

TOWN OF WARWICK PLANNING BOARD

June 16, 2021

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, June 16, 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.

PUBLIC HEARING OF William and Kathryn Bollenbach c/o Julie Bollenbach

Application for Final Approval of a proposed 4-Lot subdivision a/k/a **Pete Fini 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, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Engineering Properties & Surveying.

Mr. Bollenbach: Mr. Chairman, I will recuse myself from this application.

Mr. Astorino: Ok.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Pete Fini Subdivision.

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 – 03/09/21 adjacent property is an active farm, property may contain habitat suitable for bog turtle and Indiana bat
6. TW Building Department – 01/04/21 no violations
7. OCDPW – 04/23/21 approval letter
8. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. No impact letter dated 01/04/21
9. Planning Board to determine if a site inspection is necessary. Planned for 06/16/21 at 6pm.
10. Applicant to move the house in the Ridgeline area out of the ridgeline area to prevent the home from being taller than the surrounding treetops and ridgelines.

11. 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. In accordance with the NYSDEC Standards & Specifications for Erosion and Sediment Control Appendix E, seeding rates, areas of seeding, and seeding dates for both temporary and permanent stabilization must be provided on the plans. Should also provide winter stabilization notes either on the plan or within the SWPPP.
12. Provide a construction phasing plan to minimize extents of disturbed areas as much as possible during a given phase. The construction phasing should note the timing of installing and removal of erosion and sediment control practices.
13. The proposed grading at the entrance should be clarified as the swale that is noted to proceed from east to west is not reflected with the proposed grading. For example, the grade at the proposed outlet end is shown to revert back to a higher elevation (Elev. 554 vs invert Elev. of 552.6) thus trapping the flow from exiting the culvert.
14. Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site. Although the location of each item described above could be modified during construction, it is important to demonstrate that each required item is able to be properly located on each lot.
15. 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. Please clarify where this information is located in the SWPPP.
16. Contractor's Certification form in SWPPP references the Pioneer Farm Subdivision. Revise to reflect Fini Subdivision.
17. Provide appendices to SWPPP. Cover sheets are included but there are no contents.
18. Provide draft Notice of Intent form.
19. Surveyor to certify that iron rods have been set at all property corners.
20. The liber and page for the Agricultural and Ridgeline notes, as well as the Shared Driveway Agreement must be added to the plan.
21. Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
22. 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. McConnell: This SEQRA comment has been prepared by, Mr. Ted Fink: *“The Planning Board has been reviewing this application with the short EAF. It is an Unlisted Action. There are no other Involved Agencies. I have prepared a draft SEQRA Resolution that includes the Part 2 EAF and Part 3 EAF for the Planning Board’s consideration”*.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 4-Lot subdivision located off C.R. 1A. The lots would share a driveway that would split between the 4 lots. Three of the lots would be approximately 4 acres in size. One lot would have approximately 10 acres. The soils have been done and witnessed by HDR. We have received OCDPW approval for the driveway entrance.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 03/09/21 adjacent property is an active farm property may contain habitat suitable for bog turtle and Indiana bat.

Mr. Astorino: You are working with Dave Griggs from ERS Consultants on that matter.

Brian Friedler: Yes.

Comment #6: TW Building Department – 01/04/21 no violations

Comment #7: OCDPW – 04/23/21 approval letter

Comment #8: NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. No impact letter dated 01/04/21

Brian Friedler: Yes.

Comment #9: Planning Board to determine if a site inspection is necessary. Planned for 06/16/21 at 6pm.

Mr. Astorino: The Planning Board went out to the site this evening. The one home that was towards the ridge will be moved lower on the plan. That makes sense to do that.

Brian Friedler: Yes.

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

Mr. Kennedy: No.

Mr. Showalter: No.

Comment #10: Applicant to move the house in the Ridgeline area out of the ridgeline area to prevent the home from being taller than the surrounding treetops and ridgelines.

Brian Friedler: Yes.

Comment #11: 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. In accordance with the NYSDEC Standards & Specifications for Erosion and Sediment Control Appendix E, seeding rates, areas of seeding, and seeding dates for both temporary and permanent stabilization must be provided on the plans. Should also provide winter stabilization notes either on the plan or within the

Brian Friedler: Yes.

Comment #12: Provide a construction phasing plan to minimize extents of disturbed areas as much as possible during a given phase. The construction phasing should note the timing of installing and removal of erosion and sediment control practices.

Brian Friedler: Ok.

Comment #13: The proposed grading at the entrance should be clarified as the swale that is noted to proceed from east to west is not reflected with the proposed grading. For example, the grade at the proposed outlet end is shown to revert back to a higher elevation (Elev. 554 vs invert Elev. of 552.6) thus trapping the flow from exiting the culvert.

Brian Friedler: We will fix that.

Comment #14: Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site. Although the location of each item described above could be modified during construction, it is important to demonstrate that each required item is able to be properly located on each lot.

Brian Friedler: Ok.

Mr. McConnell: What is that about?

Laura Barca: It is a typical note from the DEC that if it is necessary for whatever reason.

Mr. Astorino: I guess it could stay? I don't know the reason why to have it there.

Brian Friedler: Ok.

Comment #15: 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. Please clarify where this information is located in the SWPPP.

Brian Friedler: Ok.

Comment #16: Contractor's Certification form in SWPPP references the Pioneer Farm Subdivision. Revise to reflect Fini Subdivision.

Brian Friedler: Ok.

Comment #17: Provide appendices to SWPPP. Cover sheets are included but there are no contents.

Brian Friedler: Ok.

Comment #18: Provide a site plan showing the location of the proposed

Brian Friedler: Yes.

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

Brian Friedler: Ok.

Comment #20: The liber and page for the Agricultural and Ridgeline notes, as well as the Shared Driveway Agreement must be added to the plan.

Brian Friedler: Ok.

Comment #21: Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Brian Friedler: Yes.

Comment #22: Payment of all fees.

Brian Friedler: Ok.

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

Mr. McConnell: What is the sight distance at C.R.1?

Brian Friedler: Looking up the hill towards Pine Island it is about 808 feet. Looking back towards Town it is about 492 feet.

Mr. McConnell: Ok. Looking north towards Pine Island that road is pretty busy. With the vegetation with leaves on the trees, I just wanted to be sure that even with the leaves on the trees that the sight distance was adequate.

Brian Friedler: We went out there is OCDPW. We put the driveway in the best spot to give the most sight distance looking that way and back towards Warwick.

Mr. McConnell: When did you go out there with them? What month did you go?

Brian Friedler: I am not sure.

Mr. McConnell: I feel it might be appropriate to cut back on that vegetation a little bit. With everything in bloom right now, we were standing on that road tonight at the site visit and we were not feeling confident about that.

Brian Friedler: Ok.

Mr. Astorino: Yes. Do any other Board members or Professionals have any further comments? This a public hearing. If there is anyone in the audience wishing to address the Pete Fini subdivision, please rise and state your name for the record. Let the record show no public comment. We need to get the letter from Dave Griggs, ERS

Brian Friedler: Right.

Mr. Astorino: Once you get that letter to us then we could close out SEQRA. Once that is done, we could then take action. We could close the public hearing on this application. Could I have a motion to close the public hearing?

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

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

Brian Friedler: Thank you.

PUBLIC HEARING OF Dan Doyle

Application for Site Plan Approval and Special Use Permit for the construction and use of a farm brewery a/k/a **Snufftown Brewery** to consist of a 6,500 s.f. brewery/restaurant, 3,000 s.f. pavilion for outdoor events, and related parking with sewage disposal system and well, situated on tax parcel S 17 B 1 L 37.2; parcel located on the western side of Union Corners Road adjacent to the Town Park (10 Fence Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Snufftown Brewery 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 – 04/14/19 pedestrian and handicapped access; explain how kitchen area will be used in conjunction with event pavilion and brewery areas; ADA restroom does not appear to be connected to septic system - ADA comments outside the building have been address and ADA inside the building will be addressed at the time of building department application.
5. OC Planning Department – 05/21/19 advisory for NYSDEC wetlands and farm market permit
6. TW Building Department – several open permits (check with building department). These permits have been closed out.
7. OCDPW – Acceptance letter dated 11/27/13 from OCDPW.
8. OCDOH – Acceptance letter dated 04/19/21 from OCDOH.
9. NYSDEC – Septic System SPDES Permit issued 10/12/17.
10. NYSDEC – NYSDEC wetland permit issued 03/17/21.
11. NYS OPRHP – letter dated 11/17/16 stating that there will be no impact on archaeological and/or historic resources.
12. Planning Board site inspection conducted on June 24, 2019.
13. Provide landscaping within the parking lots, as required by Town Code §164-43.2. Might want to consider one-way circulation within the proposed lot. Should include truck turning movements for emergency and delivery vehicles.
14. Please add hatching area patterns showing the paved areas and parking area surface covering to the legend (Sheet C2).
15. Our understanding of the NYSDEC regulations is that infiltration is mandatory for bio-retention unless an underdrain is proposed. Pending infiltration tests.
16. No winter shutdown / stabilization requirements have been provided in the SWPPP, per NYSDEC Standards & Specifications for Erosion & Sediment Control (see pg. 2.38). Revised the SWPPP accordingly to reflect these contractor requirements and constraints. Please clarify where in the SWPPP document this comment has been

17. There are two trees noted as being saved and protected. The limits of disturbance around the trees is not consistent with the detail shown on Sheet C6; please update site plan to show proper protection of these trees.
18. Town Code §164-43.2(7)(a) encourages the use of native species for parking lot landscaping. Applicant requesting a waiver.
19. Applicant to provide Lighting Plan.
20. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting waiver.
21. The liber and page for required declarations (Agricultural and Biodiversity Notes) must be added to the plan.
22. Provide a Performance Bond and three-year landscaping bond and any other required bonds for this project.
23. Payment of all fees.

The following comment submitted by the Conservation Board:

Snufftown Brewery/Dan Doyle – None submitted.

The following comment submitted by the ARB:

Snufftown Brewery/Dan Doyle – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“The Planning Board has been reviewing this application with the short EAF. It is an Unlisted Action. There are no other Involved Agencies. I have prepared a draft SEQRA Resolution that includes the revised Part 2 EAF and a new Part 3 EAF for the Planning Board’s consideration”*.

Comment #2: Applicant to discuss project.

Dave Getz: We have been before your Board numerous times for this project. Dan Doyle is the owner of the property. The project is located off Union Corners Road. It has approximately 47 acres. Looking at the map, these are where the proposed buildings would be located. There is an existing driveway that comes off Fence Road. Mr. Doyle wants to continue the Disc Golf and the residential uses that he has now. He proposes to have a farm stand and a farm market brewery on the property. We have spent years on getting the outside approvals that include the State, County and Local approvals. We have received outside Agencies approvals. We are here before the Planning Board to wrap things up.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – 04/14/19 pedestrian and handicapped access; explain how kitchen area will be used in conjunction with event pavilion and brewery areas; ADA restroom does not appear to be connected to septic system - ADA comments outside the building have been address and ADA inside the building will be addressed at the time of building department application.

Mr. Astorino: Laura, are you confident that this comment from the ARB has been addressed?

Laura Barca: Yes.

Comment #5: OC Planning Department – 05/21/19 advisory for NYSDEC wetlands and farm market permit.

Mr. Astorino: We took care of that.

Comment #6: TW Building Department – several open permits (check with building department). These permits have been closed out.

Mr. Astorino: Those permits have been closed out.

Comment #7: OCDPW – Acceptance letter dated 11/27/13 from OCDPW.

Mr. Astorino: Does that still remain true for this application?

Laura Barca: Yes.

Dave Getz: The work that was approved has been done to improve the entrance.

Mr. Astorino: Yes.

Comment #8: OCDOH – Acceptance letter dated 04/19/21 from OCDOH.

Comment #9: NYSDEC – Septic System SPDES Permit issued 10/12/17.

Comment #10: NYSDEC – NYSDEC wetland permit issued 03/17/21.

Comment #11: NYS OPRHP – letter dated 11/17/16 stating that there will be no impact on archaeological and/or historic resources.

Comment #12: Planning Board site inspection conducted on June 24, 2019.

Mr. Astorino: Do any Board members have any comments? Laura and I had gone out to the site. Rich Purcell went out to the site on his own last week. Is that correct?

Mr. Purcell: Yes. Everything seems to be in order. The property sets beautifully up on a plateau.

Mr. Astorino: Laura and I went out last week to check on the landscaping along the park side. We drove in there and the landscaping was quite dense.

Mr. McConnell: Ted has an additional comment in his notes. It is stated as follows: *“The Board should request a modification of the proposed landscaping plans to indicate the proposed plants will be guaranteed for three years.”*

Dave Getz: Ok.

Comment #13: Provide landscaping within the parking lots, as required by Town Code §164-43.2. Might want to consider one-way circulation within the proposed lot. Should include truck turning movements for emergency and delivery vehicles.

Dave Getz: We are proposing landscaping. A lot of that has to do with stormwater basins. Technically we are not meeting every standard of that Section of the Code. We are providing quite a few trees and shrubs. We request a waiver considering the setting of the site, in fact there are Hops plants growing on poles nearby. It is already well screened from the road and from neighboring properties. We have provided a landscaping plan, but we request a waiver of those items that we technically don't meet the letter of the Code. Regarding the circulation, we want to keep the layout that we have. We are confident that it is a good layout. We have provided a sheet with truck turns for large fire trucks showing that it is acceptable for them to turnaround.

Mr. Astorino: Ok. Laura, that is something you could review regarding the emergency access for fire trucks and emergency vehicles.

Laura Barca: Yes.

Comment #14: Please add hatching area patterns showing the paved areas and parking area surface covering to the legend (Sheet C2).

Dave Getz: Ok.

Comment #15: Our understanding of the NYSDEC regulations is that infiltration is mandatory for bio-retention unless an underdrain is proposed. Pending infiltration tests.

Dave Getz: Yes. Will provide.

Comment #16: No winter shutdown / stabilization requirements have been provided in the SWPPP, per NYSDEC Standards & Specifications for Erosion & Sediment Control (see pg. 2.38). Revised the SWPPP accordingly to reflect these contractor requirements and constraints. Please clarify where in the SWPPP document this comment has been addressed.

Dave Getz: Will do.

Comment #17: There are two trees noted as being saved and protected. The limits of disturbance around the trees is not consistent with the detail shown on Sheet C6; please update site plan to shown proper protection of these trees.

Dave Getz: Ok.

Comment #18: Town Code §164-43.2(7)(a) encourages the use of native species for parking lot landscaping. Applicant requesting a waiver.

Mr. Astorino: You are requesting a waiver of that. Is that correct?

Dave Getz: Yes. That is one of the items that we technically don't have the number of trees. Most of the species that we are proposing are native. Some of them are not.

Comment #19: Applicant to provide Lighting Plan.

Dave Getz: We have provided that.

Mr. Astorino: Our Planner, Ted Fink has reviewed that.

Dave Getz: It clearly shows no light spill at the property lines.

Comment #20: Surveyor to certify that iron rods have been set at all property corners. Applicant requesting waiver.

Dave Getz: We are requesting a waiver on that.

Mr. Astorino: We had talked about that with the Board members at the Work Session.

Comment #21: The liber and page for required declarations (Agricultural and Biodiversity Notes) must be added to the plan.

Dave Getz: Ok.

Comment #22: Provide a Performance Bond and three-year landscaping bond and any other required bonds for this project.

Dave Getz: Ok.

Comment #23: Payment of all fees.

Dave Getz: Ok.

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

Mr. McConnell: Could I just clarify something with you Dave?

Dave Getz: Yes.

Mr. McConnell: The waiver that you are seeking on the landscaping plan, you mentioned the encouragement to use native species. You mentioned that some of the species are native and some are not. Do you have a rough breakdown of what the majority of the native ones are?

Dave Getz: Yes. A lot of the non-native ones are in a wetland seed mix that we propose to plant in the bio-retention areas. It is a long list of species. Some of them are not native. The mix is called the northeast wetland mix. It is well suited for this.

Mr. McConnell: It is a mix that has received approval elsewhere. Is that correct?

Dave Getz: Yes. I know that it has been used in other similar applications.

Mr. McConnell: Ok. Thank you.

Mr. Purcell: In the event that the power source and lighting is compromised in any given situation, is there a backup generator?

Dan Doyle: There is not a backup generator yet for the lighting system. We don't have the lighting system yet. Once we get to that point in the design, that would be something we would need to have. We will be taking that into consideration.

Mr. Purcell: Ok.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Snufftown Brewery/Dan Doyle application, please rise and state your name for the record.

Gene Miller: I love the disc golf. Regarding the brewery/restaurant, perhaps not so much. I have a lot of concerns where the driveway comes out. Have you looked at that? That curve is at a very dangerous place.

Mr. Astorino: We have seen that. The OCDPW supersedes us on that. It is not a Town Road. It is a County Road.

Gene Miller: And so, what?

Mr. Astorino: The County issues the permit. They look at it. They make the determination if the driveway is acceptable in that location or not. We have to go to the outside agencies. It is a County intersection. The County has the final say on that.

Gene Miller: That is too bad.

Mr. Astorino: The Town doesn't have a say on that. They have to draw a permit from the County. The Applicant has done that. Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Bill Signor: I own the Stoney Creek on Spanktown Road. I have 5 concerns. Many of those concerns are regarding traffic. Increased traffic on Union Corners Road is definitely going to be a problem. Especially, when you are pulling out of Spanktown Road. There are bushes and trees located there. Currently, it is already hard to get out. With increased traffic, there will be accidents. As far as Dead Man's Curve, which we call it that. There will be accidents there. A guy lost his life there 2 years ago along that curve. If you have impaired drivers pulling out of that brewery, something is definitely going to happen. I understand that it is not your jurisdiction. The other issue is the Town Park is right next door. You have tons of kids in the park. These kids are pulling in and out of there with their parents. If there are impaired drivers on the road, there will be more accidents. This project is not at a good traffic spot.

Mr. Astorino: Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Mary Knieriemen: We live at the adjoining property to Dan Doyle's property. First, I would like to say that he has been a very responsive neighbor in terms of his disc golf. Any concerns that we have had over the years, he has been very responsive to us. We

really changing the nature and the character of the whole neighborhood. It is a residential parkland atmosphere. To move in a brewery with an entertainment pavilion would change the character of the neighborhood. We are very concerned about the DEC. I have heard all of the specifics that you have reviewed. I am very happy to hear about those specifics. I don't know if they have been complete. I would want to make sure that the wetland was protected as it should be. It sounds like you are paying attention to that. That is very critical for all of us who lives in that area. We are concerned about the change in the neighborhood of what the sound will be like, and what are the bears going to do with all of the garbage? We have a lot of bears that travel through our property on a weekly basis. We want to know how you will protect the garbage so that it would not become a bear boarding area. We are concerned about the traffic and Dead Man's Curve. It is a 40 MPH slowdown right now when you are coming from the Florida approach. I understand that is not your jurisdiction. There should be some type of review or at least some traffic changes in terms of guidance around that curve. We get a lot of turn arounds on our property because people miss the park. Therefore, if it is not your jurisdiction there should be some kind of communication to the County about reviewing it. It is not adequate to have 40 MPH slowdowns. Those are the majority of our concerns. We want you to pay attention to the safe guards of this.

Mr. Astorino: Ok. Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Joe Pennings: I live directly across the street on Union Corners Road from the property. I want to read what is on the Town of Warwick's website regarding the Rural zone. It states; "the purpose of the Rural District is to maintain the Town's historic pattern, rural and agricultural settlements characterized by large expansive of open space and views from the road. Scattering of residences, farms and small businesses in Cluster developments surrounded by open space". 10,000 square feet of commercial space is not a small business.

Mr. Astorino: I will ask our Attorney about that. John, does this project need any ZBA variances?

Mr. Bollenbach: No. It does not.

Joe Pennings: Why?

Mr. Astorino: This project as it sits is following the Town Code.

Joe Pennings: Are they following in the RU zone?

Mr. Astorino: Yes. It does not have to go to the ZBA. It meets the threshold of what is allowed with his acreage and site.

Joe Pennings: 10,000 square feet is allowed?

Mr. Astorino: Yes.

Joe Pennings: That doesn't include the barn.

Mr. Astorino: It meets the Code as it is written.

Joe Pennings: Wow. That shocks me.

Mr. Astorino: They do not need to go to the ZBA for any variances on this project.

Joe Pennings: I looked in the Code for the RU zone. There is nothing on the website about that. That little paragraph was all that I have found.

Laura Barca: In the back of the Town Code book under Section 164 there is a Table of Uses. You would look through the Table of Uses and look for the uses that you would want. All of the Town's Zoning Districts are listed. If under that particular zone there is a blank box, it means that it is not allowed. If there is a P in the box, then it is permitted. If there is an S in the box, that means Special Use Permit. There are letters and numbers in those boxes that would tell you what is allowed and what is not allowed.

Joe Pennings: Ok. I wasn't able to find that. Would there be time limits on the bands playing?

Mr. Astorino: That is a good point. No one has brought that up yet. There would be hours of operation. There are noise levels at their property line that they have to abide by.

Joe Pennings: Ok.

Mr. Astorino: There is a dosimeter that the Town of Warwick has. They have a couple of those dosimeters. There are other places in the community where nobody wants to hear live music at 4:00a.m. or at Midnight.

Joe Pennings: Ok. Who would you call?

Mr. Astorino: You would call the Police Department.

Mr. McConnell: They carry decibel meters to check.

Mr. Astorino: That has been done numerous times.

Joe Pennings: What are the times?

Dave Getz: We have a note on the plans that states the hours of operation as follows:

- 1) Disc Golf - 7am to 10pm. Mon-Fri.
- 2) Brewery – 7am to 10pm. Sun.-Wed. Thurs-Sat. 7am to 12am. **No outdoor amplified noise is permitted after 10pm.**

Joe Pennings: Would there be nothing after 10pm?

Mr. Astorino: There would be no outside noise.

Joe Pennings: Would people be talking until Midnight?

Dave Getz: Yes.

Joe Pennings: There would be no music after 10pm.

Mr. Astorino: If there is a band on those days then no. That band would have to shut down.

Mr. Bollenbach: There are specific performance standards that the decibel levels at the property line shall not exceed. Dave, what is that number?

Dave Getz: I don't have that in front of me.

Joe Pennings: That would be meaningless to us. We don't know what that means?

Dave Getz: The Police would know.

Joe Pennings: Ok.

Dave Getz: If he violates that, he would be fined.

Joe Pennings: You are telling me nothing after 10pm. Is that correct?

Mr. Astorino: There would be no outside music after 10pm.

Joe Pennings: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Chuck Mund: I live 2 houses down. My property extends down the same side of this. I share the concerns about the traffic on Dead Man's Curve and the proximity to the children. My main concern is the noise. On October 19, 2019 they had a party with live music. We moved here 11 years ago for the peace and tranquility. If he is going to make music like that as a regular thing, then we are going to have a very contentious future. Maybe a couple times a year, I could tolerate it. If it is going to be every night or every Saturday night, then there will be litigation. I could hear parents yelling at the kids to make a goal. The cheering doesn't bother me. In a restaurant and I have been in the restaurant business for 45 years, music is industrial noise. It is designed to be emotionally evasive in order for it to get your attention. I can't stand for it. There will be contention if he has regular music that I can hear. That would be for anything outdoors.

Mr. Astorino: I am going to say that you are right. But we have to follow the Code. The Code does permit it with certain specifications as we had pointed out.

Mr. McConnell: There are certain limitations on the volume of the noise.

Mr. Astorino: Yes. There are certain limitations.

Chuck Mund: This is a protected valley. There is a hill over here and another hill over here. Outside noise doesn't get in. It doesn't wash out the music. There is no traffic noise getting in to drown things. It is relatively calm until it comes to wind. You could hear a Mockingbird sing from Spanktown Road to Edenville. Noise is going to be a real killer on this.

Mr. Astorino: That is where we have the standards. Unfortunately, you put it pretty clear that it is pretty quiet now. It is Mr. Doyle's right to pursue this avenue. But he has to do it in a manner of what is in the Code. He cannot exceed those levels that are placed in the Code. While that may not sit for you, legally it sits for him. It meets the requirements. It is allowed in this zone. That is where we are at. This is a public hearing. We will listen to the public's comments.

Chuck Mund: I will pursue every legal means to keep this quiet.

Mr. Astorino: That is your right. Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Matt Flashier: I came up here 3 years ago. I fell in love with this Town. I don't have a problem with the Frisbee Park. I don't have a problem with the kids playing. That is all part of reality. What Joe had said, when you change the reality as to what Warwick stands for, you are ruining the rural environment. I don't know how many of you live across from a brewery? I don't know how many of you live across with bands playing at 10:00 at night? Don't take this the wrong way, you probably don't. When you go home to your peaceful home, you are peaceful. I don't mind him building a brewery, but why 10,000 s.f.? Why can't it be reduced 5,000 s.f.? He has 50 acres. Why can't he set it further back? If it is his expense to build a parking lot or a septic, set it a little further back so that the neighbors that came up here a long time ago don't lose what America stands for. Warwick is a beautiful place. What you are saying is that he has the legal right.

Mr. Astorino: What I said was, it is the same like your home. It was 3 years ago, I assume that was a new house that was built across the street. That had to go through this Board to be allowed to be built there as per the Code.

Matt Flashier: I have not built yet. I bought the land to retire here. Now, I have to see if it would be worth me to retire in a place that I thought was my future. It is a Hallmark town. It is a great place. When you keep building businesses to collect taxes, you are ruining everything that Warwick stands for.

Mr. Astorino: Its is in the Code.

Matt Flashier: The Code does not explain my lifestyle or these people's lifestyles. Maybe, you should change the Code.

Mr. Astorino: We don't change the Code. We follow the Code.

Mr. Bollenbach: That would be for the Town Board.

Matt Flashier: What about if he shrinks the size of the place down? Who decides that? If it is done, does it become a legal battle?

Mr. McConnell: Mr. Chairman, I would like to point out something. The folks here tonight keep throwing out 10,000 s.f. The project description states 6,500 s.f. brewery/restaurant and 3,000 s.f. pavilion. The pavilion would not be used year-round.

Matt Flashier: Why not?

Mr. McConnell: Because of the weather.

Matt Flashier: People go to the Warwick Winery. They sit outside with the Bunsen burners. They sit there all winter. You have to think of the people whose lives and livelihood who came to Warwick is going to change. Mr. Doyle is entitled to make money. But think of the people whose lives are going to suffer because of his prosperity. He has 50 acres. Maybe it could be set back another acre. Think of us. I know that you don't think of us.

Mr. McConnell: You were thought of when the Code was written.

Matt Flashier: What Code?

Mr. Astorino: We have a Town Code that we have to follow.

Matt Flashier: It doesn't think of us as human beings.

Mr. Astorino: Let me tell you how this Code was written. The Town went out and got the residents of this Town involved in the creation of the Code.

Mr. Bollenbach: That is the Town Board.

Mr. Astorino: The Town Board completely went through the Code. This is what came out.

Matt Flashier: If I build a home there when I retire, I have to sit and watch 400 cars come out, maybe pick up beer bottles in the morning off my property and pay taxes for Warwick that pays for your jobs and everything. The bottom line is that you made your codes. There is no consideration for me who paid \$80,000.00 for property, who will now have to listen to music when I would not want to listen to the music. Now, I might have to stick up a for sale sign on my property. My dreams would be gone.

Mr. Astorino: Here is the point. If Mr. Doyle is allowed to do this within the Code and he follows Code, we would take it into consideration. We cannot arbitrarily deny it.

Matt Flashier: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Snufftown Brewery/Dan

Sharron Falk-Mund: I agree with everything that everyone has said. I feel so strongly about this. The proximity of people coming out of the driveway that is at the foot of a very dangerous curve that people are driving 60 MPH and a ballfield that every night of the week there are many children and parents. They have a right to feel safe in their ball field. Breweries are fun places. This is a perfect storm. You have a ball field. You have this curve that already has killed people. You have this ridiculous speed limit. You have this driveway that after having one beer is not thinking carefully. What could happen after many beers when someone is coming around that curve. The reason why I needed to speak is because that traffic light at Union Corners Road and C.R. 1 took years to get because there was an issue that happened. They knew for years that we needed a traffic light there. It took children being killed in that horrible accident to get the County to pay attention. It took a tragedy to happen. Kids got killed. Does it have to take a tragedy for something to happen? It will be awful. It is not the right place for this. It is a wonderful idea for a brewery but it needs to go someplace else. This is not the location for that. I think you are setting up a terrible grief for the families and for the Town. I feel so passionate about this. I think about that tragic accident all the time. I didn't even know those people. I think about it all the time when I am at that traffic light. This is the wrong place to have the brewery. It should not be there. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Gene Miller: We understand that if he complies with the Code that you have to say yes.

Mr. Astorino: We don't have to say yes. We have to follow the Code. We have to listen to concerns. We have done that. If there are concerns that we could mitigate, that would be one thing. That is what we are here for. This application has been before us for a few years. This Planning Board has been out to the site a few times.

Gene Miller: My point is, I understand that you don't have any pull with the County.

Mr. Astorino: When we go out to the County, the County sends their Engineer out to the road C.R. 41.

Gene Miller: We understand that the County does the assessment of the road. However perhaps Mr. Doyle should address it personally about moving the driveway someplace else that it might mitigate it.

Mr. Astorino: The County goes out with Mr. Doyle the Applicant and their Engineer to look at the site. The County will let the Applicant know where it goes. They don't let you chose. They will tell you the way it should be done. They are very steadfast to their approach here. The County sends their people out there. They send us their correspondence. It would have to be done to their plan. Anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Bill Signor: The County doesn't know what goes on with that curve. We drive by

Mr. Astorino: It is the County's job to do that. We have to rely on their Agency to tell us. We have no control over the County Road.

Bill Signor: Somebody needs to question them. This is an accident waiting to happen. That decibel meter that you were talking about, how does that work with echoes?

Mr. Astorino: It is a decibel reading at their property line.

Matt Flashier: Is there a capacity for the amount of people?

Mr. Astorino: Yes. That is regulated by the OC Health Department.

Matt Flashier: What number is that?

Dave Getz: It is for 98 seats.

Mr. Astorino: It is 98 seats for total capacity.

Matt Flashier: What about for weddings and catering halls?

Mr. Astorino: The capacity is for 98 seats.

Matt Flashier: Ok.

Mr. Astorino: Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Mr. Showalter: I have a comment to make to my neighbors from the public. If you have a concern about the curve on County Highway 41, you could reach out to your County Legislature. We as a Planning Board cannot do anything about that traffic problem. I am aware of the road. I have spent many years at the park. I donated a lot of personal time to make improvements to the park. I love the place very much. I have seen the accidents on the road. When those young people got killed on that road in the car, my daughter was the same age as that group. I cried. That hit home hard because of those 3 young people that were killed. We as a Planning Board cannot do anything physically about it here. If you are very concerned about this, you could reach out to our County Legislature. He would get in touch with the Engineer. You could schedule a meeting with them. We could all work together. That is what this meeting is about. It is about putting people together. It is about putting ideas together. It is about putting ideas out on the table. It is about making it fit. You should think about contacting the County Legislature. I know him personally. I am sure he would meet with you. Maybe he could help out with improving that road situation. I would like to backup my Chairman with what he has said. He is also in the road business. He is a Public Official. He knows that the County has very strict rules. The Applicant has Engineers. This has all been figured out. They are doing what they have to do. It is allowed in the Town Code. The Town Code brings people together. When the Town updated the Comprehensive plan, the Town had done that with the residents. I understand what you are all saying about the noise and the size of it. But with what the Chairman had said, it is allowed through our Town Code.

Mr. Astorino: Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application?

Joe Pennings: The driveway right now is a one lane dirt road.

Mr. Astorino: It is going to be widened to allow egress and ingress. It will be improved.

Joe Pennings: Ok.

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

Mr. McConnell: The traffic hazard there from what I have heard is more about people traveling on County Route 41 than it is about people coming out of Mr. Doyle's place.

Mr. Astorino: It sounds like that people don't do the speed limit.

Mr. McConnell: Right. To pin the responsibility onto Mr. Doyle is unfair.

Mr. Astorino: As Mr. Showalter has pointed out, I am in the road business. Talking to the County Legislature might be a good idea. I don't know if you have seen around the Town, but they have these solar speed signs. It has a camera that flashes and the speed comes up.

Mr. McConnell: Yes. They have one by the High School.

Mr. Astorino: Two of those speed signs were delivered to the Town of Warwick DPW at 3:25 p.m. today. They are solar powered. They could be portable. We can't just put it on a pole. Talking to a Legislature might make them think.

Joe Pennings: Who is our Legislature guy?

Mr. Showalter: His name is Paul Ruszkiewicz. Reach out to Paul. He is a very good man.

Mr. Astorino: Paul Ruszkiewicz use to be one of our Planning Board members a while back. Paul has a good in depth understanding of what happens with the Planning Board. He is a very good man.

Joe Pennings: Ok.

Mr. Astorino: Is there anyone else wishing to address the Snufftown Brewery/Dan Doyle application? Let the record show no further public comment.

Mr. Purcell makes a motion for the Negative Declaration.

Seconded by Mr. McConnell. 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: Snufftown Farm Brewery

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed farm brewery at 10 Fence Road, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR which will or have already made their own determinations of significance, 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 6/16/21, 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. Astorino: I would like to mention something to the public. I have known Mr. Doyle for 3 or 4 years now. I am sure he would be willing to have a chat with all of his neighbors regarding your concerns. You all have to live there together. Thank you for coming out and voicing your concerns. We need a motion from the Board on a couple of waivers.

Mr. Kennedy makes a motion to waive the Surveyor to certify that iron rods be set at all property corners.

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

Mr. Showalter makes a motion to waive the use of native species for parking lot landscaping to the Town Planner's specifications.

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

Mr. Showalter makes a motion on the Dan Doyle application, granting conditional Site Plan Approval and Special Use Permit for the construction and use of a farm brewery a/k/a **Snufftown Brewery** to consist of a 6,500 s.f. brewery/restaurant, 3,000 s.f. pavilion for outdoor events, and related parking with sewage disposal system and well (Business Use # 1, 16, 81, & A15), situated on tax parcel S 17 B 1 L 37.2; parcel located on the western side of Union Corners Road adjacent to the Town Park (10 Fence Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on June 16, 2021. Approval is granted subject to the following conditions:

1. OCDPW – Acceptance letter dated 11/27/13 from OCDPW. Planning Board to request supplemental signage.
2. OCDOH – Acceptance letter dated 04/19/21 from OCDOH.
3. NYSDEC – Septic System SPDES Permit issued 10/12/17.
4. NYSDEC – NYSDEC wetland permit issued 03/17/21.
5. NYS OPRHP – letter dated 11/17/16 stating that there will be no impact on archaeological and/or historic resources.
6. Planning Board site inspection conducted on June 24, 2019.
7. Provide landscaping within the parking lots, as required by Town Code §164-43.2. Should include truck turning movements for emergency and delivery vehicles.
8. Please add hatching area patterns showing the paved areas and parking area surface covering to the legend (Sheet C2).
9. Our understanding of the NYSDEC regulations is that infiltration is mandatory for bio-retention unless an underdrain is proposed. Pending infiltration tests.
10. No winter shutdown / stabilization requirements have been provided in the SWPPP, per NYSDEC Standards & Specifications for Erosion & Sediment Control (see pg. 2.38). Revised the SWPPP accordingly to reflect these contractor requirements and constraints. Please clarify where in the SWPPP document this comment has been addressed.
11. There are two trees noted as being saved and protected. The limits of disturbance around the trees is not consistent with the detail shown on Sheet C6; please update site plan to shown proper protection of these trees.
12. Town Code §164-43.2(7)(a) encourages the use of native species for parking lot landscaping. A Waiver granted for species and number of plantings to Town Planner's specifications.
13. Applicant to provide Lighting Plan.
14. Surveyor to certify that iron rods have been set at all property corners. Waiver granted.
15. The liber and page for required declarations (Agricultural and Biodiversity Notes) must be added to the plan with sight distance triangle at O.C. Route 41 to be maintained free of

16. Provide a Performance Bond and Three-Year Landscaping bond and any other required bonds for this project and Inspection Fees.
17. Payment of all fees.

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

Dave Getz: Thank you.

Review of Submitted Maps:***Saufroy 3-Lot Subdivision***

Application for Sketch Plat Review of a proposed 3-Lot (**MAJOR**) subdivision, situated on tax parcel S 31 B 2 L 20.21; parcel located on the northern side of Denton Lane 1800 feet east of Ackerman Road (25 Denton La.), in the RU zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Engineering Properties & Surveying.

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 – 06/01/21 open permit for fence (19967), open permit for windows (27369), and need to confirm number of bedrooms
7. ZBA: all lots require a 280(a) for access from a non-public road, lot are, and lot width.
8. Planning Board to determine if a site inspection is necessary (perhaps after ZBA decision).
9. Soil tests for the proposed septic systems must be witnessed by the Planning Board Engineer.
10. 911 addresses must be obtained from the Building Department and then shown on the plan.
11. Applicant to provide a SWPPP/notes in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements.
12. Define extents of existing vegetation on site and identify locations of tree protection, if applicable.
13. 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.
14. Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site. These should be located within the overall limit of disturbance (LOD). The LOD should be adjusted if necessary and re-quantified on the plans.
15. 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.
16. Provide specific inspection frequency requirements for the temporary soil erosion and sediment control features, including silt fence, stabilized construction entrance, etc.
17. On Sheet C-5, Soil Erosion Control Note #3 states 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.
18. Please include information on plans regarding winter stabilization or clearly state that no active disturbance will occur during the winter season and that the site will be fully stabilized.

19. Show an additional line of silt fence along the upper portion of Lot #3 located downhill from the proposed house and driveway.
20. It must be confirmed that the private road agreement can be expanded to service two additional homes.
21. The existing condition and width of Denton Lane is not shown on the plan; Applicant to provide information. Denton Lane will be required to be paved in its entirety.
22. Denton 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 lots 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 C-1, Note 12
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 two 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:

Saufroy 3-Lot Subdivision - None submitted.

The following comment submitted by the ARB:

Saufroy 3-Lot Subdivision - None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“This application needs to go to the ZBA for variances. There will be no SEQRA action at this time. We will do SEQRA when they return from the ZBA”*.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 3-Lot subdivision located off Denton Lane. There is a 10.9-acre parcel that has an existing 4-bedroom house on it. The Applicant wants to subdivide and make one new lot with a proposed dwelling on approximately 3 acres. The existing house would remain on 4+ acres. There would be another lot with a proposed dwelling that would have 3+ acres.

Mr. Astorino: You will need to go to the ZBA. We will give you a referral to the ZBA. After the ZBA, you would come back before the Planning Board. We will list Comment #3 through Comment #28 for the record.

Brian Friedler: Ok. Thank you.

Mr. Showalter: This application was once before the Planning Board a while ago. Is that correct?

Mr. Astorino: Yes. This is a new application.

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 – 06/01/21 open permit for fence (19967), open permit for windows (27369), and need to confirm number of bedrooms

Comment #7: ZBA: all lots require a 280(a) for access from a non-public road, lot are, and lot width.

Comment #8: Planning Board to determine if a site inspection is necessary (perhaps after ZBA decision).

Comment #9: Soil tests for the proposed septic systems must be witnessed by the Planning Board Engineer.

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

Comment #11: Applicant to provide a SWPPP/notes in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements.

Comment #12: Define extents of existing vegetation on site and identify locations of tree protection, if applicable.

Comment #13: 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 #14: Identify locations of contractor staging areas, concrete washout locations, temporary sanitary facilities, and areas of chemical storage on site. These should be located within the overall limit of disturbance (LOD). The LOD should be adjusted if necessary and re-quantified on the plans.

Comment #15: 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 #16: Provide specific inspection frequency requirements for the temporary soil erosion and sediment control features, including silt fence, stabilized construction entrance, etc.

Comment #17: On Sheet C-5, Soil Erosion Control Note #3 states 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.

Comment #18: Please include information on plans regarding winter stabilization or clearly state that no active disturbance will occur during the winter season and that the site will be fully stabilized.

Comment #19: Show an additional line of silt fence along the upper portion of Lot #3 located downhill from the proposed house and driveway.

Comment #20: It must be confirmed that the private road agreement can be expanded to service two additional homes.

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

Comment #22: Denton 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 lots and the proposed new

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 C-1, Note 12

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 two lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #28: Payment of all fees.

George Brunjes Guest House #2

Application for “***Amended***” Site Plan Approval & Special Use Permit for the construction and use of a Guest House and associated well and subsurface sewage disposal system, situated on tax parcel S 65 B 1 L 15.12; project located on the northern side of Buttermilk Falls Road 0 feet west of Cascade Road (16 Buttermilk Falls Rd.), in the MT zone, of the Town of Warwick. Conditional Site Plan Approval & Special Use Permit was granted on 10/7/20.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying.

Mr. Astorino: We had talked about this at the site visit. The house is there. There is no need to do the certification of iron pins. They are not changing any lines. That is what he is here for. Do any Board members or Professionals have any comments?

Mr. Showalter makes a motion on the George Brunjes Guest House #2 application, granting “***Amended***” Site Plan Approval and Special Use Permit for the construction and use of a Guest House and associated well and subsurface sewage disposal system, situated on tax parcel S 65 B 1 L 15.12; project located on the northern side of Buttermilk Falls Road 0 feet west of Cascade Road (16 Buttermilk Falls Rd.), in the MT zone, of the Town of Warwick, County of Orange, State of New York.

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

Dave Getz: Thank you.

Other Considerations:

1. **Wheeler Road Estates Subdivision** – Letter from Nicholas Rugnetta, P&P Engineering dated 5/18/21 addressed to the Planning Board in regards to the Wheeler Road Estates Subdivision – requesting 31st 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable Homes situated on tax parcel SBL #8-2-44.223; parcel located on the northerly side of Wheeler Rd., (C.R. 41) at the intersection with Dussenbury Drive, in the SL zone, of the Town of Warwick. Preliminary Approval was granted on 11/2/05. The 31st 6-Month Extension becomes effective on 5/2/21.

Representing the Applicant: Nick Rugnetta from P&P Engineering.

Mr. Astorino: They are moving on this application. They have been keeping us posted. We appreciate that. Thank you.

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

The 31st 6-Month Extension becomes effective on, 5/2/21.

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

2. **RTT Associates (Ted Edwards) Subdivision** – Letter from Brian Friedler, Engineering Properties dated 6/2/21 addressed to the Planning Board in regards to the RTT Associates Subdivision application – requesting 6-Month Extension on conditional Final Approval of a proposed 3-Lot subdivision, situated on tax parcel SBL #40-1-97; parcel located on the northern side of Onderdonk Road 250 feet east of Acorn Drive (90 Onderdonk Rd.), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 12/2/20. *The Applicant has stated that they still need more time to receive the legal declarations back from the O.C. Clerk's office.* The 6-Month Extension becomes effective on 6/2/21.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying.

Mr. McConnell makes a motion on the RTT Associates/Ted Edwards Subdivision application, granting a 6-Month Extension on conditional Final Approval of a proposed 3-Lot subdivision. SBL #40-1-97. Conditional Final Approval was granted on 12/2/20.

The 6-Month Extension becomes effective on 6/2/21.

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

Dave Getz: Thank you.

3. **Pioneer Farm Subdivision** – Letter from Dan Getz, Engineering Properties, dated 6/2/21 addressed to the Planning Board in regards to the Pioneer Farm Subdivision application – requesting 2nd 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 are waiting for the new easements and required declarations to be filed, so that the filing information could be added to the plans. Due in part to Covid related slowdowns, this has taken longer than expected.* The 2nd Re-Approval of Final Approval becomes effective on 6/5/21.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying.

Mr. Astorino: Dave, where are you with this?

Connie Sardo: They have paid the fees regarding bonds and parkland fees.

Dave Getz: The attorney Doug Stage is in the middle of working on the legal stuff. We are making progress.

Mr. Astorino: Are you getting close to the finish line?

Dave Getz: Yes.

Mr. McConnell: The thing that stands out to me on this is that conditional final approval was granted on 6/5/19. Covid didn't come to slow down the Clerks office until some time in April of 2020.

Mr. Astorino: There was an issue with getting the bonds together and paid. They are moving along now.

Mr. Kennedy makes a motion on the Pioneer Farm Subdivision application, granting granted "2nd Re-Approval of Conditional Final Approval for a proposed 4-Lot subdivision, situated on tax parcel S 52 B 1 L 26.2; parcel located on the southern side of NYS Route 94S (60 NYS Route 94S), in the SL zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 6/5/19. (See attached).

The 2nd Re-Approval of Final Approval becomes effective on 6/5/21, subject to the conditions of final approval granted on 6/5/19.

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

Dave Getz: Thank you.

4. Planning Board Minutes of 5/19/21 for PB Approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 5/19/21.

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

5. Planning Board to discuss canceling the 6/28/21-Work Session & 7/7/21-PB Meeting.

Mr. Kennedy makes a motion to cancel the 6/28/21-Work Session & 7/7/21-PB Meeting.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!

Mr. Astorino: If there is anyone 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 further public comment.

Mr. McConnell: I would like to pick one agenda item with what we have seen in Facebook and so on. While it is not our responsibility, it seems like we could get some traction somewhere if we could put together a public education as to what it is that we do and what it is that we can't do.

Mr. Astorino: That would not be a bad idea.

Mr. McConnell: At least people can't say things that are not appropriate. It would not be for us to do. It would be something for the Town Board to do.

Mr. McConnell makes a motion to adjourn the June 16, 2021 Planning Board Meeting.

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