

TOWN OF WARWICK PLANNING BOARD
August 17, 2022

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, August 17, 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:

Amity Investors, LLC/Jolly Onion

Application for Site Plan Approval and Special Use Permit for the construction and use of apartments and a food retail market in the existing building to consist of a mixed use of a 1-Bedroom Apartment, a studio live-work unit located on the upper level of existing building and a 2,000 s.f. retail food market with deli service located on the lower level of existing building, situated on tax parcel S 12 B 2 L 12.21; project located on the southern side of C.R. 1 and the western side of Glenwood Road (625 Glenwood Rd.), in the LB zone, of the Town of Warwick. Previously discussed at the 12/15/21-Planning Board Meeting.

Representing the Applicant: Dan Getz 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. TW Building Department – 10/14/21 Certificate of Occupancy required for #29824 for esthetician.
6. OC Planning Department – 10/08/21 no advisory comments
7. OCDPW – 12/06/21 no impact letter received
8. OCDOH – Septic system accepted 04/27/18.
9. The surveyor must sign and seal the plan.
10. A detail must be added for the Closeable Fence Gate.
11. All parking lot spaces must be paved and striped. Provide details for paving and striping the parking spaces.
12. §164-46.J(53) Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies to the extent possible for an existing building/property.
 - a. Existing and proposed lighting is required to be shielded,

- b. Please add additional trees between the parking area and the septic field,
 - c. Please add additional trees between the large parking area and the propane tank,
 - d. Please grade large parking area to properly use of the drainage basin located in the rear corner,
 - e. Cleanup and define edges of parking areas, install paved surface for all required parking spaces; line all required parking spaces,
 - f. Item 4 material can be used for overflow parking areas,
 - g. Please a temporary barrier at the end of the required parking spaces,
 - h. Add a note to the plan stating that all kitchen fans will be off when not required to be on, and
 - i. Place bollards, as necessary, between the parking area and the propane tank.
13. 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 19
 14. Surveyor to certify that iron rods have been set at all property corners.
 15. The liber and page for the Aquifer Notes must be added to the plan.
 16. Payment of all fees.

The following comment submitted by the Conservation Board:

Amity Investors, LLC/Jolly Onion – None submitted.

The following comment submitted by the ARB:

Amity Investors, LLC/Jolly Onion – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Kennedy: This SEQRA comment has been prepared by Mr. Ted Fink: “*The Board already adopted a Type II action resolution on this so no further SEQR review is necessary. My comments relate primarily to landscaping and parking. The Site Plans indicate that the applicant needs 80 parking spaces after combining the multiple requirements for uses on the site. However, section 164-46.E(2) allows shared parking requirements to be approved when there are overlapping demands for parking spaces at different times of the day, which is the case here. Also, Section 164-46.G(3)(l) also allows reserve parking areas to be approved and only used as parking once demand is evident. Some of these areas may then be used for landscaping. I am available to work with the applicant’s engineers in calculating how spaces can be reduced based on standard parking generation factors.*

Both of these parking requirements should be considered so that some of the proposed parking areas can be devoted to landscaping, particularly the areas at the west parcel boundary along the wall of parking facing the neighbors. The applicant had indicated earlier that additional landscaping would be provided to neighbors and so there should be some additional plantings proposed to screen the increased activities at the site. I made a site visit some time ago to see firsthand whether that would be appropriate.

For lighting, it appears as if some light spillage will occur along the west property line

and on CR 1, that exceeds the Zoning Law's limit of 0.25 footcandles. The applicant should revise their plans to comply with Zoning".

Comment #2: Applicant to discuss project.

Dan Getz: As we had discussed at the Workshop, the plans that we had last submitted showed the western parking area as being compacted Item #4. We will be revising that to pave the required parking areas in the western parking area. Then we will put compacted Item #4 in the overflow reserved area. We would ask the Board if we could remove the temporary barriers. Our thinking is if we have an asphalt paved area then a good compacted Item #4 at the end, we don't see a real danger to allowing people to park there whenever seen fit. We imagine that people would naturally want to park on the asphalt places closer to the restaurant entrance.

Mr. Astorino: I don't think barriers are needed. I agree with that. You could remove them.

Dan Getz: Ok. Thank you. As per Ted Fink's comment regarding the lighting, we had submitted a lighting plan. It does show some light spillage along the western boundary. The western boundary is with the Post Office. I have been following up with Ted on that. I have not received a definite answer yet from him since the restaurant is commercial and the Post Office is commercial, if we are allowed more than the .25 footcandles?

Mr. Astorino: We will get that answer from Ted Fink. I think you are on the right path. We just need to make sure.

Dan Getz: Ok. We have added a few more plantings along this buffer line as we had discussed at the last Planning Board meeting. The main reason we are here tonight is to ask the Board to set us for a public hearing.

Mr. Astorino: I know that these comments are the same from the last time. Does anything stand out to you? Do any Board members or Professionals have any comments? I believe they are all the same comments from the last time.

Laura Barca: I think in the introduction, he had pretty much clarified most everything. You would also regrade as necessary in the back to be able to properly use that drainage. Is that correct?

Dan Getz: Yes. That area will be regraded and compacted with Item #4.

Mr. Astorino: I know we had some discussions regarding the fan with the noise levels. You would have to meet the noise requirements.

Dan Getz: We have a note on the plans. I am trying to find out. We have not heard back from the owners as to if they have been able to keep the fan off recently. I don't know that yet. It is on the plans as a condition of the site plan.

Mr. Astorino: Ok. Do any Board members or Professionals have any comments or concerns. Seeing none, we need to reset this application for a public hearing at the next available agenda.

Mr. Kennedy makes a motion to set the Amity Investors/Jolly Onion application for a Site Plan Approval and Special Use Public Hearing at the next available agenda.

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

Mr. Astorino: We will list Comment #3 through Comment #16 for the record.

Dan Getz: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 10/14/21 Certificate of Occupancy required for #29824 for esthetician.

Comment #6: OC Planning Department – 10/08/21 no advisory comments

Comment #7: OCDPW – 12/06/21 no impact letter received

Comment #8: OCDOH – Septic system accepted 04/27/18.

Comment #9: The surveyor must sign and seal the plan.

Comment #10: A detail must be added for the Closeable Fence Gate.

Comment #11: All parking lot spaces must be paved and striped. Provide details for paving and striping the parking spaces.

Comment #12: §164-46.J(53) Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies to the extent possible for an existing building/property.

- a. Existing and proposed lighting is required to be shielded,
- b. Please add additional trees between the parking area and the septic field,
- c. Please add additional trees between the large parking area and the propane tank,
- d. Please grade large parking area to properly use of the drainage basin located in the rear corner,
- e. Cleanup and define edges of parking areas, install paved surface for all required parking spaces; line all required parking spaces,
- f. Item 4 material can be used for overflow parking areas,
- g. Please a temporary barrier at the end of the required parking spaces,
- h. Add a note to the plan stating that all kitchen fans will be off when not required to be on, and
- i. Place bollards, as necessary, between the parking area and the propane tank.

Comment #13: 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 19

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Comment #15: The liber and page for the Aquifer Notes must be added to the plan.

Comment #16: Payment of all fees.

Michael & Marie Pillmeier

Application for Site Plan Approval and Special Use Permit for the construction and use of an Adaptive Reuse of an existing building, situated on tax parcel S 7 B 2 L 47.2; project located on the southern side of Round Hill Road 6200 feet east of Big Island Road (276 Round Hill Road), in the AI zone, of the Town of Warwick.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Mike & Marie Pillmeier, Applicants.

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 – pending
7. Service capacity letters are required to be submitted.
8. Planning Board may wish to schedule a site inspection.
9. ZBA for minimum lot size.
10. Water use calculations must be provided or water use at the property must be clarified in notes on the plan.
11. Applicant to clarify if a dumpster is proposed.
12. Applicant to clarify if landscaping is proposed.
13. To comply with §164-46J(85), please state the type of source(s) of fuel to be used.
14. Applicant to clarify used-tank handling requirements on the drawing.
15. Applicant to show any proposed sign in accordance with §164-43.1.
16. Please update Sheet C-1, note 15 to state that Applicant will comply with the Town's Performance Standards §164-48.
17. The declaration information for the Aquifer Overlay and Agricultural Protection Notes must be added to the plans.
18. The surveyor must sign and seal the plan.
19. Surveyor to certify that iron rods have been set at all property corners.
20. Payment of all fees.

The following comment submitted by the Conservation Board:

Michael & Marie Pillmeier – None submitted.

The following comment submitted by the ARB:

Michael & Marie Pillmeier – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Kennedy: This SEQRA comment has been prepared by Mr. Ted Fink: *“This is a Type II action under SEQR so I’ll prepare a draft resolution for the Board. On reading the applicability of the project under 164-42.E(2), two acres is required to the initial adaptive reuse of a non-residential agricultural structure and the building is on a 1.4 acre parcel. The applicant indicates on their plans that this an existing non-conformity. However, that was recognized in the Zoning provisions since they are designed for reusing existing agricultural structures. It appears to me that they will need an area variance from the ZBA”.*

Dave Getz: We are preparing to apply to the ZBA for that variance.

Comment #2: Applicant to discuss project.

Dave Getz: The Pillmeier family has owned this property for many years. It has frontage on Round Hill Road. As you all know that area is an agricultural area. This was an agricultural building that was built in the 1960’s.

Mike Pillmeier: It was built in the year 1966.

Dave Getz: The Pillmeier’s have been renting the building to a tank removal company. The name of the company is MH Tank. Because it is not an agricultural use that was picked up by the Building Department. We are here before the Planning Board requesting approval for them to continue what they have been doing for years. They don’t propose any changes.

Mike Pillmeier: The renter has been in there for almost 9 years. October 1, 2022 will be 9 years.

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 – pending

Comment #7: Service capacity letters are required to be submitted.

Dave Getz: Ok. Will do.

Comment #8: Planning Board may wish to schedule a site inspection.

Mr. Astorino: We will need to do a site visit for this property.

The Planning Board and Professionals discuss scheduling a date for a site visit. The site visit has been scheduled for Monday, August 22, 2022 at 5:30 p.m.

Comment #9: ZBA for minimum lot size.

Dave Getz: Yes. We hope to be on the September ZBA meeting.

Comment #10: Water use calculations must be provided or water use at the property must be clarified in notes on the plan.

Dave Getz: We mentioned at the Work Session that they are not using any water.

Mr. Astorino: Put a note on the plan.

Dave Getz: Ok.

Comment #11: Applicant to clarify if a dumpster is proposed.

Dave Getz: They have a dumpster for the tanks. There is no need for anything else.

Mr. Astorino: Put a note on the plan.

Laura Barca: Does it need to be screened?

Mr. Astorino: We will make that determination at the site visit. We are not making that determination now.

Comment #12: Applicant to clarify if landscaping is proposed.

Mr. Astorino: We will determine that at the site visit.

Comment #13: To comply with §164-46J(85), please state the type of source(s) of fuel to be used.

Dave Getz: We have a note on the plan. Note #16 states fuel for heating is electric.

Laura Barca: Ok.

Mike Pillmeier: There is no heat provided in the rental area.

Dave Getz: He has a little electric heater in a small room.

Mike Pillmeier: The office area that I use to use for the farm operation, I had electric heat. That is what that note refers to. The rental space does not have any heat.

Laura Barca: Ok.

Mr. Astorino: Ok.

Mike Pillmeier: The 9,000 square foot plan of the building has no heat.

Mr. Astorino: That is all we are looking at. Is that correct?

Mike Pillmeier: Right.

Mr. Astorino: Put a note on the plan that there is no heat in the rental area.

Laura Barca: Does the note clarify that?

Dave Getz: No. We will clarify that.

Comment #14: Applicant to clarify used-tank handling requirements on the drawing.

Dave Getz: We will add that.

Comment #15: Applicant to show any proposed sign in accordance with §164-43.1.

Dave Getz: There will be no signs.

Mr. Astorino: Add a note to the plan.

Comment #16: Please update Sheet C-1, note 15 to state that Applicant will comply with the Town's Performance Standards §164-48.

Dave Getz: Ok. Does that relate to noise?

Laura Barca: One of them relates to noise.

Dave Getz: Ok. Will do.

Comment #17: The declaration information for the Aquifer Overlay and Agricultural Protection Notes must be added to the plans.

Dave Getz: Yes. Will do.

Comment #18: The surveyor must sign and seal the plan.

Dave Getz: The old survey he got was from the 1970's. I checked the name. The fellow that had done the survey was licensed in 1931. He is long gone now. Could we get at waiver on that?

Mr. Astorino: Nothing is changing as far as the building and the property lines. What are we looking for here?

Laura Barca: Those are the two options. You could accept the old one.

Mr. Astorino: Why would it change?

Mr. MacDonald: I don't see any reason for a new one.

Mr. Astorino: Submit to us the copy of the survey that you have.

Dave Getz: Ok. Will do.

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

Mr. Astorino: You will probably ask for a waiver for that.

Dave Getz: Yes.

Comment #20: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: We will do a site visit on August 22, 2022 at 5:30 p.m. You are also off to the ZBA.

Dave Getz: Yes. We ask the Board to set us for a public hearing once we get through with the ZBA?

Mr. Astorino: We could do that.

Mr. Showalter makes a motion to set the Michael & Marie Pillmeier Site Plan Approval & Special Use Permit application at the next available agenda.

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

Dave Getz: Thank you.

Mike Pillmeier: Thank you.

Other Considerations:

1. Memo from Town Board to the Planning Board in regards to Proposed Zoning Changes, Chapter 164. Planning Board to discuss recommendation to the Town Board.

Mr. Kennedy makes a motion for a Positive recommendation on the Proposed Zoning Changes, Chapter 164 to the Town Board.

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

2. **American Fruits Cordial Lot Line Change** – Letter from Dave Getz, Engineering Properties dated 8/1/22 addressed to the Planning Board in regards to the American Fruit’s lot line change application – requesting Re-Approval of Final Approval of a proposed lot line change, situated on tax parcels SBL # 10-1-23 & 28.2; parcels located at 371 & 385 Glenwood Road, in the AI zone, of the Town of Warwick. Conditional Final Approval was granted on 4/21/21. *The Applicant has stated that they have pursued the completion of the conditions diligently. It has been a long and tedious process. Legal documents were needed for a boundary line agreement, new deeds and declarations. The Applicant has submitted documents to the Town’s Professionals for final review.* Re-Approval of Final Approval becomes effective on 4/21/22; subject to the conditions of Final Approval granted on 4/21/21.

Mr. Kennedy makes a motion on the American Fruits Cordial application, granting “Re-Approval” of Final Approval of a proposed lot line change, situated on tax parcels SBL #10-1-23 & 28.2; parcels located on the western side of Glenwood Road 2500 feet north of Newport Bridge Road (371 & 385 Glenwood Rd.), in the AI zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 4/21/21. (See attached)

The Re-Approval of Final Approval becomes effective on 4/21/22.

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

3. Planning Board Minutes of 7/20/22 for PB approval.

Mr. Showalter makes a motion to approve the Planning Board Minutes of 7/20/22.

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

4. Planning Board to discuss canceling the 8/29/22-W.S. & 9/7/22-PB Meeting.

Mr. MacDonald makes a motion to cancel the 8/29/22-W.S. & 9/7/22-PB Meeting.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment. I do want to add one thing this evening. Tonight, we had done a site visit at the Nepco Enterprises 6 Clinton Avenue property for the application for Chapter 150. I would like to write a letter to the Building Department stating that they do not need to be before the Planning Board for the Chapter 150. I need a consensus from the Board that there is no need. What we had seen out there at the site was they had cleaned up high grass. Do I have a consensus from the Board?

Mr. Kennedy: It should also be worded in that letter to the Building Department that it was unnecessary for us to be out there.

Mr. Astorino: What I had seen at the site visit was that there was no reason for them to be in front of the Town of Warwick Planning Board for that. With that being said, I would like to have the Board's consensus to do a letter to the Building Department. Do I have a consensus from the Planning Board?

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Mr. MacDonald: Yes.

Mr. Purcell: Yes.

Mr. Purcell makes a motion to adjourn the August 17, 2022 Planning Board Meeting.

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