on-site habitat assessment is needed.

The site is identified on the Short EAF as being located within an archaeologically sensitive location. The applicant has already secured a letter from the NY State Office of

Parks Recreation and Historic Preservation indicating that there are no historic or pre-historic properties that will be impacted by the subdivision so no future work on this SEQR issue will be necessary”.

Mr. Showalter makes a motion for the 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: Sibilla Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Subdivision approval of-a 35.7 ± acre parcel of land located at 7 Skysail Lane, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/13/13 [sic] was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted Action, and

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

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Town Zoning Board of Appeals, which will make its own SEQR determinations.

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 for a proposed 4-Lot subdivision off Skysail Lane. Skysail Lane is a common driveway/private road. The Applicant proposed 3 new dwellings on the property along with 1 existing dwelling. The existing dwelling would have 13.7 acres. Lot #1 and Lot #2 would each have approximately 4 acres. Lot #4 would be approximately 14.1 acres.

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 – 01/28/21 permit 16303 for shed/fence has expired; permit 17584 for pool has expired; permit required for hot tub.

Mr. Astorino: As you go through the process with this application, you will need to take care of those permits with the Building Department.

Brian Friedler: Ok.

Comment #7: ZBA: Proposed Lot 1 (the existing home) has a front yard setback of 50-ft when 75-ft is required and all lots required a 280(a) for access from a non-public road.

Brian Friedler: Ok.

Comment #8: NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted; no impact letter submitted dated January 07, 2021.

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

Mr. Astorino: Yes. We should schedule a site visit for this property. Laura, do any of these comments stand out? I know this project is just getting started. They will need to go to the ZBA. Do any Board members or Professionals have any comments? Brian, do you have any questions or comments? These comments are more technical in nature.

Brian Friedler: No.

Mr. Astorino: They will need to go to the ZBA. The Planning Board will refer them to the ZBA. After they are done with the ZBA, we will schedule a site visit. We will list Comment #10 through Comment #28 for the record.

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

Comment #11: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #12: The shared driveway must be paved in its entirety; a note and a detail shall be added to the plan set.

Comment #13: Applicant to provide a SWPPP in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements.

Comment #14: Define extents of existing vegetation on site and identify locations of tree protection, if applicable.

Comment #15: Soil boundaries appear to be identified only on sheet PB-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 #16: Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site.

Comment #17: 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 #18: Provide specific inspection frequency requirements for the temporary soil erosion and sediment control features, including silt fence, stabilized construction entrance, etc.

Comment #19: 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 #20: Applicant to confirm if there are any water bodies on the site, and identify extends of floodplain, if relevant.

Comment #21: The existing condition and width of Skysail Lane is not shown on the plan; Applicant to provide information. Skysail Lane will be required to be paved in its entirety.

Comment #22: Skysail Lane must be improved to be a 24-ft wide private road, to private road specifications; more than 6 homes will access it.

Comment #23: A shared driveway agreement for all existing lot and the proposed new lots must be prepared and submitted.

Comment #24: 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, General Note 13

Comment #25: Surveyor to certify that iron rods have been set at all property corners.

Comment #26: The liber and page for the Agricultural and Ridgeline notes, as well as the Shared Driveway Agreement must be added to the plan.

Comment #27: Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #28: Payment of all fees.

Other Considerations:

1. Planning Board Minutes of 1/20/21 for PB Approval.

Mr. McConnell makes a motion to Approve the 1/20/21 Planning Board Minutes.

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

2. **Warwick Isle Section I** – Letter from Bob Krahulik, Esq., addressed to the Planning Board in regards to the Warwick Isle Section I subdivision – requesting 10th Re-Approval of Final Approval for Section I (7-Lots) of Sectionalizing Plan + 6-Month Extension for a proposed Section I (7-Lot Cluster subdivision) including a Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster subdivision in sections, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection w/C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval for Section I (7-Lots) granted on 4/6/11. The 10th Re-Approval becomes effective on 4/6/21. The 6-Month Extension becomes effective on 10/6/21.

Mr. McConnell: I thought that we had talked about some time ago requiring that the Applicant or their Representative to show up at the meeting to explain to us the status of a project and if we had questions about it. This project here is about 10 years old.

Connie Sardo: John has been working on this.

Mr. McConnell: That is not the point. We had said about 2 or 3 years ago that we are going to start requiring the Applicant and/or their Representative for these Re-Approvals and Extensions to come to a meeting to talk to use about that. We seem to have gone away from that. I would like to consider on revisiting that.

Mr. Astorino: Ok. John, could you fill us in on where we are with Warwick Isle?

Mr. Bollenbach: Bob Krahulik is the Applicant's Attorney. He realizes that the "Grandfathered" applications are coming to a sunset. They are feverishly moving along. They have updated all of their stormwater SWPPP facilities. They have made an application to the Town Board for the Marketing Plan on affordable housing. There is also a proposed backup drainage district that is being submitted to the Town Board. This is a 33-lot subdivision that was approved in sections. There are 6 building lots for Section I. There is substantial drainage infrastructure on the property. There will also be a Homeowner's Association (HOA) for this property. Bob is also working on the HOA. There are drainage easements and easements to the adjoining black dirt farm. That is to maintain the drainage for the black dirt ditches. There are also offers of dedication for Warwick Isle Boulevard. I believe that is the new Town Road that is being proposed. The descriptions have been submitted. We are waiting for updated maps to verify the accuracy of those descriptions. There also will be offers of dedications along Merritts Island which is an existing Town Road. That is about it. There has been a lot going on with this project.

Mr. Astorino: Ok.

Mr. McConnell: I have another question about Mr. Krahulik's letter. That is why I am sorry that he is not here tonight. In his letter he has stated that and we intend to now satisfy the conditions and proceed with development and that Market conditions have improved. That kind of sits wrong with me. We have been waiting 10 years for this. I wished Mr. Krahulik could have been here this evening so I could ask him for further explanation of what the intent had been prior to this.

Mr. Astorino: They did come back to us to do this in sections.

Mr. McConnell: Yes.

Connie Sardo: That was in the year 2011.

Mr. Astorino: That was a while ago. Here is where we are at with this. If the Board would like to do a so moved and approve this that would be fine. If no, we could hold it over. They have been working on this.

Mr. Showalter makes a motion on the Warwick Isle Section I application, granting 10th Re-Approval of Final Approval + 6-Month Extension for Section I (7-Lot Cluster Subdivision) including a Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster subdivision into Sections, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval for Section I (7-Lots) granted on 4/6/11.

The 10th Re-Approval of Final Approval for Section I (7-Lots) becomes effective on 4/6/21; subject to the conditions of Final Approval granted on 4/6/11.

The 6-Month Extension on 10th Re-Approval of Final Approval for Section 1 (7-Lots) becomes effective on 10/6/21.

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

Mr. Astorino: Dennis, I do agree with you. If we want to make that into Code, we could request for them to show up. We could deny their request for extensions if they don't show up at a meeting. That is our prerogative. John, correct me if I am wrong. I don't think we could require for anyone to be here by law. It is not in the Code. Is that correct?

Mr. Bollenbach: There are provisions in the Code that the Applicants are supposed to show due diligence.

Mr. McConnell: If we did not ask them to appear, then shame on us.

Mr. Bollenbach: That is another issue where it would be a recommendation to the Town Board. Actually, the approvals have already expired as of January 1, 2021. They were to just have a one-year extension. With that being said, if the Town Board does extend it for a two-year period, then the Applicants should know about that.

Mr. Astorino: I agree with that scenario because half of this year will be over. Six months would not be giving everyone the opportunity to exercise due diligence. If the Town Board extends it to January 1, 2023, that would give it 1-1/2 years by the time the Town Board approves extensions. If the Planning Board would like to make a recommendation to the Town Board, we could do that this evening. We could pass that onto the Town Board.

Connie Sardo: There are not that many applications left. We have Warwick Isle which is a Sectionalizing plan. The ones that I have not heard from in a long time and have expired Re-Approvals and Extensions are Lands of Rother and Cedar Ridge. We have the Fusco Subdivision which received 4th Amended Final Approval. Those are the only ones.

Mr. Astorino: There are definitely 2 applications. But Lands of Rother and Cedar Ridge, we definitely haven't heard anything from them.

Mr. Showalter: I think that is dead.

Mr. Bollenbach: With all of the work that they have done, you would think they would have done approvals in sections. If they do the approval in sections that first section would have to be approved and filed by January 1, 2023.

Mr. Astorino: Do we have a consensus from the Planning Board for a recommendation to the Town Board to extend the approvals?

Mr. Bollenbach: With them filing the 1st section by January 1, 2023, what that does it gives the Applicants 3 years for the Applicant to perfect and to file the remaining sections.

Mr. Showalter: That sounds very reasonable.

Mr. McConnell: Just to be clear, the Town Board has the authority to do whatever they are going to do with these things. I am not arguing that we ought to be arguing against what it is that they intend to do. I understand the pressures. It is just at some point; we are being ignored.

Mr. Astorino: We are finally starting to get back to in person meetings. This past year we either had WebEx meetings or no meetings at all due to Covid-19.

Mr. McConnell: They were doing it before Covid-19. That is an excuse.

Mr. Astorino: I disagree with that. We could ask our Secretary when these extensions come in to email them that they need to come to the meeting.

Connie Sardo: I have been doing that. I inform the Applicants to attend a meeting for their extensions. Some people are still afraid to come out to the public because of Covid-19.

Mr. Astorino: Ok. You cannot force anyone to come out to the public when they don't want to right now.

Laura Barca: I understand there are different state requirements for subdivisions versus site plans. The subdivisions require the 6 Month Extensions or the annual Re-Approvals. I believe the Town has several site plan and special use permit applications that were granted conditional final approval more than 10 years ago. But I believe according to the State Regulations that there is no requirement to extend them. John, is that correct?

John Bollenbach: Unless they are revoked. That would be something we would have to take a look at.

Laura Barca: While you are thinking about what to do with the subdivisions also be aware that there are pending site plans that literally have not ever appeared in front of this Board for over 10 years.

Connie Sardo: I thought that we don't do extensions on site plan approvals. Is that correct?

Mr. Astorino: Yes. But as Laura had pointed out that could also be an issue.

Laura Barca: Because a subdivision and a site plan should be treated somewhat equally. You shouldn't deny subdivisions and allow site plans that have been around longer.

Mr. Astorino: We could also pull that information out.

Mr. Showalter: How many site plan and special use applications do we have?

Mr. Astorino: I know that there is a couple of them.

Mr. Bollenbach: Even if a site plan has been filed with the Town Clerk's office, they would still have to comply with updated regulations such as stormwater.

Mr. Astorino: It is not our call. We could make a recommendation to the Town Board to allow the Extensions and Re-Approvals to go until January 1, 2023. If that is the consensus of the Planning Board, John could do a recommendation letter to the Town Board. It is a Town Board's decision. It is not the Planning Board's decision.

Mr. Showalter: When Connie has time, I think she should write a list up of what subdivision applications and what site plan applications we have.

Mr. Astorino: Let me ask this. The extensions that have been given are for subdivisions. Is that correct?

Connie Sardo: Yes. We have never done extensions on site plan approvals.

Mr. Astorino: Right. We have never done extensions on site plan approvals. That would be a whole other separate topic to discuss another time. John, please send a memo to the Town Board to allow the extensions to go to the year 2023.

Mr. Bollenbach: Ok.

Correspondences:

1. Email from Tara Lambert addressed to the Planning Board in regards to Pulpit Rock Inn.

Mr. Astorino: We have that email in our packets.

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 March 17, 2021 Planning Board Meeting.

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