

TOWN OF WARWICK PLANNING BOARD  
March 16, 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, March 16, 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.

**PUBLIC HEARING OF Morgiewicz Produce, Inc.**

Application for Site Plan Approval and Special Use Permit for the construction and use of a mobile home to house 7 farmworkers, situated on tax parcel S 6 B 1 L 26; project located on the eastern side of Morgiewicz Lane 900 feet north of Pulaski Highway (20 Morgiewicz La.), in the AI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: David Getz from Engineering Properties & Surveying. Joe Morgiewicz, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Morgiewicz 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 – 05/05/21 environmental concerns for endangered animals
6. TW Building Department – 05/04/21 annual fire inspection due; yearly farm worker affidavit is past due; outstanding invoice for 2015 fire inspection
7. OCDOH will need to accept the septic system and the water supply. 02/08/22 OCDOH Acceptance Letter

8. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 13
9. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting a waiver.
10. The liber and page for the Agricultural and Aquifer Notes must be added to the plan.
11. Payment of all fees.

The following comment submitted by the Conservation Board:

Morgiewicz Produce, Inc. – None submitted.

The following comment submitted by the ARB:

Morgiewicz Produce, Inc. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is a Type 2 Action under SEQRA. The Planning Board has already adopted a Type 2 Action back on 5/19/21. SEQRA has been fully complied with.

Comment #2: Applicant to discuss project.

Dave Getz: The Morgiewicz family that farms the area wishes to expand the housing for Migrant farmworkers. We were before the Board to describe the project in the past. We were referred to the O.C. Health Department for well and septic review. We received the approval from the Health Department. The new trailer will tie into the existing septic system. We are back before the Planning Board for Site Plan Approval and Special Use Permit.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 05/05/21 environmental concerns for endangered animals

Comment #6: TW Building Department – 05/04/21 annual fire inspection due; yearly farm worker affidavit is past due; outstanding invoice for 2015 fire inspection

Joe Morgiewicz: According to the Building Department when I checked, we did pay the bill. The past one was paid on 5/25/21. I have a current one that was done on 2/10/22.

Mr. Astorino: We will check with the Building Department.

Comment #7: OCDOH will need to accept the septic system and the water supply.  
02/08/22 OCDOH Acceptance Letter

Dave Getz: Yes.

Comment #8: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 13

Dave Getz: Right.

Comment #9: Surveyor to certify that iron rods have been set at all property corners. Applicant requesting a waiver.

Dave Getz: We request from the Board a waiver of iron rods.

Comment #10: The liber and page for the Agricultural and Aquifer Notes must be added to the plan.

Dave Getz: Ok.

Comment #11: Payment of all fees.

Dave Getz: Ok.

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

Mr. McConnell: How many months per year that you are going to have the workers there?

Joe Morgiewicz: In this particular house they would only be there from May until November.

Mr. McConnell: I am now familiar with your farm. What kind of produce?

Joe Morgiewicz: We grow fresh produce for farm markets. We do some storage. It is mainly fresh produce.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Morgiewicz Migrant Housing public hearing, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion to waive the certification of iron rods.

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

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

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

Mr. Showalter makes a motion on the Morgiewicz Produce, Inc., application, granting Site Plan Approval and Special Use Permit for the construction and use of a mobile home to house 7 farmworkers, situated on tax parcel S 6 B 1 L 26; project located on the eastern side of Morgiewicz Lane 900 feet north of Pulaski Highway (20 Morgiewicz La.), in the AI zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type II Action was adopted on May 19, 2021. Approval is granted subject to the following conditions:

1. TW Building Department – 05/04/21 annual fire inspection due; yearly farm worker affidavit is past due; outstanding invoice for 2015 fire inspection
2. OCDOH will need to accept the septic system and the water supply. 02/08/22 OCDOH Acceptance Letter
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 13
4. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting a waiver. (WAIVED)
5. The liber and page for the Agricultural and Aquifer Notes must be added to the plan.
6. Payment of all fees.

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

Dave Getz: Thank you.

Joe Morgiewicz: Thank you.

**Review of Submitted Maps:*****Snufftown Farm Market***

Application for Site Plan Approval and Special Use Permit for the construction and use of the subject property as a Farm Market greater than 4,000 sq. ft. in size, including a farm brewery as permitted under the NYS Ag & Markets Law upon proper licensing, along with elements and appurtenances shown on the submitted Site Plan, situated on tax parcel S 17 B 1 L 37.2; parcel located on the western side of Union Corners Road 1200+/- feet south of Town Park Rd adjacent to the Town Park (9, 10 and 11 Fence Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York. Previously discussed at the Planning Board Meeting of 9/15/21.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Dan Doyle, Applicant. Charlie Holmgren, the Brewer.

The following 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 within buildings 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). All permits have been closed out.
7. OCDPW – Applicant has satisfied comments and is waiting for plans to be signed.
8. OCDOH – letter dated 04/28/21 for water usage
9. NYSDEC – Notice of Incomplete Application for wetland buffer permit, dated 12/17/21
10. NYS OPRHP – letter dated 11/17/16 stating that there will be no impact on archaeological and/or historic resources.
11. ZBA – §164-46.J(3) A buffer strip of 200 feet is required separating a building used for warehousing and wholesaling of farm products, and for retail sale or production of farm and food processing supplies from any residence. ZBA variance received 07/27/20, Sheet C3.
12. §164-46.J(80) Certification of the landowners participation in the AP-O Zoning District is required as a condition of all farm markets. Town Board Resolution TB #R2016-82.
13. §164-46.J(152) These additional requirements apply whether the farm market is an accessory or special permit use. Please refer to Town Code for complete information. Sheet C3, note added.

14. NYSDEC wetland – NYSDEC wetland validation block has been added; signatures to be added to the final plan. Signatures added to Sheet C1.
15. 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.
16. A cross section for the driveway and parking lot paving must be added to the plan. Please add hatching area patterns showing the paved areas and parking area surface covering to the legend (Sheet C2).
17. No winter shutdown / stabilization requirements have been provided in the SWPPP, per NYSDEC Standards & Specifications for Erosion & Sediment Control (see pg. 2.38). Revise the SWPPP accordingly to reflect these contractor requirements and constraints. Please clarify where in the SWPPP document this comment has been addressed.
18. Town Code §164-46G.(3)(n) notes that existing trees should be retained and protected during construction and that isolated trees over 12 inches in caliper shall be identified and preserved to the maximum extent practical. A tree protection detail was added; however, if the Applicant is requesting a landscape waiver additional information about the trees to remain after construction should be provided. There are two trees noted as being saved and protected. The limit 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.
19. Town Code §164-43.2(7)(a) encourages the use of native species for parking lot landscaping.
20. Applicant to provide Lighting Plan.
21. Surveyor to certify that iron rods have been set at all property corners.
22. The liber and page for required declarations (Agricultural and Biodiversity Notes) must be added to the plan.
23. Provide a Performance Bond and three-year landscaping bond and any other required bonds for this project.
24. Payment of all fees.

The following comment submitted by the Conservation Board:

Snufftown Farm Market – None submitted.

The following comment submitted by the ARB:

Snufftown Farm Market – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We are in the process of reviewing this application as a Type I Action. Because of the nature of a Type I Action, it requires a higher level of review than an Unlisted Action. The Board has done what it needed to do in terms of the preliminary steps to circulate for Lead Agency. We had circulated for Lead Agency back in September of 2021. The Planning Board was designated as Lead Agency because there was no competition from the NYSDEC or from OCDPW. The next step is to thoroughly review the EAF. I am in receipt of a Revised Part I EAF that recently came in. There were some changes made to the Part I EAF. We are getting that document so it is accurate as possible and in line with the proposed site plan. I understand there were additional revised site plans submitted. I have a copy of that in my packet. The only thing that I have noted was that there is a little more of site disturbance as a result of the new plans that came in, and revisions that were made to the EAF. We have that in hand. The next step would be to do a thorough EAF. That would be the Part II EAF. In the Part II EAF, there is somewhere in the vicinity of approximately 120 questions that you have to go over. The first step is to look at the site plans and the Part I EAF on all of the answers that are provided by the Applicant. If any sort of thresholds listed in those questions on the Part II EAF are reached or are exceeded, you would then go through a secondary impact analysis. That would be to prepare a Part III EAF. That is reserved for any impact thresholds that are determined to be either moderate to large. Those are the ones that you would want to make sure that you have sufficient language within your Part III written assessment that describes the existing conditions, the impacts, and what sort of mitigations would be put in place to reduce or avoid those impacts. It is all an exercise. We are doing this with an end goal of coming up with a Negative Declaration that states this project will not have an adverse impact. That is the goal. The most important part of the process is to make sure that we have in the record evidence that there has been that so called "hard look" at the existing condition, the impacts and the mitigation. We want to get it right where it is done efficiently as possible. There is one thing I would like to do is to ask the question the Board if you had a chance to look at the Part II EAF. Is there anyone of the answers that are provided on that document that a Board member would disagree with? That is the first thing to make sure. It is the responsibility of the Planning Board to prepare that document. You would have to be satisfied that all of the answers are correct. That is a question. You don't need to answer that tonight. At some point, when you do adopt that Negative Declaration based upon the answers to the Part II EAF. If any of them are potentially a moderate to a large impact that you are also in agreement with, what the impact is and what the mitigation would be. The main area that would need additional documentation is the potential impact on noise. We do have a Narrative that was provided by the Applicant. It doesn't provide a baseline. We had talked about this back in September about the possibility of doing a noise study that would measure existing ambient noise levels at the property boundaries. Then to use that as a base to be able to assess what is the impact of noise from the operations of the farm market.

Mr. Bollenbach: I believe we had discussed to do something similar like we had done with Blue Arrow.

Mr. Astorino: Dave, I thought you were doing that?

Charlie Holmgren: We are doing it. We have a Sound Engineer. We are doing one.

Mr. Astorino: Ok. You are on top of it.

Charlie Holmgren: We are doing it for multiple spots and all over the place. The band is setting up big speakers and everything. We want to cover everything.

Mr. Astorino: Ok. That would be good to do.

Mr. Fink: That is one issue. The next issue is regarding the visual impact assessment. The Visual EAF document that was submitted, it is used for projects that may have a potential impact on visual resources. The Applicant provided us with a visual analysis that shows the existing conditions. It does show all of the photographs of the surrounding area such as the Town Park across the street and properties next door. Is there away that you could take the photographs and superimpose where the buildings would be, what you would call is doing a photo simulation? If you could show the extent of that, then we would have a better sense of what the overall impacts would be.

Dave Getz: The principal view from Union Corners Road, we don't have to change that photo at all. It is behind the barn. Doesn't this need to be done only from public properties?

Mr. Fink: It would be done from public viewing locations.

Dave Getz: Ok. We have done across the street from the Town Park. Really from any place on Union Corners Road in front of the property, the barn is going to hide it.

Mr. Astorino: As Ted had said, superimpose it on there.

Dave Getz: Ok. Yes. We will superimpose the Visual Analysis.

Mr. Fink: There are a couple of other things. What has been raised so far is the consistency with the Comprehensive Plan and community character. We did get some documentation from the Applicant about that to address those particular issues. There are two issues. One issue is odor. That is one thing I don't know anything about. I don't know if HDR does anything on odor?

Laura Barca: I will find that out.



Mr. Fink: Ok. Please find that out. I don't have any background on odor.

Mr. Astorino: If the Applicant could provide us with what potential odors could be there or if nothing is going to remain on site. I know that brewing is going to happen on site.

Charlie Holmgren: It smells good.

Laura Barca: They had provided that in their narrative.

Charlie Holmgren: We would not want to have bad odors around. Why would we want that? We have a restaurant. We would not do that.

Mr. Astorino: If you put a note on the plan and word it somehow.

Dave Getz: We already have a note. The note states if the spent grain is not picked up within 24 hours, the operator will deliver it to an offsite farm operation. It is estimated roughly 1,000 pounds of spent grain per batch. We are willing to put that note on the plans. Would that be our next step?

Mr. Fink: Yes. I think it is very interesting what you had said about operating a restaurant and that it is in your interest to make sure there are no odors.

Mr. Astorino: Laura, if you could have someone from HDR that is familiar with that for the Planning Board to verify what the Applicant has provided that it would be a remedy that would take care of it. I believe that is what we are looking for. Is that correct?

Laura Barca: I could ask HDR.

Mr. Bollenbach: That was one of the issues that was raised from the opposition's Attorney. What are the industry's standards? That way we could elaborate on that a bit more.

Charlie Holmgren: It fits the Warwick's thing. Farmers come and take it to feed it to the animals. We set up a program for them to come and get it. If they don't show up. I would need to have a plan to get rid of it myself. I would not want the stink.

Mr. McConnell: Regarding this narrative that you had provided us, you are using a lot of conclusory language rather than explanations. You talk about venting through the roof. Are there any filters on that vent? What are the industry standards? If the industry standard is to do as you contemplated here, it would be useful to have that written in here at the same time.

Charlie Holmgren: What does a cookie factory do? That is a yummy smell that comes out. I work in Glen Rock next to Nabisco. That is gone now. I don't know if there is anybody in that town that doesn't like that smell. It is the same thing with grains in a brewery. It is a yummy smell that comes out.

Mr. McConnell: When you say that a process won't create objectionable odors, that is a conclusion based on something. You need to fill that out a little bit. The fact that you don't find it objectionable is just like it is in your best interest not to have it stink because you have a restaurant. Producing those orders is in your best interest because guess what, you are going to sell it. It needs to be filled out a little more rather than just a statement.

Mr. Astorino: Once that goes up through the pipe, you are brewing your product. When that reaches the atmosphere about 10 feet above the roof line, when does it start dissipating.

Charlie Holmgren: Since we are a farm, it is a farm market. What do the farmers do in the Town for the cattle smell?

Mr. Astorino: They do nothing. You are before the Planning Board. If there is some standard of something that could say, once it goes up through the vent pipe maybe the odor becomes undetectable at the property line.

Mr. McConnell: Put some meat on these bones.

Mr. Astorino: Right.

Dave Getz: The Attorney's letter criticizes that we did not provide data for traffic, lighting or for performance standards. Compare that to odors, there is no section in your Code that says you can't have so much odor at so many feet.

Mr. McConnell: Ok. You talk about producing 1000 pounds per batch, but you are going to do two batches per week. Is that correct?

Dave Getz: Yes.

Mr. McConnell: That is 100,000 pounds per year. You are talking about having a local farmer take it away. How often? Where is it? Do you have a contract?

Charlie Holmgren: Not yet.

Mr. McConnell: Will you have a contract?

Charlie Holmgren: Hopefully yes.

Mr. Astorino: Or bring it to a landfill. Pay to get rid of it. If plan A doesn't work, then Plan B would be to cart it to Orange County Landfill.

Mr. Fink: There is in the Town Code §164-48c(6) under performance standards, it states that odors shall not become a nuisance to adjoining residence.

Dave Getz: We are hundreds of feet from any property line.

Mr. Astorino: Maybe you should state that.

Dave Getz: I just hesitate to throw numbers, wind speed, and direction because then we are playing devil's advocate. Anybody reviewing it might say, I don't live to the west of the property, why not to the east of the property? Why don't you do my direction? Whatever we would assume, someone could say well that is not representing us.

Mr. McConnell: What you do in that situation when you are building a legal argument in front of a Court. You would say there is nothing on point. There is no standard that we could draw to. If we go to these 6 different towns that had approved similar breweries, they had founded that it wasn't going to be a problem. If you can't hit it directly, then you would have to build your argument with the most solid stuff you can without using 2.6 MPH average coming from the west or northwest when the atmosphere's pressure is 300 millibars.

Mr. Astorino: Charlie had a very good point. This is a farm market application.

Charlie Holmgren: Yes. All of the other breweries are in an industrial zone. It is totally against us in that sense. It is different. We are surrounded by houses.

Mr. MacDonald: What comes out of the vent? Does it come out like steam with an odor?

Charlie Holmgren: It is similar to a fireplace or woodstove.

Mr. MacDonald: Is it steam that comes out?

Charlie Holmgren: Yes.

Mr. MacDonald: Coffee roasters have issues with odors. They have an attachment that they put on the stack that gobbles up the smoke.

Charlie Holmgren: That is what we are doing. The easiest way is to show the filter that is coming up. That is what we are doing.

Mr. McConnell: Right. The manufacturing of the filters would have data on what it was designed to do.

Charlie Holmgren: Yes. That would be the easiest route to make this solid.

Mr. Bollenbach: The Zircar Manufacturing in Florida, New York actually has a trained sniffer. Twice a day, the sniffer goes out and walks around the block. There are specifications and criteria for odor. At what level is it detectable, dilution, etc...? Which odors are more objectionable than others? There is a whole category. It is a huge area.

Mr. McConnell: We are trying to get to a point where we are comfortable and you are comfortable.

Charlie Holmgren: What about if we do this? If we have a write up of what would be at the top of the stack to get rid of that odor coming out. Another one would be are the grains that are spent, if a farmer does not come and take them, we would then tell it in detail as to where it is going and how fast it is going.

Mr. Astorino: To have that done within 24-hour period off site.

Charlie Holmgren: Within a certain time period.

Mr. McConnell: Then have a contingency plan if that doesn't work. You have to have backup. You are not going to quit producing. If you are producing 100,000 pounds per year, it doesn't take long for that to accumulate to a fairly large pile of stuff.

Mr. Astorino: Ok. Ted, what else do you have?

Mr. Fink: The other issue was regarding traffic. We do have a narrative on traffic. They have received the County's approval. What is important is to site the DOT traffic impact methodology and the thresholds that they have. I believe you are below that threshold for having a full traffic impact.

Dave Getz: We are planning to hire a Traffic Engineer.

Dan Doyle: We have already hired one.

Mr. Fink: Ok. You did.

Dan Doyle: A retainer check was sent out. We might be doing a traffic study next week.

Mr. Astorino: That would be wise to do.

Mr. Fink: Ok. That is it.

Mr. Astorino: Do any other Board members have any further questions for the Applicant? I believe we are all on the same page here. Thank you.

Dave Getz: Our next steps would be to provide the traffic study, sounds, odor and more information. Could the Board set us for a public hearing?

Mr. Astorino: Does the Board care to set the Snufftown Farm Market application for a public hearing at the next available agenda? That would happen once we have enough information to have a public hearing.

**Mr. Showalter makes a motion to set the Snufftown Farm Market Site Plan and Special Use Permit application for a Public Hearing at the next available agenda.**

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

Charlie Holmgren: When would that public hearing be?

Mr. Astorino: Find out if filters would be on the stacks or if any. We need that information. We also need the traffic study and noise study. We need to see all of that information first for the Board's review. We know you want to get this moving. Just make sure everything is in.

Mr. Purcell: Charlie, when do you plan on putting in the Hops?

Charlie Holmgren: They are in. They were put in 4 years ago.

Mr. Purcell: Even with the frost and snow, you can do that?

Charlie Holmgren: We don't have to replant them. They come back.

Mr. Bollenbach: They are perennials.

Mr. Purcell: Ok.

Mr. Astorino: We will list Comment #2 through Comment #24 for the record. Does Laura or the Applicant want to go over any comments listed here?

Laura Barca: No.

Dave Getz: Regarding the landscaping, we received a few waivers the last time from the Planning Board. Technically, we are not interspersing trees in the parking lot according to the Town Code. We shrunk the footprint of the parking lot as much as possible. In the thinking, I believe we all felt that this is a parking lot and a farm. It is

not a parking lot at a shopping mall where we feel like need to add some green to break up the grain, or the asphalt. Since that time, he has planted more stuff. We are not asking for a waiver on native species. We would make sure everything is native. I just wanted to make sure that you don't need us to change the landscaping from what you had previously approved.

Mr. Astorino: I think it is going to go along the way as to what Ted Fink had pointed out when you superimpose on the visual impact, the Board is going to look at that and say why?

Mr. McConnell: Your noise study might say that you have too much noise here and you would need to plant some trees somewhere near the parking lot. I am not going to say yes or no at this point, until I see the noise study.

Dave Getz: Ok.

Mr. Astorino: Let us see the Noise, Visual, Traffic and Odor studies, we would then go from there.

Dave Getz: Ok.

Mr. Astorino: If the Planning Board would like to go back out to the site again to take a look, we could do that to. Does the Board or Professionals have any other comments? Let the record show no further comment from the Board and Professionals.

Dave Getz: Thank you.

Dan Doyle: Thank you.

Charlie Holmgren: Thank you.

Comment #2: Applicant to discuss project.

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 within buildings will be addressed at the time of building department application.

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

Comment #7: OCDPW – Applicant has satisfied comments and is waiting for plans to be signed.

Comment #8: OCDOH – letter dated 04/28/21 for water usage

Comment #9: NYSDEC – Notice of Incomplete Application for wetland buffer permit, dated 12/17/21

Comment #10: NYS OPRHP – letter dated 11/17/16 stating that there will be no impact on archaeological and/or historic resources.

Comment #11: ZBA – §164-46.J(3) A buffer strip of 200 feet is required separating a building used for warehousing and wholesaling of farm products, and for retail sale or production of farm and food processing supplies from any residence. ZBA variance received 07/27/20, Sheet C3.

Comment #12: §164-46.J(80) Certification of the landowners participation in the AP-O Zoning District is required as a condition of all farm markets. Town Board Resolution TB #R2016-82.

Comment #13: §164-46.J(152) These additional requirements apply whether the farm market is an accessory or special permit use. Please refer to Town Code for complete information. Sheet C3, note added.

Comment #14: NYSDEC wetland – NYSDEC wetland validation block has been added; signatures to be added to the final plan. Signatures added to Sheet C1.

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Comment #16: A cross section for the driveway and parking lot paving must be added to the plan. Please add hatching area patterns showing the paved areas and parking area surface covering to the legend (Sheet C2).

Comment #17: No winter shutdown / stabilization requirements have been provided in the SWPPP, per NYSDEC Standards & Specifications for Erosion & Sediment Control (see pg. 2.38). Revise the SWPPP accordingly to reflect these contractor requirements and constraints. Please clarify where in the SWPPP document this comment has been addressed.

Comment #18: Town Code §164-46G.(3)(n) notes that existing trees should be retained and protected during construction and that isolated trees over 12 inches in caliper shall be identified and preserved to the maximum extent practical. A tree protection detail was added; however, if the Applicant is requesting a landscape waiver additional information about the trees to remain after construction should be provided. There are two trees noted as being saved and protected. The limit 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.

Comment #19: Town Code §164-43.2(7)(a) encourages the use of native species for parking lot landscaping.

Comment #20: Applicant to provide Lighting Plan.

Comment #21: Surveyor to certify that iron rods have been set at all property corners.

Comment #22: The liber and page for required declarations (Agricultural and Biodiversity Notes) must be added to the plan.

Comment #23: Provide a Performance Bond and three-year landscaping bond and any other required bonds for this project.

Comment #24: Payment of all fees.

**Other Considerations:**

1. **Warwick Ridge II Subdivision** – Planning Board to discuss scheduling a site visit for a proposed 6-Lt (Major) subdivision, located at 306 Ridge Road.

Mr. Astorino: When would the Board want to do a site visit? How does March 28, 2022 at 6:00 p.m. sound?

Mr. McConnell: Ok.

Mr. Kennedy: Ok.

Mr. Showalter: Ok.

Mr. Astorino: Ok. We will do the Warwick Ridge II Subdivision site visit on March 28, 2022 at 6:00 p.m. The property is located at 306 Ridge Road.

2. **Johnny Hayseed Site Plan** – Planning Board to discuss scheduling a site visit for Site Plan Approval pursuant to “Chapter 150”. Property located at 111 Glenwood Rd.

Mr. Astorino: I want to give a quick summary. After the Work Session, we had a WebEx meeting with Ted, Laura, John, Jay Myrow and myself. The bottom line is that we required a plan for them to bring to us. It would be a map that we could review. They are going to do the checklist so that our Town Planner could understand that for SEQRA issues. We did discuss doing a site visit. I talked to the Engineer after the meeting. I called his office. I told them they could send somebody or they don't have to send somebody, but we are going to have HDR's two Professionals involved. Laura, what are HDR's Professionals names?

Laura Barca: Brian Montroy, PG (NY), CPG and Mike Musso, M.S., MPS, P.E. (NY).

Mr. Astorino: Have they reviewed the documents of the soil already?

Laura Barca: Yes. That is correct.

Mr. Astorino: Ok.

Laura Barca: That was done twice.

Mr. Astorino: Ok. They are going to come out for a site visit on April 6, 2022. That is the date when those two HDR's Professionals would be available. On April 6, 2022, we will be having a Work Session/Meeting. We would go and do the site visit first at 5:30 p.m. I would like everyone to be at that site visit. That is because when HDR could be there. After the site visit at 5:30 p.m. we will come back to Town Hall for the Work Session/Meeting at 7:30 p.m. When we come back to Town Hall for the Work Session, I will give the floor to HDR's two Professionals to explain to us any questions that the Board has on the soils, what you had seen out there and what is in the report. That would



be the time to do it. I don't need a scientific approach. Give us what we could make a decision on. I think we all could agree on that.

Mr. McConnell: Is there nothing happening there now in the mean time?

Mr. Astorino: No. Nothing is allowed to be happening there.

Laura Barca: They have a Stop Work Order.

Mr. Astorino: I will say this and I was talking to Laura about this today is that the silt fence or the erosion control is compromised, I believe you would want them to go in there to take care of it.

Laura Barca: We had already ok'd that through the Stop Work Order.

Mr. Astorino: I get that. But I assume after this winter and the heavy rains we had; I just have a small inkling that it is probably not ok. We will see that when we go out to the site.

Connie Sardo: The site visit is scheduled for April 6, 2022 at 5:30 p.m. Everyone is to meet at 11 Glenwood Road. We would then come back to Town Hall for a Work Session/Meeting at 7:30 p.m.

Mr. Astorino: Ok. We are all good on that.

3. **Round Hill Subdivision Sectionalizing Plan** – Letter from Dave Getz, Engineering Properties & Surveying addressed to the Planning Board dated 3/8/22 in regards to Round Hill Subdivision Sectionalizing Plan – requesting 3-Year Re-Approval on Preliminary Approval for filing a 19-Lot + 1-Ag Lot Cluster subdivision in sections, situated on tax parcel SBL #7-2-51.1; parcel located on the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick. Preliminary Approval on Sectionalizing Plan was granted on 9/19/18. The 3-Year extension on Re-Approval of Preliminary Approval on Sectionalizing Plan becomes effective on 9/18/21.

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

Dave Getz: You might remember that this was a 19-Lot subdivision that we had broken up into 5 Sections. The Planning Board had recently given Final Approval for Section I. That subdivision map has been filed which it included a lot line change with the neighboring property. It had approval to build one house. The owners have been trying to market the property. They have talked to potential buyers. We have been involved with some of those discussions. They haven't been successful in selling it. That is the reason for the request for the 3-Year extension on Preliminary Approval of Sectionalizing plan.

Mr. McConnell makes a motion on the Round Hill Subdivision Sectionalizing Plan, granting Preliminary Approval for filing a 19-Lot + 1-Ag Lot Cluster subdivision in sections, situated on tax parcel S 7 B 2 L 51.1; parcel located on the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Preliminary Approval on Sectionalizing Plan was granted on September 19, 2018.

The 3-Year Re-Approval of Preliminary Approval on Sectionalizing Plan becomes effective on 9/19/21.

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

4. Planning Board to discuss recommendation to Town Board regarding Revised Local Law #3.

Mr. Astorino: Do any Board members have any comments or concerns? I think it makes sense. Seeing none, we need a motion for a Positive Recommendation to the Town Board for Revised Local Law #3.

Mr. Showalter makes a motion for a Positive Recommendation to the Town Board for Revised Local Law #3.

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

5. Planning Board to discuss property at 56 Distillery Road.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Rob Sherman, Contractor.

Mr. Astorino: I will give a quick synopsis to the Board. There is a property at 56 Distillery Road where they are disturbing a little less than an acre. Rob Sherman is the Contractor. Dave Getz is the Engineer. Laura and I took a look at the property. According to the Code, they need a recommendation from the Planning Board to the Building Department. It isn't even much of a land clearing. It is a retaining wall, drainage, and some tree removal which they could get the permit before they even get the recommendation from this Board. They could give you a quick synopsis of what it is. On April 6, 2022 at our regular formal Planning Board Meeting, we could make that recommendation. I don't think we need a full motion and approval. We need a consensus recommendation from this Board that if Laura and Ted reviewed it. Ted, I don't know if this could be a Type II Action regarding SEQRA.

Mr. Fink: Probably, it could be. I don't know. I haven't seen the plans yet.

Mr. Astorino: I would assume that it is. We could go from there and make a recommendation at the April 6, 2022 Planning Board Meeting.

Dave Getz: I have copies of a site plan to show the Board. What you see on the plan is a house with a long driveway up from Distillery Road. They have a small back yard. It then slopes up into a wooded area to their property line. They are proposing to remove a couple of small retaining walls and build a large wall around the back part of their house. Rob would be the contractor to do the pavers and walls. It would allow them to build a bigger patio to put a pool in their back yard. At its highest point, it would be a large wall about 14 feet high. It is a very remote yard. There are really no neighbors that would see this change at all. The potential impact we feel would be drainage. There is a hill up above where about 4 acres draining onto the property to the location of this wall. We have a swale that would intercept the water before it gets to the wall. Looking at the plan, what we plan to do is have a level spreader or a water quality swale on either end. It would take the runoff that we collected and take it into these flat swales where the first choice would be for the water to infiltrate into the ground. We could do a soil test pit if Laura would want to see that. In a big storm, it would overflow. It would not be channel. It would overflow across a 50-foot-long level spreader.

Mr. Astorino: The wall would be an engineered wall and footings.

Dave Getz: Yes.

Mr. Astorino: Ok.

Mr. McConnell: What is the distance between the swale and well?

Dave Getz: It is about 100 feet.

Mr. McConnell: Ok.

Mr. Astorino: Laura, you would be the one to review these especially the drainage and the erosion control to be shown. Need to show the plantings. Show them all on the plan. HDR is the one to review this.

Laura Barca: And the wall.

Mr. Astorino: In my eye, you would need to make sure that the wall is going to stay there. You want to make sure that you would not flood out down to Distillery Road. Everything flows downhill.

Dave Getz: Yes.

Mr. Astorino: It is not a huge deal. But it has to be done correctly. That would be where you would tell us at the April 6<sup>th</sup> Planning Board Meeting that it meets the requirements that it is going to work.

Mr. McConnell: Has anything been done here yet?

Dave Getz: No.

Rob Sherman: No.

Mr. Astorino: That is nice for a change.

Mr. McConnell asks Dave Getz where on Distillery Road is this project located. Dave shows the plan to Mr. McConnell and shows him where the project is located near the low point in the road across from Echo Lane.

Rob Sherman: This wall is going to be at a one-to-one ratio where our high point is 14-foot. We are also going to have Geo-Grid material, which is the new dead men segmented retaining walls. The wall is going up 14 feet. From center of the block, we would be back 14 feet. That is a Geo-Grid.

Mr. Astorino: Ok. That is the plan. As Connie had pointed out, get together with her to get an application to the Planning Board. We will see you at the April 6, 2022 Planning Board Meeting.

Dave Getz: Ok. Thank you.

**6. Planning Board Minutes of 2/16/22 for PB approval.**

Mr. McConnell makes a motion to approve the Planning Board Minutes of 2/16/22.

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

**7. Planning Board to discuss canceling 3/28/22-W.S.**

Mr. Kennedy makes a motion to cancel the 3/28/22-W.S.

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

**Correspondences:**

1. Email Letter from Ashely Torre, Esq., dated 3/15/22 addressed to the Planning Board in regards to the Snufftown Farm Market.

Mr. Astorino: We have that letter in our packets. It was also emailed to the Planning Board.

**Privilege Of The Floor For Agenda Items!!**

Mr. Astorino: Is there anyone in the audience wishing to address any of the agenda items? Let the record show no public comment.

**Mr. McConnell makes a motion to adjourn the March 16, 2022 Planning Board Meeting.**

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