

TOWN OF WARWICK PLANNING BOARD  
June 15, 2022

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Bo Kennedy,  
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 15, 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.

**Review of Submitted Maps:**

***Lombardo-McIntyre a/k/a Fusco Subdivision***

Application for **5th Amended** Final Approval of a proposed 9-Lot Cluster subdivision formally known as The Fusco Subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road, 920± feet east of the intersection of Taylor Road with Jessup Road, (22 Taylor Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Dave Higgins from Lanc & Tully Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: no comments received
4. Architectural Review Board comments: no comments at received
5. OCPD: 08/08/13 no advisory comments
6. If determined to not be needed, please remove the drainage easement for Lot 1 adjacent to Lot 5.
7. There are proposed rain gardens on Lots 2, 3, 4, and 9. Applicant to clarify mechanism to protect these stormwater features (e.g., deed restriction and/or HOA).
8. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for eight lots.
9. A legal description and declaration for the dedication strips to the Town for highway purposes will need to be submitted for the Town Board's consideration.
10. The declaration information for the Ridgeline Notes, Agricultural Notes, Homeowner's Association, Private Road, dedication strips, and Open Space Notes will need to be shown on the drawing.
11. Payment of Performance Bond, 3-year Landscaping Bond, and Inspection Fees for both bonds.
12. Payment of all fees.

The following comment submitted by the Conservation Board:

Lombardo-McIntyre a/k/a Fusco Subdivision – None submitted.

Lombardo-McIntyre a/k/a Fusco Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: “ *I’ve reviewed the revised Subdivision plans for the Lombardo/Doorwayto, LLC subdivision and the changes proposed from the previous Fusco Subdivision. All of the changes appear to involve fewer environmental impacts than the previous plan would have created due to the elimination of three building lots and the retention of well in excess of the minimum 50% open space for a cluster subdivision. Based on the original Negative Declaration issued by the Planning Board on September 2, 2009, I do not believe that any of the original findings, contained in the adopted Negative Declaration, would change to the extent that they would result in a significant adverse impact as a result of the revised project plans*”.

Mr. Astorino: There would now be less impacts with this subdivision.

Comment #2: Applicant to discuss project.

Dave Higgins: Originally when it was the Fusco Subdivision, it was a 12-Lot subdivision. Lot #1 was the farm lot. Lot #2 through Lot #11 were the lots around the subdivision road. Lot #12 was located up on the hill. William and Tanya Lombardo purchased the property from Norma Jean Fusco. The Lombardo’s live in the farmhouse. Their main goal is to preserve the quality of the farmland. What we had changed on the plan, we eliminated lots 9, 10, & 11. We would take that land and keep it with Lot #1 with the farm. The other change was the open space. Lot #4 had a portion of the property that was open space that went all the way out to Jessup Road. We would still preserve that as open space with the exact same acreage it was before. We would like to have Lot 1 own that open space instead of Lot 4.

Mr. Astorino: What about the road?

Dave Higgins: The property lines for the lots on the subdivision road including what were Lots 9, 10, 11 & 1, originally had the property line go to the centerline of the subdivision road. The Attorney for the Applicant had advised them that it would be better. The farm lot has access right off Taylor Road. It would be better for that lot not to include the subdivision road because they would be responsible for it and the potential liability if something happened on that property.

Mr. Astorino: That makes sense.

Dave Higgins: We pulled back the property line for Lot 1. Now it goes on the outside of the private road Right-Of-Way. Instead of having this 25-foot strip for Lot 8 to go all the way out to Taylor Road, we basically extended the property for Lot 2 out to encompass that entire 50 feet.

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

Comment #3: Conservation Board comments: no comments received

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

Comment #5: OCPD: 08/08/13 no advisory comments

Comment #6: If determined to not be needed, please remove the drainage easement for Lot 1 adjacent to Lot 5.

Mr. Astorino: Laura, that is not needed. Is that correct?

Mr. Bollenbach: Let us keep that as a place saver for now.

Laura Barca: That would be fine. Dave and I spoke about this earlier today. It may be a remanent of one of the many revisions that the plans went through.

Mr. Astorino: We will keep that comment. If it is not needed, we could strike that out.

Comment #7: There are proposed rain gardens on Lots 2, 3, 4, and 9. Applicant to clarify mechanism to protect these stormwater features (e.g., deed restriction and/or HOA).

Mr. Astorino: Would there be an HOA for this property?

Dave Higgins: Yes.

Mr. Astorino: Put it under the HOA.

Comment #8: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for eight lots.

Dave Higgins: Correct.

Comment #9: A legal description and declaration for the dedication strips to the Town for highway purposes will need to be submitted for the Town Board's consideration.

Dave Higgins: Yes.

Mr. Bollenbach: Along with Taylor Road and Jessup Road.

Comment #10: The declaration information for the Ridgeline Notes, Agricultural Notes, Homeowner's Association, Private Road, dedication strips, and Open Space Notes will need to be shown on the drawing.

Dave Higgins: Yes.

Comment #11: Payment of Performance Bond, 3-year Landscaping Bond, and Inspection Fees for both bonds.

Dave Higgins: Yes.

Comment #12: Payment of all fees.

Dave Higgins: Yes.

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

Mr. McConnell: Would the HOA own the roadway?

Dave Higgins: Most of the individual lots own up to the center line of the road. Lot 2 is going to encompass the entirety of the 50-foot width along from Lot 8 down to Taylor Road.

Mr. McConnell: Ok. Would there be an easement there to benefit of the HOA or to the benefit of people accessing it and to the HOA? How does that work?

Mr. Bollenbach: It is to benefit the HOA. There would be a mechanism put in place for the HOA to maintain that road. If it falls in disrepair and it is not maintained, the Town would have the right to bid it out and bill the individual lot owners.

Mr. Astorino: It also includes the plowing, maintenance, drainage structures and everything else.

Mr. McConnell: Are we going to recommend that they create a separate tax district if the HOA doesn't follow through?

Mr. Bollenbach: It is really not that substantial on this particular application to have a Drainage District.

Mr. McConnell: I am concerned about the HOA not functioning properly. Then where does the Town go to get paid?

Mr. Bollenbach: There is a provision within the Declaration and within the HOA that if it is not properly maintained, the Town reserves the right to bid out the maintenance and bill the individual lot owners to.

Mr. McConnell: It would be a direct billing rather than an addition to tax.

Mr. Bollenbach: Correct.

Mr. McConnell: Ok.

Mr. Astorino: Ok. This subdivision would have less of an impact. Does the Applicant wish to waive the Final Public Hearing?

Dave Higgins: Yes.

Mr. McConnell makes a motion to waive the Final Public Hearing?

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

Mr. Showalter makes a motion on the Lombardo-McIntyre a/k/a Fusco subdivision, granting 5<sup>th</sup> Amended conditional Final Approval for a proposed 9-Lot Cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road 920± feet east of the intersection of Taylor Road with Jessup Road, (22 Taylor Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 2, 2009. Approval is granted subject to the following conditions:

1. If determined to not be needed, please remove the drainage easement for Lot 1 adjacent to Lot 5.
2. There are proposed rain gardens on Lots 2, 3, 4, and 9. Applicant to clarify mechanism to protect these stormwater features (e.g., deed restriction and/or HOA).
3. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for eight lots.
4. A legal description and declaration for the dedication strips to the Town for highway purposes will need to be submitted for the Town Board's consideration.
5. The declaration information for the Ridgeline Notes, Agricultural Notes, Homeowner's Association, Private Road, dedication strips, and Open Space Notes will need to be shown on the drawing.
6. Payment of Performance Bond, 3-year Landscaping Bond, and Inspection Fees for both bonds.
7. Payment of all fees

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

Dave Higgins: Thank you.

***Charles Brown Subdivision + Lot Line Change***

Application for Sketch Plat Review of a proposed 3-Lot (Minor) Subdivision + Lot Line Change, situated on tax parcels S 33 B 1 L 4.4 and 4.51; parcels located on the eastern side of Belcher Road 700 feet north of Demarest Road (75 Belcher Rd.), in the RU zone, of the Town of Warwick.

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

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 – no comments received
6. TW Building Department – 06/09/22 no violations
7. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted.
8. Planning Board to determine if a site inspection is necessary.
9. 911 addresses must be obtained from the Building Department and then shown on the plan.
10. Sheet S-1, General Note 7 should state the date of the survey and the coordinate system.
11. Sheet S-2, the existing and proposed lot lines should have metes and bounds shown.
12. Sheet S-1, the lot areas must be shown.
13. The Plat needs to have the signature and seal of the project surveyor.
14. Applicant to provide a SWPPP/notes in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements. Erosion control measures do not appear to be shown on the drawings.
15. The Town of Warwick Standard notes for installing utilities underground and lighting must be added to the plan.
16. The applicable Town of Warwick standard notes for driveways should be added to the plan.
17. The slopes of the driveways should be shown to include a profile view.
18. Sheet S-3, Lot 2 appears to have an extra well symbol located behind the house along the 784' contour line.
19. Applicant to determine if house will be greater than 25' tall; if so, line of sight drawings shall be prepared. If house will remain at 25' tall, the bulk table must be updated.
20. 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 S-1, Note 12
21. Surveyor to certify that iron rods have been set at all property corners.
22. The liber and page for the Agricultural and Ridgeline notes must be added to the plan.
23. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

24. Payment of all fees.

The following comment submitted by the Conservation Board:

Charles Brown Subdivision + Lot Line Change – None submitted.

The following comment submitted by the ARB:

Charles Brown Subdivision + Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“This is an Unlisted Action under SEQR so I have prepared a lead agency resolution for tonight. SEQR issues include Indiana bats, Ridgeline overlay (line of sight profiles needed), archaeology (needs SHPO sign-off), and SWPPP for stormwater. There are two wetlands on the site but they are both located on the lots with the existing animal hospital where the only construction is a new septic disposal system. The wetland area is more than 100 feet from what appears to be a Federal wetland. Ag and Ridgeline notes have already been placed on the plans. Existing lighting for the animal hospital should be shown”.*

Mr. Kennedy makes a motion for Lead Agency.

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

617.6

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

Name of Action: 75 Belcher Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Subdivision approval of a ± 12.1 acre parcel of land located at 75 Belcher Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/20/20 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within 500 feet of a farm operation within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, and

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

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

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Dave Getz: Dr. Brown owns the lot where he has his Animal Hospital. That building includes a residence and a separate outbuilding/barn. He also owns an adjacent vacant property. Together those properties add up to a little more than 12 acres. Our proposal is to keep the existing buildings on Lot 1 and create 2 new residential lots that would both have access from Belcher Road.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – no comments received

Comment #6: TW Building Department – 06/09/22 no violations

Comment #7: NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted.

Dave Getz: Yes. The EAF noted that this is a potential archeological. I believe Dr. Brown engaged Tracker to do the study on this property.

Dr. Charles Brown: Yes.

Dave Getz: We are working on that.

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



Mr. Astorino: It is a Conventional subdivision. Do any Board members or Professionals want to take a run out there? I think it is pretty straightforward subdivision. I don't think a site visit is needed.

Mr. McConnell: I might want to take a ride out there. I was surprised to hear that there were 2 potential lots downhill.

Mr. Showalter: It goes towards Ben's property.

Mr. Astorino: Yes.

Mr. McConnell: I just want to take a ride out there.

Mr. Astorino: We could do it as an informal site visit. You might see a couple of the Board members pop in.

Dr. Charles Brown: Ok.

Comment #9: 911 addresses must be obtained from the Building Department and then shown on the plan.

Dave Getz: Ok.

Comment #10: Sheet S-1, General Note 7 should state the date of the survey and the coordinate system.

Dave Getz: Ben, regarding Comment #10 through Comment #13 is about the survey. We are working on those comments.

Mr. Astorino: Ok. Laura, are there any other comments you would like to go over?

Laura Barca: No.

Mr. Astorino: We will list Comment #10 through Comment #24 for the record. Do any Board members or Professionals have any comments or concerns?

Dave Getz: At the Work Session, you asked about the 2 separate driveways for each of the new houses. You asked if we could pair the entrance so that we could have a common entrance for each driveway. We could pair them. We plan to do that.

Mr. Astorino: I like that idea. That would be proper planning. Does that work for the Board?

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Mr. Astorino: Ok.

Mr. Bollenbach: Does the Applicant request to be set for a public hearing?

Dave Getz: Yes. We request to be set for a public hearing.

**Mr. McConnell makes a motion to Set the Charles Brown Subdivision + Lot Line Change application for a Final Public Hearing at the next available agenda.**

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

Dave Getz: We have a question on Comment #23 regarding Parkland Fees. It states for two new lots. There is only one new lot.

Mr. Bollenbach: It is for only one new lot.

Laura Barca: Correct. That was a typo.

Dave Getz: Thank you.

Dr. Charles Brown: Thank you.

Comment #11: Sheet S-2, the existing and proposed lot lines should have metes and bounds shown.

Comment #12: Sheet S-1, the lot areas must be shown.

Comment #13: The Plat needs to have the signature and seal of the project surveyor.

Comment #14: Applicant to provide a SWPPP/notes in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements. Erosion control measures do not appear to be shown on the drawings.

Comment #15: The Town of Warwick Standard notes for installing utilities underground and lighting must be added to the plan.

Comment #16: The applicable Town of Warwick standard notes for driveways should be added to the plan.

Comment #17: The slopes of the driveways should be shown to include a profile view.

Comment #18: Sheet S-3, Lot 2 appears to have an extra well symbol located behind the house along the 784' contour line.

Comment #9: Applicant to determine if house will be greater than 25' tall; if so, line of sight drawings shall be prepared. If house will remain at 25' tall, the bulk table must be updated.

Comment #20: 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 S-1, Note 12

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

Comment #22: The liber and page for the Agricultural and Ridgeline notes must be added to the plan.

Comment #23: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #24: Payment of all fees.

***M&T (Ted Edwards Subdivision)***

Application for Sketch Plat Review of a proposed 4-Lot (MAJOR) subdivision, situated on tax parcels S 26 B 1 L 118 & L 117; parcels located on the eastern side of Amity Road 350 feet south of Feagles Road p/o the Ted Edwards old final subdivision finalized on 7/30/10 (77 Amity Rd.), 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 – 05/31/22 barn with living area for caretaker needs to provide a yearly farm worker affidavit to the Building Department.
7. ZBA: The three new lots proposed off of shared driveway will require a 280(a) variance for access.
8. Planning Board to determine if a site inspection is necessary.
9. Applicant to clarify ownership of 27-1-117 (where access easement will be located).
10. Grading and a profile should be provided for the proposed driveways. Given the length of the common driveway (>500'), the applicant shall consider adding emergency pull offs or as recommended by the Fire Marshall.
11. The location of the home on parcel 27-1-117 appears to be a proposed home location and not a surveyed location. It also appears to show two wells for the one lot. A complete survey will need to be conducted to show the locations of existing and proposed features.
12. There is a second existing structure on parcel 26-1-30.2; a survey will show this structure and the access to this structure.
13. The aerial imaging shows many vehicles and/or small buildings, its difficult to tell what they are, on proposed lot 2; Applicant should clarify the status of these objects.
14. Applicant to clarify soil types in the area of the proposed driveways and homes (is there believed to be rock at these locations?). Perhaps a cluster plan away from the steeper portions of the lot would be beneficial.
15. Sheet C-3 indicates that the shaded square is a contractor staging area, concrete washout area, temporary sanitary facility and area of chemical storage. Applicant to clarify the temporary sanitary facility and chemical storage uses.
16. Applicant to consider a vegetative screen (coniferous) should be installed for parcel 27-1-117 and 26-1-30.2 to screen the new shared driveway.
17. 911 addresses must be obtained from the Building Department and then shown on the plan.
18. 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 10
19. Surveyor to certify that iron rods have been set at all property corners.

20. The liber and page for the Agricultural and Biodiversity notes, as well as the Shared Driveway Agreement must be added to the plan.
21. A cost estimate for the shared driveway that must be paved in its entirety must be submitted before the Board takes an action.
22. The shared driveway bond, landscape bond, and site inspection fees must be submitted prior to the maps being signed.
23. Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
24. Payment of all fees.

The following comment submitted by the Conservation Board:

M&T (Ted Edwards Subdivision) – None submitted.

The following comment submitted by the ARB:

M&T (Ted Edwards Subdivision) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“This is an Unlisted Action under SEQR so I have prepared a draft resolution for the meeting. Primary SEQR issues are archaeology, wetlands delineation, and Indiana bat notes. Due to the presence of on-site wetlands and large areas of steep slopes, has the applicant considered a cluster subdivision on the site? The Board can also ask the applicant to do so”*.

Mr. Kennedy makes a motion for the Lead Agency.

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

617.6

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

Name of Action: M & T Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Subdivision approval of a ± 22.9 acre parcel of land located at 77 Amity Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/23/22 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is on land that includes a farm operation or is on land within 500 feet of a farm operation within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, and

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

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

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 4-Lot subdivision. The property has 22.9 acres. It is located on Amity Road and Newport Bridge Road. There would be (3) 4-acre lots. Each of those lots have proposed dwellings on them with individual wells and septic systems. Those lots would be accessed through a shared driveway going through a parcel that Ted Edwards owns right now. The remaining 10.95 acres would have the existing house and existing barn.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Mr. Astorino: We just today received OC Planning comments. This is the first that the Board is seeing this comment. The OC Planning comment, dated 6/15/22 is stated as follows: *“The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments regarding this project:*

1. Agricultural District:

*“We note that the project site is located within the Orange County Agricultural District. The Town should recommend removal of the parcel from the Agricultural District during the next 8-year review should the project continue to completion”.*

2. Environmental Constraints:

*“The proposed project is in an area known to contain habitat suitable for the Indiana Bat. We advise the Town and the Applicant to ensure the best practices are followed during construction, in order to minimize any accidental takings of these species. Best practices are likely to include times for tree harvesting, among other measures”.*

3. Steep Slopes

*“Developing slopes in excess of 15% can have a high environmental impact due to the potential for soil erosion during and after construction. Additionally, steep yards can be less attractive to prospective homeowners. Since both the proposed home site and proposed driveway for lot #4 are situated on land that exceeds 15% in slope, we caution that any development that occurs be sensitive to the topography and that soil erosion prevention measures be strictly enforced”.*

Comment #6: TW Building Department – 05/31/22 barn with living area for caretaker needs to provide a yearly farm worker affidavit to the Building Department.

Brian Friedler: Ok.

Comment #7: ZBA: The three new lots proposed off of shared driveway will require a 280(a) variance for access.

Brian Friedler: Ok.

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

Mr. Astorino: I would recommend the Board to do a site visit. We received some comments from the County.

Mr. McConnell: Yes.

Mr. Astorino: The site visit would determine if this application should be a Cluster subdivision or not? I know that Ted had a comment regarding that.

The Board discussed scheduling a site visit for the M&T Subdivision. A site visit has been scheduled for Monday, July 11, 2022 @ 5:30 p.m. Everyone is to meet at 88 Newport Bridge Road.

Mr. Astorino: Laura, do any comments stand out here this evening?

Laura Barca: I just have one question for John. In front of this property where there would be the shared driveway that would have an east Right-Of-Way through a different property that Ted Edwards owns. Does that property need to be part of the application?

Mr. Bollenbach: Yes.

Brian Friedler: Ok. Do we have to update the applications?

Mr. Astorino: Yes.

Brian Friedler: Ok.

Mr. Astorino: Just touch base with Laura and John to make sure it is written properly.

Laura Barca: In the application form, is that other property listed?

Brian Friedler: No. It is not listed.

Laura Barca: I think it should be listed.

Mr. Astorino: You will need to list that other property.

Brian Friedler: Ok.

Mr. Bollenbach: Also include that other property in the agenda blurb.

Mr. Astorino: Yes. We will do a site visit on 7/11/22 @ 5:30 p.m. We will list Comment #9 through Comment #24 for the record.

Laura Barca: Mr. Chairman, are we going to refer them to the ZBA?

Mr. Bollenbach: Just refer them to the ZBA without recommendation.

Mr. Astorino: Yes. We don't need a motion for that. You just go to the ZBA.

Brian Friedler: Ok. Thank you.

Mr. Showalter: Ted, do you plan on selling these lots to your children?

Ted Edwards: My one daughter is in the yellow house. I was thinking about building another one behind there for her. I would probably move back to another lot. I would still have one lot left.

Comment #9: Applicant to clarify ownership of 27-1-117 (where access easement will be located).

Comment #10: Grading and a profile should be provided for the proposed driveways. Given the length of the common driveway (>500'), the applicant shall consider adding emergency pull offs or as recommended by the Fire Marshall.

Comment #11: The location of the home on parcel 27-1-117 appears to be a proposed home location and not a surveyed location. It also appears to show two wells for the one lot. A complete survey will need to be conducted to show the locations of existing and proposed features.

Comment #12: There is a second existing structure on parcel 26-1-30.2; a survey will show this structure and the access to this structure.

Comment #13: The aerial imaging shows many vehicles and/or small buildings, its difficult to tell what they are, on proposed lot 2; Applicant should clarify the status of these objects.

Comment #14: Applicant to clarify soil types in the area of the proposed driveways and homes (is there believed to be rock at these locations?). Perhaps a cluster plan away from the steeper portions of the lot would be beneficial.

Comment #15: Sheet C-3 indicates that the shaded square is a contractor staging area, concrete washout area, temporary sanitary facility and area of chemical storage. Applicant to clarify the temporary sanitary facility and chemical storage uses.

Comment #16: Applicant to consider a vegetative screen (coniferous) should be installed for parcel 27-1-117 and 26-1-30.2 to screen the new shared driveway.

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

Comment #18: 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 10

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

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

Comment #21: A cost estimate for the shared driveway that must be paved in its entirety must be submitted before the Board takes an action.

Comment #22: The shared driveway bond, landscape bond, and site inspection fees must be submitted prior to the maps being signed.

Comment #23: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #24: Payment of all fees.



***Hassan Abubakr 2 Lodge Dr. Site Plan***

Application for Site Plan Approval for the construction and use of renovations of an existing 3-Bedroom Dwelling located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 73 B 9 L 5; property located on the eastern side of Lodge Drive 215± feet south of Jersey Ave (2 Lodge Drive), in the SM zone, of the Town of Warwick.

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

The following comment 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 – no comments received
6. TW Building Department – 05/31/22 need septic pump-out receipt submitted to Building Department
7. ZBA – proposed action does not increase the existing, non-conforming setbacks at the project site.
8. Application Form must be signed by both owners, as listed on the deed.
9. Planning Board to determine if a site inspection is necessary.
10. NYSDEC Enviromapper must be submitted.
11. USACE wetland map must be submitted.
12. FEMA floodplain map must be submitted.
13. The location of the well must be shown on the plan.
14. Photographs/visual images required to and from the project site.
15. The signature block must be added to the plan.
16. A note stating that all new utilities must be installed underground.
17. The Town of Warwick standard note for lighting must be added to the plan; please update the note on the plan.
18. The limits of disturbance must be shown on the plan, as well as the area of distance (in sf and acres).
19. Proper erosion control measures, details, and notes must be added to the plan.
20. Environmental information to be reviewed to confirm if any biodiversity notes are required for this project.
21. The surveyor must sign and seal the plans.
22. 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.”
23. Surveyor to certify that iron rods have been set at all property corners.
24. Applicant to clarify if a private road agreement is in place for Lodge Drive. Similarly, any agreement for a shared driveway with the neighboring lot (N/F Girvan) should be submitted.

25. A performance bond and landscaping bond, if applicable, shall be provided.

26. Payment of all fees.

The following comment submitted by the Conservation Board:

Hassan Abubakr 2 Lodge Dr. Site Plan – None submitted.

The following comment submitted by the ARB:

Hassan Abubakr 2 Lodge Dr. Site Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“This is a Type II action under SEQR so I have prepared a draft resolution for the meeting. As with all other applications on Greenwood Lake, the applicant should provide photos both to and from the site so that an assessment can be made of the project’s scope”*.

Mr. Purcell makes a motion for the Type 2 Action.

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

617.6

State Environmental Quality Review (SEQR)

**Resolution**

Type 2 Action

**Name of Action:** Abubakr Residence Renovations

**Whereas**, the Town of Warwick Planning Board is in receipt of applications for site plan and special use permit approvals by Hassan Abubakr for a ± 0.36 acre parcel of land, located at 2 Lodge Drive, Town of Warwick, Orange County, New York, and

**Whereas**, an Environmental Assessment Form (EAF) dated 5/24/22 was submitted at the time of application, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(11) and therefore, SEQR does not apply, and

**Whereas**, the Planning Board has determined that the proposed project is not within a New York State Agricultural District or on property with boundaries within 500 feet of a farm operation within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) do not apply, and

**Whereas**, after examining the EAF, the Planning Board has determined that there are no other agencies involved on the action.

**Now Therefore Be It Resolved**, that the Planning Board hereby declares that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicant proposes to put in an 8'x20' entranceway. That entranceway would go up on top of an already existing concrete slab. Then he wants to go up another level. He would be going up approximately 8 feet higher.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – no comments received

Mr. Astorino: We did receive comments from OC Planning Department today. They have no comments for this project.

Comment #6: TW Building Department – 05/31/22 need septic pump-out receipt submitted to Building Department

Brian Friedler: Ok.

Comment #7: ZBA – proposed action does not increase the existing, non-conforming setbacks at the project site.

Mr. Astorino: There is no need for the ZBA. Laura, is that correct?

Laura Barca: John, is that correct.

Mr. Bollenbach: If you take a look at the map, there is an existing concrete pad. Now it is going to be enclosed over that. However, it is not creating any greater degree of non-conformity. It is not moving any closer to the lot line than the existing structure.

Brian Friedler: Exactly.

Mr. Bollenbach: ZBA approval is not required.

Brian Friedler: Thank you.

Comment #8: Application Form must be signed by both owners, as listed on the deed.

Brian Friedler: Ok.

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

Mr. Astorino: Would the Board like to do a site visit on this application?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Astorino: Ok.

The Board discusses scheduling a site visit. The site visit for this application has been scheduled for Wednesday, July 20, 2022 at 5: 30 p.m.

Mr. Astorino: Ok. The site visit is scheduled for Wednesday, July 20, 2022 at 5:30 p.m. We are to meet at 2 Lodge Drive.

Comment #10: NYSDEC Enviromapper must be submitted.

Brian Friedler: Ok. I thought we had done that.

Laura Barca: The next few comments are standard submittal that I did not receive.

Mr. Astorino: We will list Comment #11 through Comment #26 for the record. We will be out for the site visit on July 20, 2022 @ 5:30 p.m. to see what is out there. We will see you at the site visit. Do any Board members or Professionals have any comments or concerns?

Brian Friedler: Could the Board set us for a public hearing?

Mr. Astorino: I'm fine with that. How does the Board feel?

**Mr. Showalter makes a motion to set the Hassan Abubakr Site Plan application for a Public Hearing at the next available agenda.**

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

Brian Friedler: Thank you.

Comment #11: USACE wetland map must be submitted.

Comment #12: FEMA floodplain map must be submitted.

Comment #13: The location of the well must be shown on the plan.

Comment #14: Photographs/visual images required to and from the project site.

Comment #15: The signature block must be added to the plan.

Comment #16: A note stating that all new utilities must be installed underground.

Comment #17: The Town of Warwick standard note for lighting must be added to the plan; please update the note on the plan.

Comment #18: The limits of disturbance must be shown on the plan, as well as the area of distance (in sf and acres).

Comment #19: Proper erosion control measures, details, and notes must be added to the plan.

Comment #20: Environmental information to be reviewed to confirm if any biodiversity notes are required for this project.

Comment #21: The surveyor must sign and seal the plans.

Comment #22: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #23: Surveyor to certify that iron rods have been set at all property corners.

Comment #24: Applicant to clarify if a private road agreement is in place for Lodge Drive. Similarly, any agreement for a shared driveway with the neighboring lot (N/F Girvan) should be submitted.

Comment #25: A performance bond and landscaping bond, if applicable, shall be provided.

Comment #26: Payment of all fees.

**Other Considerations:**

1. **Mark & Jill Mante 2-Lot Cluster Subdivision** – Letter from Kirk Rother, P.E. dated 5/23/22 in regards to the Mark & Jill Mante Subdivision – requesting 6-Month Extension on conditional Final Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 47-1-78.232; parcel located on the eastern side of Bellvale Lakes Rd., 8,775 feet north of Kain Road, (242 Bellvale Lakes Rd.), in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 12/15/21. *The Applicant has stated that they are in the process of satisfying the conditions of approval regarding Surveyor certification, shared driveway improvements and Legal Documents.* The 6-Month Extension becomes effective on 6/15/22.

Mr. Astorino: They are working out there. The road is being done. It should be done shortly.

Mr. Bollenbach: I thought the road was done.

Mr. Astorino: The road is done. They still have other stuff that needs to be done.

Mr. Bollenbach: Ok.

Mr. Showalter makes a motion on the Mark & Jill Mante Subdivision application, granting a 6-Month Extension on conditional Final Approval for a proposed 2-Lot Cluster subdivision. Conditional Final Approval was granted on 12/15/21.

The 6-Month Extension becomes effective on 6/15/22.

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

2. **Saufroy-Cozad 3-Lot Subdivision** – Letter from Brian Friedler, Engineering Properties dated 6/6/22 in regards to the Saufroy-Cozad Subdivision – requesting 6-Month Extension on conditional Final Approval of a proposed 3-Lot subdivision, situated on tax parcel SBL # 31-2-20.21; 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. Conditional Final Approval was granted on 1/19/22. *The Applicant has stated that they are waiting for their Attorney to prepare the Declarations, Driveway Easements, and the Road Maintenance Agreement. They are also waiting for the Surveyor to certify the Iron Rods have been set.* The 6-Month Extension becomes effective on 7/19/22.

Mr. McConnell: I thought this one was a pretty straightforward one.

Mr. Astorino: The issue is that the Surveyors are backed up.

Mr. McConnell makes a motion on the Saufroy-Cozad Subdivision application, granting a 6-Month Extension on conditional Final Approval of a proposed 3-Lot Cluster subdivision. Conditional Final Approval was granted on 1/19/22.

The 6-Month Extension becomes effective on 7/19/22.

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

**3. Planning Board Minutes of 5/18/22 for PB Approval.**

Mr. McConnell makes a motion to approve the Planning Board Minutes of 5/18/22.

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

**4. Planning Board to discuss canceling the 6/27/22-W.S. & 7/6/22-PB Meeting.**

Mr. Showalter makes a motion to cancel the 6/27/22-W.S. & 7/6/22-PB Meeting.

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

**Correspondences:**

- 1.) Email correspondence from Philip & Rita Laskin, dated 6/12/22 addressed to the Planning Board in regards to the Double Kill River Farm/30 Wawayanda Ct. Site Plan & Special Use Permit application.
- 2.) Email correspondence from Lee Orthmann, dated 6/14/22 addressed to the Planning Board in regards to the Double Kill River Farm/30 Wawayanda Ct. Site Plan & Special Use Permit application.

Mr. Astorino: We have those email correspondences in our packets.

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

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

**Mr. Kennedy makes a motion to adjourn the June 15, 2022 Planning Board Meeting.**

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