

TOWN OF WARWICK PLANNING BOARD

January 19, 2022

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, January 19, 2022 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Mr. Astorino: I want to wish everyone a Happy New Year. Connie and I have started our 20th year with the Planning Board. I would like to point out to all the Planning Board members and Professionals that I appreciate all that you do especially for the last couple of years. I wouldn't be able to do this without everyone of you. I appreciate that. Now, I would like to talk about some housekeeping stuff. I would like to appoint Roger Showalter as Vice-Chairman to the Planning Board for the year 2022. He always has my back especially in my absence. I thank you for what you do.

Mr. Showalter: Welcome.

PUBLIC HEARING OF Charles & Laura Mitchell and George & Diane Maylor - Application for Final Approval of a proposed lot line change, situated on tax parcels S 23 B 1 L 56.1 and 62.2; parcels located at 148 East Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Jeremy Havens, Attorney.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Mitchell-Maylor public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 11/16/21 no comments
6. TW Building Department – 10/27/21 no violations
7. Planning Board to determine if site inspection is desired.

8. The parcels should be identified as Lot 1 and Lot 2.
9. The surveyor signature and seal must be included on the final drawing.
10. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 11
11. It appears that the installation of the proposed home and the related septic system will disturb the existing stonewall. Please clarify and provide notes relative to any planned removal or reconstruction of said wall.
12. Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.
13. The liber and page for the deed referencing the changes made to the lot lines, the Agricultural, and Ridgeline notes must be added to the plan.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

Charles & Laura Mitchell and George & Diane Maylor – None submitted.

The following comment submitted by the ARB:

Charles & Laura Mitchell and George & Diane Maylor – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink, dated 1/18/22: *“The Planning Board has classified this application as a Type 2 Action. There is no construction proposed. It is just a simple lot line change. There is nothing further under SEQRA”.*

Comment #2: Applicant to discuss project.

Jeremy Havens: Thank you to the Board to have us present this application. This application is for a proposed simple lot line change. There are 2 existing tax lots pursuant to a subdivision that was approved approximately 25 years ago. The owners wish to move a line between the 2 tax lots to create a buildable parcel without any actual development currently scheduled or planned.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 11/16/21 no comments

Comment #6: TW Building Department – 10/27/21 no violations

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

Mr. Astorino: A Planning Board site visit would not be necessary.

Comment #8: The parcels should be identified as Lot 1 and Lot 2.

Jeremy Havens: Yes.

Comment #9: The surveyor signature and seal must be included on the final drawing.

Jeremy Havens: Understood.

Comment #10: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 11

Jeremy Havens: Understood.

Comment #11: It appears that the installation of the proposed home and the related septic system will disturb the existing stonewall. Please clarify and provide notes relative to any planned removal or reconstruction of said wall.

Jeremy Havens: Understood.

Comment #12: Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.

Jeremy Havens: Understood.

Comment #13: The liber and page for the deed referencing the changes made to the lot lines, the Agricultural, and Ridgeline notes must be added to the plan.

Jeremy Havens: Understood.

Comment #14: Payment of all fees.

Jeremy Havens: Understood.

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

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

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

Mr. Kennedy makes a motion on the Charles & Laura Mitchell and George & Diane Maylor application, granting conditional Final Approval for a proposed Lot Line Change, situated on tax parcels S 23 B 1 L 56.1 and 62.2; parcels located at 148 East Ridge Road, in the SL zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on November 17, 2021. Approval is granted subject to the following conditions:

1. The parcels should be identified as Lot 1 and Lot 2.
2. The surveyor signature and seal must be included on the final drawing.
3. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 11

4. It appears that the installation of the proposed home and the related septic system will disturb the existing stonewall. Please clarify and provide notes relative to any planned removal or reconstruction of said wall.
5. Surveyor to complete and submit Town of Warwick Certification of Iron Pins form.
6. The liber and page for the deed referencing the changes made to the lot lines, the Agricultural, and Ridgeline notes must be added to the plan.
7. Payment of all fees.

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

Jeremy Havens: Thank you.

PUBLIC HEARING OF Saufroy Family Irrev. Living Trust and Maureen Cozad –

Application for Preliminary Approval & Final Approval 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, Engineering Properties and Surveying. Steve Saufroy, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Saufroy-Cozad application.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 06/17/21 advisory comments for Indiana Bat, lot design-steep slopes, erosion control, and shared drive agreement
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 area, and lot width. 08/23/21 all variances granted
8. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. Letter received dated 05/11/21
9. All application forms must be signed by all owners of the property as listed on the deed; both Saufroy Family Irrevocable Living Trust and Maureen Cozad must sign all application forms.
10. Sheet 1, Note 14 appears to have transposed which lot has the existing well. Please revise accordingly.
11. On Sheet C-3, the limits of disturbance should be adjusted to include the concrete washout area on Lot 1. The proposed staging area for Lot 1 is on a fairly steep slope and seems impractical for such purposes. Please consider an alternate location. SWPPP indicates that no concrete trucks will be allowed to washout or discharge surplus concrete or wash water on-site. Applicant to clarify whether concrete trucks will be allowed to washout on site or not. Also on Sheet C-3, please adjust arrow to point to the limit of disturbance line on proposed lot 2.
12. 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. Refer to the NYS Stormwater Management Design Manual, table 5.3, for specific requirements associated with soil restoration for areas with HSG D soils.
13. Applicant to provide Notice of Intent (NOI) for review.

14. The callout leaders on the Driveway Pavement Section detail do not align with the text on sheet C-4. Applicant to revise and clarify; the bottom callout is missing.
15. It must be confirmed that the private road agreement can be expanded to service two additional homes.
16. A shared driveway agreement for all existing lots and the proposed new lots must be prepared and submitted.
17. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-1, Note 12
18. Surveyor to certify that iron rods have been set at all property corners.
19. In the standard biodiversity notes, applicant to clarify that “mature” trees are trees that are 5” in diameter at breast height.
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 two 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:

Saufroy Family Irrev. Living Trust and Maureen Cozad – None submitted.

The following comment submitted by the ARB:

Saufroy Family Irrev. Living Trust and Maureen Cozad – 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 a short EAF under SEQRA. It is an Unlisted Action. The Planning Board has declared itself Lead Agency. I have prepared a draft Negative Declaration for the Planning Board’s consideration this evening”*.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 3-Lot subdivision located at the end of Denton Lane. There are 2 proposed dwellings located on Lot 1 and Lot 3. Lot 2 is the existing house. We have done soil tests. We have designed septic systems for all 3 lots. Lots 1 and 2 would share a driveway. Lot 3 would have its own driveway coming off Denton Lane.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06/17/21 advisory comments for Indiana Bat, lot design-steep slopes, erosion control, and shared drive agreement

Mr. Astorino: Those issues have been addressed.

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

Mr. Astorino: Do we know if those issues were worked out? There are open permits for a fence and windows.

Steve Saufroy: The windows were done.

Mr. Astorino: You would need to clear that up with the Building Department.

Steve Saufroy: Ok.

Mr. Bollenbach: What about the number of bedrooms? Are they existing bedrooms? How many is that? Is the septic adequate?

Laura Barca: That is the question.

Mr. Bollenbach: Could we discuss that issue?

Laura Barca: The Building Department is the only one that knows the answer.

Mr. Bollenbach: Does the Applicant know?

Brian Friedler: Steve, how many bedrooms do you have in the existing dwelling?

Steve Saufroy: When I bought the house, I think it had 5 bedrooms. I wanted to make an improvement to the house. I reduced the bedrooms in the dwelling to 3 bedrooms. I put walls up to make it bigger rooms.

Brian Friedler: The County has it listed as a 5-bedroom dwelling. The septic system was designed for a 5-bedroom dwelling.

Mr. Bollenbach: If it was reduced from 5 bedrooms to 3 bedrooms, it should not be a problem.

Mr. Astorino: You would need to clarify that with the Building Department. There seems to be some confusion about that. That was where the comment came from.

Comment #7: ZBA: all lots require a 280(a) for access from a non-public road, lot area, and lot width. 08/23/21 all variances granted

Comment #8: NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. Letter received dated 05/11/21

Comment #9: All application forms must be signed by all owners of the property as listed on the deed; both Saufroy Family Irrevocable Living Trust and Maureen Cozad must sign all application forms.

Connie Sardo: That has been done. All of the applications have been signed by all owners of the property.

Comment #10: Sheet 1, Note 14 appears to have transposed which lot has the existing well. Please revise accordingly.

Brian Friedler: Ok.

Comment #11: On Sheet C-3, the limits of disturbance should be adjusted to include the concrete washout area on Lot 1. The proposed staging area for Lot 1 is on a fairly steep slope and seems impractical for such purposes. Please consider an alternate location. SWPPP indicates that no concrete trucks will be allowed to washout or discharge surplus concrete or wash water on-site. Applicant to clarify whether concrete trucks will be allowed to washout on site or not. Also, on Sheet C-3, please adjust arrow to point to the limit of disturbance line on proposed lot 2.

Brian Friedler: Ok.

Comment #12: 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. Refer to the NYS Stormwater Management Design Manual, table 5.3, for specific requirements associated with soil restoration for areas with HSG D soils.

Brian Friedler: Ok.

Comment #13: Applicant to provide Notice of Intent (NOI) for review.

Brian Friedler: Ok.

Comment #14: The callout leaders on the Driveway Pavement Section detail do not align with the text on sheet C-4. Applicant to revise and clarify; the bottom callout is missing.

Brian Friedler: Ok.

Comment #15: It must be confirmed that the private road agreement can be expanded to service two additional homes.

Mr. Bollenbach: That would be addressed.

Comment #16: A shared driveway agreement for all existing lots and the proposed new lots must be prepared and submitted.

Mr. Bollenbach: Yes. That would be addressed.

Comment #17: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet C-1, Note 12

Brian Friedler: Yes.

Comment #18: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: Ok.

Comment #19: In the standard biodiversity notes, applicant to clarify that “mature” trees are trees that are 5” in diameter at breast height.

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.

Mr. Bollenbach: We would need to add the Bio-Diversity notes to Comment #20.

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

Brian Friedler: Ok.

Comment #22: Payment of all fees.

Brian Friedler: Yes.

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

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)
Resolution Authorizing Filing of Negative Declaration

Name of Action: Saufroy Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision of a 10.9 acre site at 25 Denton Lane, Town of Warwick, Orange County, New York, and

Whereas, the Town Zoning Board of Appeals is the only other involved agency pursuant to SEQR and such agency has already made its own SEQR determination of non-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 5/12/21 and 1/19/22, 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. Showalter makes a motion to close the public hearing.

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

Mr. Kennedy makes a motion on the Saufroy Family Irrev. Ling Trust and Maureen Cozad application, granting Preliminary Approval for 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on January 19, 2022.

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

Brian Friedler: We request the Board to waive the Final Public Hearing.

Mr. Astorino: I don't have any problems with that. Would the Board be ok with waiving the Final Public Hearing?

Mr. Kennedy: Ok.

Mr. McConnell: Ok.

Mr. Showalter: Ok.

Mr. Showalter makes a motion to waive the Final Public Hearing.

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

Mr. Astorino: We would need a motion on Final Approval.

Mr. Kennedy makes a motion on the Saufroy Family Irrev. Living Trust and Maureen Cozad application, granting Final Approval for 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on January 19, 2022.

Approval is granted subject to the following conditions:

1. TW Building Department – 06/01/21 open permit for fence (19967), open permit for windows (27369), and need to confirm number of bedrooms
2. ZBA: all lots require a 280(a) for access from a non-public road, lot area, and lot width. 08/23/21 all variances granted
3. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. Letter received dated 05/11/21
4. All application forms must be signed by all owners of the property as listed on the deed; both Saufroy Family Irrevocable Living Trust and Maureen Cozad must sign all application forms.
5. Sheet 1, Note 14 appears to have transposed which lot has the existing well. Please revise accordingly.
6. Provide map note that states that no concrete trucks will be allowed to washout or discharge surplus concrete or wash water on-site. On Sheet C-3, please adjust arrow to point to the limit of disturbance line on proposed lot 2.
7. 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. Refer to the NYS Stormwater Management Design Manual, table 5.3, for specific requirements associated with soil restoration for areas with HSG D soils.
8. Applicant to provide Notice of Intent (NOI) for review.
9. The callout leaders on the Driveway Pavement Section detail do not align with the text on sheet C-4. Applicant to revise and clarify; the bottom callout is missing.
10. It must be confirmed that the private road agreement can be expanded to service two additional homes.
11. A shared driveway agreement for all existing lots and the proposed new lots must be prepared and submitted.
12. 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
13. Surveyor to certify that iron rods have been set at all property corners.
14. In the standard biodiversity notes, applicant to clarify that “mature” trees are trees that are 5” in diameter at breast height.
15. The liber and page for the Agricultural and Ridgeline and Bio-Diversity notes, as well as the Shared Driveway Agreement must be added to the plan.
16. Payment in lieu of parkland for two lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
17. Payment of all fees.

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

Brian Friedler: Thank you.

Review of Submitted Maps:***Warwick Ridge II Subdivision***

Application for Sketch Plat Review of a proposed 6-Lot (Major) subdivision, situated on tax parcel S 23 B 1 L 15.2; parcel located on the southern side of Ridge Road 800 feet west of West Meadow Way (306 Ridge Rd.), in the RU zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler, Engineering Properties and 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 – 11/17/21 advisory comments for endangered animals, site access, and steep slopes
6. TW Building Department – 11/02/21 no violations
7. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. Letter received dated January 13, 2021
8. Phase I Archeological Investigation: 254 shovel tests were completed; no prehistoric artifacts or features were encountered. No historic artifacts or features were encountered on the project area. No further work is recommended for the project area.
9. Planning Board to determine if a site inspection is necessary.
10. Comments received via email 11/16/21 from Town of Chester (comments a to e have been addressed):
 - f. Details should be added to the plan the sweep West Meadow Way, as necessary.
 - g. A bond from the Town of Chester DPW will be required in the amount of \$60,000 to ensure that no damage occurs to West Meadow Way; please contact Chester Highway Superintendent for details.
 - h. A note shall be added to the plan stating that no construction vehicle traffic is allowed on Chester's Sky View Lane.
11. The concrete washout hatching should be added to the legend.
12. Applicant to add note for site inspections during construction.
13. Limit of disturbance needs to be edited to fully encompass concrete washout location. This location is currently within 100 feet of the drainage swale and will need to be relocated in accordance with Section 2 of New York State Standards and Specification for Erosion and Sediment Control (Blue Book).
14. Revise NOI. Question 15 should be yes and Town of Warwick is the MS4.
15. The answer to NOI Question 43 is incorrect. The MS4 SWPPP Acceptance Form has not been signed; please clarify that the NOI will not be submitted until the MS4 Acceptance Form has been signed.
16. 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, Map Note
17. Surveyor to certify that iron rods have been set at all property corners.
18. The liber and page for the Agricultural, Aquifer, Ridgeline notes, as well as the Private Roadway Agreement must be added to the plan.

19. Applicant to provide Performance Bond and Site Inspection Fees. Applicant to provide cost estimate for improvements.
20. Payment in lieu of parkland for five lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
21. Payment of all fees.

The following comment submitted by the Conservation Board:

Warwick Ridge II Subdivision – None submitted.

The following comment submitted by the ARB:

Warwick Ridge II Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“As far as Warwick Ridge II is concerned, my understanding is that the Board will set the date for a site visit. I also wanted to make sure that the following SEQRA comments are addressed by the Applicant:*

1. *Updated wetland delineations for both State and Federal wetlands may be needed. I see that 2007 was the date of the State’s wetland delineation. Notes should be placed on the plans for updates to both, unless there is correspondence from the two agencies that indicates otherwise.*
2. *A State protected Class B stream runs through the site. Any disturbance within 50 feet of the stream requires a Protection of Waters permit from the State DEC.*
3. *An archaeological survey of the site was conducted by Tracker Archaeology in April of last year. We have not as yet received, as far as I know, correspondence from the State Historic Preservation Office that they are in agreement with Tracker’s findings.*
4. *The site is within an area in the vicinity of animals listed as Endangered or Threatened. This appears to be the Bog turtle. The applicant will need to contact the State DEC in New Paltz for further information on what they will need to do next.*

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 6-Lot subdivision located off West Meadow Way in the Town of Chester and the southern side of Ridge Road in the Town of Warwick. The lots range between 4 acres and a little over 5 acres. We have done soil tests with the Town Engineer. We have designed the septic systems and have addressed the stormwater. We have addressed the Town of Chester’s comments regarding stormwater and snow removal. That is about it for now.

Mr. Astorino: Laura, these are pretty much the same comments that we had the last time. Are there any comments here tonight that you would like to discuss?

Laura Barca: Regarding Comment #10 that relates to the Town of Chester, have you seen or addressed those comments?

Brian Friedler: We will take care of that. I believe the last 2 comments are new comments.

Laura Barca: Yes, regarding the comment that Town of Chester requires a \$60,000 bond to ensure no damage occurs to West Meadow Way.

Brian Friedler: Yes. The Town of Chester also wants a note on the plan stating that no construction vehicle traffic is allowed on Chester's Sky View Lane.

Laura Barca: Right.

Brian Friedler: I will have to add those notes to the plan.

Laura Barca: Ok.

Mr. Astorino: Ok. We will list Comment #3 through Comment #21 for the record.

Connie Sardo: When would the Board like to schedule a site visit?

Mr. Astorino: We would have to see how the weather cooperates. Once we know, we could schedule a site visit via email to the Board and Professionals.

Brian Friedler: Could we be set for a public hearing at the next available agenda?

Mr. Astorino: We could set you for a Preliminary Public Hearing for the next available agenda. We won't put you on until the Planning Board has done a site visit first.

Brian Friedler: Ok.

Mr. McConnell makes a motion to set the Warwick Ridge II Subdivision application for a Preliminary Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 11/17/21 advisory comments for endangered animals, site access, and steep slopes

Comment #6: TW Building Department – 11/02/21 no violations

Comment #7: NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted. Letter received dated January 13, 2021

Comment #8: Phase I Archeological Investigation: 254 shovel tests were completed; no prehistoric artifacts or features were encountered. No historic artifacts or features were encountered on the project area. No further work is recommended for the project area.

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

Comment #10: Comments received via email 11/16/21 from Town of Chester (comments a to e have been addressed):

f. Details should be added to the plan the sweep West Meadow Way, as necessary.

- g. A bond from the Town of Chester DPW will be required in the amount of \$60,000 to ensure that no damage occurs to West Meadow Way; please contact Chester Highway Superintendent for details.
- h. A note shall be added to the plan stating that no construction vehicle traffic is allowed on Chester's Sky View Lane.

Comment #11: The concrete washout hatching should be added to the legend.

Comment #12: Applicant to add note for site inspections during construction.

Comment #13: Limit of disturbance needs to be edited to fully encompass concrete washout location. This location is currently within 100 feet of the drainage swale and will need to be relocated in accordance with Section 2 of New York State Standards and Specification for Erosion and Sediment Control (Blue Book).

Comment #14: Revise NOI. Question 15 should be yes and Town of Warwick is the MS4.

Comment #15: The answer to NOI Question 43 is incorrect. The MS4 SWPPP Acceptance Form has not been signed; please clarify that the NOI will not be submitted until the MS4 Acceptance Form has been signed.

Comment #16: 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, Map Note

Comment #17: Surveyor to certify that iron rods have been set at all property corners.

Comment #18: The liber and page for the Agricultural, Aquifer, Ridgeline notes, as well as the Private Roadway Agreement must be added to the plan.

Comment #19: Applicant to provide Performance Bond and Site Inspection Fees.

Applicant to provide cost estimate for improvements.

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

Comment #21: Payment of all fees.

Other Considerations:

1. Planning Board Minutes of 12/15/21 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 12/15/21.

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

2. **Pioneer Farm 4-Lot Subdivision** – Received letter from Dan Getz, Engineering Properties & Surveying, dated 1/12/22 addressed to the Planning Board in regards to the Pioneer Farm Subdivision – requesting 6-Month Extension on 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 Rte. 94S), in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 6/5/19. *The Applicant has stated that the extension is needed because finalizing the plans were delayed by the process of receiving approvals from the Village of Warwick water & sewer for Lots 3 & 4. It took longer than expected, but those things have now been done.* The 6-Month becomes effective on 12/5/21.

Mr. McConnell makes a motion on the Pioneer Farm Subdivision application, granting 6-Month Extension on “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.

The 6-Month Extension becomes effective on 12/5/21.

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

3. Planning Board to discuss canceling the 1/24/22-Work Session & 2/2/22-PB Meeting.

Mr. McConnell makes a motion to cancel the 1/24/22-Work Session & 2/2/22-PB Meeting.

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

Correspondences:

1. Email Letter from Jason Pitingaro addressed to the Planning Board dated 12/15/21 – in regards to Black Bear Campground #2.

Mr. Astorino: That was sent to us. It has been brought to our attention from Black Bear Campground that they want to stay at the original 74 campsites. We discussed that at the Work Session. We are working through that with the professionals. It might not have to come back before the Planning Board. They could move forward with it that way.

Mr. McConnell: Could we get a drawing of what would have to be removed?

Mr. Astorino: Yes. We could ask for a sketch of that. It should show that the laundry building has to be removed. The Building Department should have a drawing of an As-built of what lots are going to be used.

Mr. McConnell: This thing in my mind is as clear as mud. I would like to see a visual representation.

Mr. Astorino: I do know that Laura is working on this. She is well aware of what we would like to see.

Mr. McConnell: I would like to personally see something. I don't know if we would have to take any official action on recognizing the withdrawal of this. John, do we?

Mr. Bollenbach: No. It would just be a letter from the Applicant requesting to withdraw the application. It would be unilateral by the Applicant.

Mr. McConnell: I am concerned just as the rest of us are that this will not be a settled matter.

Mr. Astorino: It would have to be the Building Department to step up and make sure on a yearly bi-annual basis that it is what they are supposed to be doing there. The Planning Board does not have that authority.

Mr. McConnell: Would it be inappropriate or not recommended for us to send a letter to the Town Board telling them that we would like to see their direct oversight of this because of the long history?

Mr. Astorino: I don't know if the Town Board has the direct oversight. It would be the Building Department.

Mr. McConnell: They do in the sense that they have control or the authority over the Building Department.

Connie Sardo: You are more than welcome to go to the Building Department to look at their records. They do get a report annually or bi-annually of the number of campsites and tenants.

Mr. McConnell: Ok.

Laura Barca: I spoke to Frank Merrick today. To get the ball rolling is for him to provide a list which would be reviewed by everybody to say that the laundry building has to be removed and the other items that have to be done. There will be a checklist of what would need to be done.

Mr. Astorino: Laura, when you get that, could you email the Board members? That way it would keep the Board apprized.

Laura Barca: Yes. Frank has a small sketch of the 74 lots that he would like to keep. He asked me today if he could upload it to his web page. I told him yes.

Mr. McConnell: Does he get to choose which 74 lots he gets to keep?

Mr. Astorino: As long it is not within the setback area. The answer is yes. You can't have them within the setback area.

Mr. McConnell: If there were lots that were recently approved, he could keep those lots and remove others that were from the original?

Laura Barca: The previous approved plan of the 74 lots has a basic road layout and buildings. Then it has existing campsites located in certain spots. As long as they are located where they are supposed to be, then it would be ok.

Mr. McConnell: That seems fuzzy to me.

Mr. Bollenbach: It is a max of 74 campsites.

Mr. Astorino: Laura will keep us apprized on this.

Mr. McConnell: I have faith in Laura on this.

Mr. Astorino: I do to. She will be facilitating this. It will be done correctly.

Mr. Bollenbach: Also due to Covid concerns by and large, it has been every other campsite that has been deleted. That is to provide adequate separation.

Mr. McConnell: A couple of years ago the Town Board changed the rules about campgrounds to require that someone only could camp there for a certain amount of time.

Laura Barca: It is for 210 days.

Mr. McConnell: Ok. There are supposed to be reports issued.

Laura Barca: That has been done every year. Those reports are submitted to the Building Department. He recently submitted a report to the Building Department.

Mr. Astorino: They have been submitting those reports to the Building Department.

Mr. McConnell: Ok. Thank you

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 Planning Board Meeting of January 19, 2022.

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