

TOWN OF WARWICK PLANNING BOARD
December 7, 2022

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Rich Purcell, Alt.
Laura Barca, HDR Engineering
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, December 7, 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 Town of Warwick

Application for Final Approval of a proposed 2-Lot Subdivision, situated on tax parcel S 46 B 1 L 39.222; parcel located on the southern side of John Hicks Drive 50 feet west of State School Road on the 640.6-acre parcel, in the OI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Michael Sweeton, Town Supervisor

Connie Sardo: Mr. Chairman, we received the certified mailings for the Town of Warwick 2-Lot Subdivision public hearing.

Mr. Astorino: Thank you.

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 – no comments received
5. OC Planning Department – 11/09/22 no comments
6. TW Building Department – 11/09/22 open permit for temporary trailer (#27125).
7. Surveyor to certify that iron rods have been set at all property corners.
8. Payment of all fees.

The following comments submitted by the Conservation Board:

Town of Warwick – None submitted.

The following comments submitted by the ARB:

Town of Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“The Board classified this as a Type II Action on November 16, 2022. There is no further action needed. I don’t have any comments on the application.”*

Comment #2: Applicant to discuss project.

Michael Sweeton: This is land that the prison transferred to the Town. The piece that remained in the Town’s hands was one large parcel. Looking at the map, the piece that we are talking about is a piece between land owned by a private entity and this barn complex where there is a testing and extraction facility. The owner of this property has offered the Town a prime piece on the end by State School Road. In exchange, the Town would swap him with this piece which is about 50% wetland or wetland buffer. It is not advantageous to the Town. In return we would get a very good usable piece for recreation by residents. We were willing to do that. The Town Board had approved that. The State of New York had some questions in the way the property was transferred. That put it on a stop until we could get those clarified. We would like to get this parcel created so that once we get the issue with the State of New York resolved, we could then move forward. This would work to the advantage to the residents.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 11/09/22 no comments

Comment #6: TW Building Department – 11/09/22 open permit for temporary trailer (#27125).

Michael Sweeton: That was a trailer that was existing. It was leased to Citiva Medical that is one of the entities on the site that was licensed to do medical cannabis. They are constructing on site. We got a permit for the temporary trailer. I will resolve that with the Building Department.

Mr. Astorino: The lease is still valid.

Michael Sweeton: Correct.

Mr. McConnell: The ownership of that trailer is in the Town.

Michael Sweeton: Correct.

Mr. McConnell: There is a lease that covers it.

Michael Sweeton: Correct. We are receiving payment for the lease.

Comment #7: Surveyor to certify that iron rods have been set at all property corners.

Michael Sweeton: Yes.

Comment #8: Payment of all fees.

Michael Sweeton: Sure.

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

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

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Mr. McConnell makes a motion on the Town of Warwick application, granting conditional Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 46 B 1 L 39.222; parcel located on the southern side of John Hicks Drive 50 feet west of State School Road on the 640.6-acre parcel, in the OI zone, of the Town of Warwick, County of Orange State of New York. A SEQRA Type 2 Action was adopted on November 16, 2022. Approval is granted subject to the following conditions:

1. TW Building Department – 11/09/22 open permit for temporary trailer (#27125).
2. Surveyor to certify that iron rods have been set at all property corners.
3. Payment of all fees.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Michael Sweeton: Thank you.

PUBLIC HEARING OF Michael & Marie Pillmeier, Joint Revoc., Trust

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, County of Orange, State of New York.

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

Connie Sardo: Mr. Chairman, we received the certified mailings for the Pillmeier's 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 – no comments received
6. TW Building Department – 08/04/22 expired well permit (25243); illegal business (20220052)
7. Applicant is proposing screening vegetation between the road and the dumpsters, as well as between an adjacent property and the former Agricultural building.
8. Applicant to confirm that the hours of operation shown conform to the Town Code Requirements.
9. Sheet C-1, Note 19 to be updated to state that “The tenant is in the business of handling used liquid-storage tanks, including but not limited to tanks containing petroleum-based products. These tanks are cleaned in-place before they are removed from the originating property and transported to this property. All tanks must be maintained in accordance with Town Code §82-31.A, which states that all tank removal activities must comply with New York State Department of Environmental Conservation DER-10 regulations for site investigations and removal.”
10. The declaration information for the Aquifer Overlay and Agricultural Protection Notes must be added to the plans.
11. The surveyor must sign and seal the plan.
12. Surveyor to certify that iron rods have been set at all property corners.
13. Payment of all fees.

The following comment submitted by the Conservation Board:

Michael & Marie Pillmeier, Joint Revoc., Trust – None submitted.

The following comment submitted by the ARB:

Michael & Marie Pillmeier, Joint Revoc., Trust – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“This should be classified as an Unlisted Action and a draft Resolution has been prepared for tonight’s meeting. There is no construction proposed for the adaptive reuse so the EAF Part 3 also serves as a Negative Declaration. You should also have a Draft Resolution adopting the Negative Declaration. Once that happens, then the Board can consider further action on the applications. Ben’s signature is needed on the Part 3 EAF”.*

Mr. Purcell makes a motion for Lead Agency.

Seconded by Mr. McConnell. The following Resolution was carried 3-Ayes and 0-Nays.

617.6

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

Name of Action: Pillmeier Adaptive Reuse Site Plan & Special Use Permit

Whereas, the Town of Warwick Planning Board is in receipt of applications for Site Plan and Special Use Permit approvals for an adaptive reuse of an existing agricultural building and site on a ± 1.4 acre parcel of land located at 276 Round Hill Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/25/22 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 within an Agricultural District or 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.

Mike Pillmeier: The building is 9,000 s.f. 5,000 square feet of the building is rented out by a tank removal company. The remainder of the building 4,000 s.f. is used by myself for agricultural purposes.

Dave Getz: Since our last appearance, we have gone to the ZBA. We received the area variance for lot size. We also submitted a plan showing more detail of the building whereas the doors are located. We show the door especially on the side where the activities occur. We also show some screening along the property line in the back.

Mr. Astorino: The Planning Board had done a site visit. We asked the Applicant to pull the dump truck out and run the excavator. We discussed the screening on site.

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 – 08/04/22 expired well permit (25243); illegal business (20220052)

Mr. Astorino: That is why you are in front of the Planning Board.

Comment #7: Applicant is proposing screening vegetation between the road and the dumpsters, as well as between an adjacent property and the former Agricultural building.

Mr. Astorino: This is what we had discussed at the Workshop and the site visit.

Dave Getz: Yes.

Mr. Astorino: That would be to the Town Engineer's specifications.

Comment #8: Applicant to confirm that the hours of operation shown conform to the Town Code Requirements.

Dave Getz: We show the hours of operation listed as Monday-Saturday from 7:00 a.m. to 5:00 p.m. Sunday's hours of operation are from 9:00 a.m. to 5:00 p.m. The Saturday and Sunday hours of operation are for emergency cases.

Mike Pillmeier: Yes. Saturdays and Sunday's hours of operation are for just in case of emergencies.

Mr. Astorino: Ok. Do you want to put a note on the plans that Saturdays and Sundays are for emergency purposes only. It is basically a Monday through Friday operation. If there is an emergency, it is stated on the plan.

Dave Getz: Ok.

Mike Pillmeier: The tenant might have to move the trucks on Sundays.

Mr. Astorino: I get it.

Mr. McConnell: Mr. Chairman, would it be appropriate since part of this building is used for agricultural purposes to make notes on the plans that agricultural purposes are not limited to those hours of operation?

Mr. Astorino: That is a very good call.

Mike Pillmeier: That could be 7 days a week.

Mr. McConnell: Yes.

Mr. Astorino: Just put a note on the site plan. It is a site plan. You don't want to limit yourself.

Mr. McConnell: Someone could misinterpret if they only see the hours of operation of the tank removal.

Mr. Astorino: Dennis, that was a good call.

Comment #9: Sheet C-1, Note 19 to be updated to state that "The tenant is in the business of handling used liquid-storage tanks, including but not limited to tanks containing petroleum-based products. These tanks are cleaned in-place before they are removed from the originating property and transported to this property. All tanks must be maintained in accordance with Town Code §82-31.A, which states that all tank removal activities must comply with New York State Department of Environmental Conservation DER-10 regulations for site investigations and removal."

Mr. Astorino: That would be to follow the NYSDEC Code.

Dave Getz: Will do.

Comment #10: The declaration information for the Aquifer Overlay and Agricultural Protection Notes must be added to the plans.

Dave Getz: Will do.

Comment #11: The surveyor must sign and seal the plan.

Dave Getz: In this case the surveyor passed away decades ago. We request a waiver on that. We submitted a copy of the original survey.

Mr. Astorino: Ok. We had talked about that at the Work Session.

Mr. Bollenbach: The property lines are not being changed.

Comment #12: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: We ask the Board for a waiver of iron rods.

Mr. Astorino: Ok.

Comment #13: Payment of all fees.

Mike Pillmeier: Yes.

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

Mr. McConnell: Regarding what Dave had said about the original Surveyor had passed away, is it possible to delineate the property lines that separates from the neighbor who has issues with this operation? I think it would be appropriate if we could mark it out so that we don't have some misunderstanding in the future about where the property lines are. Dave, would that be something doable?

Dave Getz: We would have to get a surveyor involved.

Mr. McConnell: Oh. Ok.

Mr. Bollenbach: Show an As-built with where the plantings would be located.

Mr. Astorino: We told them to pull the plantings a little bit back from the property line.

Mr. McConnell: Ok.

Mr. Astorino: We do have a plan that shows the survey. The one plan that came we did talk about that there were some trees right next to the property line. We don't want them growing over where in 5 years it causes an issue.

Mr. McConnell: Right.

Mr. Astorino: We asked to pull those trees in.

Mr. McConnell: Ok.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Mike and Marie Pillmeier application, please rise and state your name for the record.

Joe and Patrice Pillmeier come up to speak in front of the Planning Board.

Joe Pillmeier: We live at 274 Round Hill Road. I have issues with this site map. It does not show (2)-25' doors on this side of the warehouse where they have parking spaces shown. This is very detrimental because those garage doors are located within 50 feet of Mrs. Johnson's property as well as my property. I believe there is an article in §164-42 that states a garage door shall not be within 50 feet of a residential property line. That is just one issue. The other issue that I have with the site map is that it does not show a gray water septic line that runs from my property across my property into a drainage ditch that runs parallel to Pillmeier's property and Mrs. Jados property. I have pictures of where the employees park and of the doors. Joe Pillmeier shows a video from his cell phone to Mr. Astorino.

Connie Sardo: Please be advised that videos cannot be shown as part of the record.

Joe Pillmeier shows the video to Mr. Astorino and discuss where the employees park and states that they park within 20 feet of his property line.

Joe Pillmeier: Ben, when you had your site visit, did they handle any tanks or excavators?

Mr. Astorino: They did not.

Joe Pillmeier: Could I show you some videos?

Mr. Astorino: Joe, we cannot get videos on the record. We are looking at this application as an adaptive reuse. A portion of that barn is for agricultural use.

Patrice Pillmeier: So, no noise study has been done when they are dropping the tanks when the heavy equipment is rolling up and down the driveway kicking up dust.

Mr. Astorino: We did have them pull their dump truck out. We had them back it up.

Joe Pillmeier: Did you notice any vibration at the property line?

Mr. Astorino: We were right there on the property line.

Joe Pillmeier: A 32,000-pound commercial vehicle did not cause vibration? This is a photo of the tanks above the containers. A carting agency would not accept a roll off container unless the tanks are leveled. Guess how they get them leveled? They pounded them in with the excavator.

Patrice Pillmeier: My house vibrates from the noise.

Joe Pillmeier: There is a Noise Ordinance that states no vibrations. No building shall cause noise that vibrates at a residential house.

Patrice Pillmeier: The onset noise definitely interferes with our way of living.

Joe Pillmeier: I also have pictures and videos of them accepting other steel waste. When I looked at the solid waste management definition, this falls within a solid waste management facility. There is a whole chapter regarding solid waste facilities.

Mr. Astorino: They are following the NYSDEC protocol for the handling of those tanks.

Joe Pillmeier: Are they going to follow the Town Code?

Mr. Astorino: John correct me if I am wrong, the DEC protocol is the Town Code?

Mr. Bollenbach: Yes.

Patrice Pillmeier: There is a lot listed that the Town needs to do if that is declared a solid waste facility.

Joe Pillmeier: There is one picture of a small engine.

Patrice Pillmeier: There is a whole list of trees, screening and fencing. You have the books. I have read them that is required if this is a solid waste facility.

Mr. Astorino: I don't believe this is the definition as a solid waste facility. It is a tank remediation facility. Those tanks are brought in. They are cleaned and removed.

Joe Pillmeier: We know that. But it is still in the definition of a solid waste facility.

Mr. Astorino: It does not meet the requirements of a solid waste facility. Our Professionals have reviewed this. I don't think that our Town Professionals Laura and John had deemed this as a solid waste facility.

Joe Pillmeier: Here is the solid waste in the roll off containers. It states waste of refuse of solid form. How could you say that is not solid waste the tanks? There is other steel and metals that I have pictures of.

Laura Barca: I don't currently have that information in front of me right now.

Patrice Pillmeier: He has been doing this for a long time.

Mr. Astorino: That is right. That is why they are before the Planning Board.

Patrice Pillmeier: Yes.

Mr. Astorino: I could attest to this that the Planning Board had done their site visit. They do their due diligence as far as checking out what is going on there. We could bring that up to the Applicant this evening as far as tanks being crushed on site. I get that. That could be a very noisy thing. Put the tanks in the dumpster and send them out. That is not a hard thing to do.

Joe Pillmeier continued to show on his cell phone videos of the tank removal operation to Mr. Astorino.

Joe Pillmeier: They store tanks inside the warehouse.

Mr. Astorino: We know that.

Joe Pillmeier: Once or twice a week they move them...

Mr. Astorino: Here is what we were told by the Applicant. The tanks are stored inside for insurance purposes. Then they remove them. I believe that the Code limits to how long they could be on the property. Is that correct?

Laura Barca: It is in accordance with the DEC.

Mr. Astorino: Right. That limits to how long they could be. We will make mention of the tanks being crushed because it could be offensive as you had pointed out.

Joe Pillmeier: They do not follow the landscaping that the site plan states.

Mr. Astorino: It will be added to the Town Engineer's specifications. It is not all on that site plan right now. That is a proposed site plan. We added some more and we actually pulled some back to make it meet the Code.

Patrice Pillmeier: Where would these trees be?

Mr. Astorino shows Mr. and Mrs. Pillmeier where the trees are proposed to be located on the site plan.

Joe Pillmeier: Here is the issue. It is so close to my barn.

Mr. Astorino: Joe, we are going to pull them back.

Joe Pillmeier: Into where?

Mr. Astorino: It would be on the Applicant's property.

Joe Pillmeier: Why is there not any privacy fencing mentioned? Where the employees park behind my existing barn, I have a swimming pool and deck there. It is within 75 feet of the barn and within 50 feet of where they park. There should be some privacy fencing along the back of the warehouse and along my property line so I would not have to look at these dumpsters.

Mr. Astorino: The dumpsters will be screened. We are putting in trees. Quite frankly on this site, I don't see a privacy fence that would work or hold up out there. I don't think putting up a privacy fence on a property line is going to do any good. We pulled a truck out. Where that truck pulls out from someone would catch it. If someone plows snow, they would hit it and knock it over. I think the trees are the best bet. They will screen. There are Blue Spruce trees proposed. It would be to the Town Engineer's specification. They are usually 6' to 8' trees. There would be a 3-Year Landscape Bond put into place to make sure the trees sustain themselves.

Joe Pillmeier: Let's go back to the solid waste issue. Tanks are solid waste. When you had said that you don't have this information in front of you, where do we take this conversation from here?

Mr. Astorino: This is not a solid waste facility.

Joe Pillmeier: It is.

Mr. Astorino: Joe, that is your opinion. I believe that is not the case.

Joe Pillmeier: Bring up the Code. Take a look at it.

Mr. Astorino: Are you talking about the Town of Warwick Code?

Joe Pillmeier: Yes.

Mr. Astorino: John, could you check into that? I don't believe that is the case.

Mr. Bollenbach: A solid waste facility, are you talking about doing something beyond the tanks? Is there some other debris? Is that what the allegation is?

Joe Pillmeier: Yes.

Mr. Bollenbach: That would be something else. This approval is limited to the tanks.

Mr. Astorino: It is only for the tanks. It is not to bring in other materials.

Mr. Bollenbach: This approval is limited to the tanks.

Mr. Astorino: I had seen the picture of the small engine. That is not allowed. It is not permissible. It is a tank business. If they would be carting in other stuff, it would be a violation of the site plan if this gets approved.

Patrice Pillmeier: As far as the privacy goes, his employees use where they park, which is below where my pool is located as their restroom.

Joe Pillmeier: There is no bathroom facility.

Mr. Astorino: There is no bathroom facility?

Patrice Pillmeier: I have seen in plain view and this is my house watching men urinate while I am out by my pool.

Joe Pillmeier: These guys are urinating behind my barn and pool.

Mr. McConnell: That is not right that you have to watch that.

Joe Pillmeier shows the Board the site plan and discussed as to where the employees park their vehicles which is located by the well and from his pool and deck.

Joe Pillmeier: How are they going to park here and those garage doors are right there? That is where everyone pulls in and out? There are 2 doors on each side. How are the employees going to park there?

Mr. Astorino: I will ask Dave about that.

Dave Getz: We will add those door locations on that side. We have plenty of room to shovel them over.

Mr. Astorino: There are 3 parking spots located for employees. Looking at the plan, if there are doors located here, we could shift them.

Dave Getz: Yes.

Mr. Astorino: They will not be shifted towards the neighbors. You have room over there.

Mr. McConnell: Are those garage doors used?

Dave Getz: Yes.

Laura Barca: That is where they drive in.

Joe Pillmeier: There is a residential Code §164-42 that states a garage door cannot be within 50 feet from a residential property line.

Mr. Astorino: It has been this way at this building for your whole life.

Joe Pillmeier: Yes.

Mr. Astorino: That is what I mean. It is an Adaptive Reuse. It is not a new structure.

Mr. McConnell: There are things that they may have that wouldn't be permitted today, but because they have been there for your entire life, the new Code is not going to require them to remove them. You acquired that property after those doors were already there. Is that correct?

Joe Pillmeier: Yes. I bought the property from my father.

Mr. McConnell: Ok. I don't want to loosely use the term Grandfathered in, but we are trying to figure out the best way with this. You can't require them to close those garage doors. They were there before they were prohibited to be there. Do you follow with what I am saying?

Joe Pillmeier: I do. But it is not an easy pill to swallow.

Mr. Astorino: We understand. You had brought up valid points. It is going to be an operating business within the Town Code. They would have to follow the site plan as such. If they don't follow the site plan, they would be in violation. You would file a complaint with the Building Department.

Joe Pillmeier: Being part of an agricultural operation, are there any hazardous materials stored at this site?

Mr. Astorino: If there are spray chemicals, that would be up to the farmer to keep them contained. He has the right to farm there.

Joe Pillmeier: I do believe that hazardous materials have to be stored.

Mr. Astorino: Nobody is saying that there was any. If there was, it would have to be cared properly.

Joe Pillmeier: How do we find that out?

Mr. Astorino: How do you find out if a neighbor that is a farmer down the road has hazardous chemicals? It is the same thing. You would hope they would follow a protocol. I am a farmer myself. I have kept chemicals on the farm. They would have to be kept in a proper location and stored properly.

Patrice Pillmeier: I would also like to make an objection to the operational hours. It is a residential neighborhood.

Mr. Astorino: That is in the Code. That is something they would follow. I don't think the hours are objectional to start a business at those hours. On the weekends, I think it is a big thing that if it is for an emergency only.

Patrice Pillmeier: Are you sure it would only be for emergency use only?

Mr. Astorino: That would be stated on the plan. We just talked about it.

Joe Pillmeier: I can't get you guys to agree that this is a solid waste facility. Is that correct?

Mr. Astorino: No. The application that is before us is for a tank business. If there is proof that it is a solid waste facility that it is a transfer station taking in other stuff, then that would be a problem. I do not believe this is a solid waste facility. Our Professionals did look into this.

Joe Pillmeier: Ben, I disagree with that.

Mr. Astorino: Ok. We follow the Code.

Joe Pillmeier: This site plan does not have the survey that shows the feet in between the property lines.

Mr. Astorino: We do have the old survey in hand. If you take a look at the map, the Planning Board took a look at the trees. The trees are located right on your line. In my opinion, if you put the trees over there, then 5 years from now, you will not be happy with them.

Joe Pillmeier: No. You could trim the tree branches.

Mr. Astorino: Are you going to trim the trees or would you have the Applicant, do it? That is why we pulled the trees in. We are putting the other trees in the front. We are not here to cause aggravation. We are here to try to clear a lot of things up that has been going on for years.

Joe Pillmeier: We do appreciate what you do for the community. I certainly disagree with this solid waste facility issue.

Mr. Astorino: If the site plan gets approved, you see solid waste other than tanks being dumped in there, then that would be a problem. It would be a violation. That would be through the Building Department.

Joe Pillmeier: What about handling tanks on Sundays.

Mr. Astorino: I will have a chat with the Applicant about that.

Mr. Bollenbach: Sundays are supposed to be for emergency removal only.

Mr. Astorino: Yes. Some points were brought up.

Joe Pillmeier: Here is a problem with that. I have a few videos of them dropping tanks at 7:05 a.m. into those roll off containers. I have videos of that if you would like to see it.

Mr. Astorino: No. I understand. We will have a chat with the Applicant.

Patrice Pillmeier: How would the noise be handled?

Mr. Astorino: They do have the right to operate. If they want to be more considerate to the neighbors, they could wait until the afternoon to put the tanks in the dumpster.

Joe Pillmeier: What is an acceptable decibel rate of noise with them being that close to my house? They are within 100 feet of my house. We are within 200 feet of those dumpsters.

Mr. Astorino: It is 60/65 decibels at the property line.

Mr. Bollenbach: It is 60 decibels.

Joe Pillmeier: Could you and I stand there with my decibel reader and have them drop in a tank at my property line?

Mr. Astorino: You could. The Town Building Department does have a dosimeter. I think that smashing a tank in a dumpster is a problem. I think placing them in there would be better. You don't have to drop them in there from 8 feet above. They could just place them in a dumpster and be done with it. It wouldn't be that difficult.

Joe Pillmeier: Ben, what the issue is that they are trying to get more bang out of a buck out of that container.

Mr. Astorino: We would have a chat with them and tell them not to crush them in the dumpster.

Joe Pillmeier goes on discussing the noise issue with the tanks being crushed into the dumpster and the noise from saws cutting the ends off that shakes the house in order to fit into the dumpster.

Mr. McConnell: Cutting the ends off with a saw is going to shake your house, I find that hard to believe. I don't think it would shake 20 feet away.

Joe Pillmeier: They handle the tanks on a concrete floor with an excavator. It is within 100 feet of my house.

Mr. McConnell: The thing with decibel levels is not always just the raw decibel level. It is the duration of it. If it lasted 10 seconds, it is different than if it was for ½-hour of constant at this decibel level. We rely on our Professionals to let us know if whether this is going to be within those parameters rather than sitting here speculating, which is not what we are to do. It is a sustained noise level.

Mr. Astorino: We understand you want to have a quality of life. As far as the business goes, it is an Adaptive Reuse. That is what we are looking at.

Joe Pillmeier continues to discuss with the Board the noise issue with the dropping of tanks on a concrete floor and cutting the ends off with a saw in order to fit more in the dumpster. Mr. McConnell explains to Mr. Pillmeier that the Board doesn't know what the process is for cutting the tanks to get more of them into the dumpster. Ms. Pillmeier stated that they know because they live there. It has been going on for years. Mr. McConnell stated that the Board understands that. The Board is trying to correct that issue. Going forward after the Board has a conversation with the Applicant, the Board might get some assurances as to the manner in which it would be done having heard your concerns.

Joe Pillmeier: Thank you. Could that be added to the site plan?

Mr. Astorino: That is what we are looking at here. Is there anyone else wishing to address the Michael & Marie Pillmeier application? Dave and Mike Pillmeier, as the neighbor had pointed out as far as the crushing of the tanks at the dumpster, could we have something on the plan to assure that would not happen? It sounds excessive to that effect.

Mike Pillmeier: Let me ask the tenant. He is here this evening.

Mr. Astorino: Ok. Come up. We will get you on the record.

Mike Hoensch: When the tanks are being placed in the dumpster, that is exactly what we are doing. They are being placed. As far as banging the tanks, it doesn't get me anywhere. It is a 4-foot diameter tank 95% of the time. It is a 48" diameter tank. You could bang it until you are blue in the face. It will not go. I could understand if an excavator was placing a tank in there and it slipped off, it could fall into the dumpster. It would be an instant sound.

Mr. Astorino: You would not have any objection on putting a note on the plan no crushing of tanks.

Mike Hoensch: I don't have a problem. I do not crush them.

Mr. Astorino: That would take care of that issue. The parking would get moved. Dave, you would take care of that issue. Is that right?

Dave Getz: Right.

Mr. Astorino: As far as the employees urinating. If there is a problem with that and there is a violation, I would recommend getting a porta-potty. If those guys really need to go to the bathroom, Mike that would be on you. Do you understand what I am saying?

Mike Hoensch: I get it. Those guys get to the site at 7:00 a.m. Those vans that we have, they have porta-toilets in them.

Mr. Astorino: Ok. I don't know how we could make a note on this one, but they should not be urinating on the property.

Mr. McConnell: No public urination is allowed.

Mr. Astorino: It is a law. Please let's not have that happen.

Mr. Bollenbach: We could have a note on the plan stating that we require an onsite porta-john and provide an annual maintenance contract.

Mr. McConnell: Yes. Your challenge is going to be that it would come to you to make sure that your employees live by what is being placed on the site.

Mike Hoensch: That would not be a problem.

Joe Pillmeier: What would be the position of the porta-potty?

Mr. Astorino: We will make sure it is screened and it is out of the way. It could be placed by the dumpster out of the way so that it would not be visible to the neighbors.

Joe Pillmeier: Thank you.

Dave Getz: We will add a porta-potty.

Mr. Astorino: Put it in a spot where the neighbors can't see it.

Mr. Bollenbach: Put it in the barn.

Mr. Astorino: You could hide it.

Dave Getz: Mike, do you have an idea where to put the porta-john?

Mr. McConnell: Is there room inside?

Mr. Astorino: Yes. We were there. There is room in there.

Mr. McConnell: I don't know how often it gets more crowded than what we had seen.

Mike Hoensch: It is like anything else. When you start out with a 40'x60' barn, you would want 100'x80'.

Mr. Astorino: I get it. Find a spot for it. Preferably inside. The screening would be to the Town Engineer's specifications. We had discussed that.

Mr. McConnell: Dave, if you could identify where some screening would be effective to screen the neighbor's pool so they could enjoy their pool without visual interference.

Mr. Astorino: I believe they proposed 5 trees in the front by the dumpster pulled to that side.

Mr. McConnell: Yes. If trees work out better than a privacy fence that would work. A privacy fence would need to be maintained differently.

Mike Pillmeier: As far as their pool, there is a tremendous number of trees located there. You can't see the pool from there.

Mr. Astorino: The trees will be placed to the Town Engineer's specifications.

Mike Hoensch: I did not even know that there was a pool.

Mr. Astorino: We are going to make a fourth trip out there.

Dave Getz: We will decide that at the site.

Mr. Astorino: Dave, we will meet you out there. You have trees already proposed. We will take another look at it. It would be done to the Town Engineer's specifications. We will take another trip out there to make sure it is done right. There would also be a landscape bond put in place.

Joe Pillmeier: Would there be screening down the whole property line between my house?

Mr. Astorino: No. It would be just at the top. We had looked at that. I don't think it would be warranted there do to the fact that the trees would not survive with the trucks pulling in and out of there.

Joe Pillmeier: I am talking about down after where the trucks make their turn about 100 feet down. There should be screening put there so I don't see these containers from my property.

Mike Hoensch: Are you talking about where he keeps the wood?

Mr. Astorino: We would have to take another look at it. After we had done our last site visit with the Board, we did not feel it was warranted at that time. We are going to take another look at it. We will make that determination again. It would be done to the Town Engineer's specifications.

Joe Pillmeier: Would this be done at another Workshop?

Mr. Astorino: This would be part of the approval if there is an approval.

Joe Pillmeier: I would ask for more screening along my property line.

Mr. Astorino: Ok. We will make that determination out in the field. If we feel it is warranted, we would then do it. If we feel it is not warranted, then we won't do it.

Joe Pillmeier: Could I be there?

Mr. Astorino: You could be on your property. You cannot be on the Applicant's property. Joe, this would be something that the Town Engineer would go out and meet with the Applicant's Engineer to discuss it and take some photos. I would also be out there. We will take a look at it again. We already had done a thorough site visit.

Joe Pillmeier: Ok.

Mr. McConnell: When I was out there, I wasn't thinking about looking from the neighbor's front yard to see if I could see the dumpsters or not. It sounds like that he is suggesting that in an ideal world he wouldn't want to see the dumpsters from any part of his property.

Joe Pillmeier: Exactly.

Mr. McConnell: When I was at the last site visit, that wasn't in my mind.

Mr. Astorino: Ok. We will take another look out there. Does the Applicant have anything further? John, do you have the note about the porta-potty? The screening would be done to the Town Engineer's specifications. There would be a landscape bond in place.

Mr. Bollenbach: Yes. I have added to Comment #7, Applicant is proposing screening to Town Engineer's specifications between the road and dumpsters, as well as between an adjacent property and the former Agricultural building. Provide Three-Year Landscape Bond. Comment #8, Applicant to confirm the hours of operation shown conform to the Town Code requirements. Saturday and Sunday operations of Adaptive Reuse limited to emergency removal only. Comment #11, Surveyor must sign and seal the plans. The Applicant is requesting a waiver on that. Comment #12, Surveyor to certify that iron rods have been set at all property corners. The Applicant is also requesting a waiver on that. We will add Comment #14, Relocate parking to Town Engineer's specifications. Comment #15, No onsite crushing of tanks. Comment #16, Porta-John annual maintenance contract to the Building Department.

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

Mr. McConnell: Yes. I wanted to ask Mike Hoensch the situation where in the past something other than tanks have been placed in those dumpsters. Is that something that is a regular part of your business?

Mike Hoensch: When we take a tank there are vent lines and fill pipes. From time to time, we have a boiler.

Mr. Astorino: But not a small engine?

Mike Hoensch: One of my guys might have thrown something in there.

Mr. Astorino: Once and if this site plan gets approved, something like that cannot happen again.

Mike Hoensch: I understand that.

Mr. McConnell: I don't know if a boiler is part of a tank removal. It is not a tank.

Mr. Astorino: The vent piping is part of the tank. The boiler part of that is not. It is not a solid waste facility.

Mr. McConnell: You don't want it to appear as if it is.

Mike Hoensch: I understand that. I will make note of that. Thank you.

Mr. Astorino: Does the Board have any other comments or concerns?

Mr. McConnell: Mr. Chairman, I am questioning on whether the Resolution of Filing a Negative Declaration would be appropriate until we work out with the Engineer on all of these points that have been raised. Would it be appropriate to do that this evening?

Mr. Astorino: The only thing I think that is left out there is the screening. Everything else is pretty much nailed down.

Mr. McConnell: Ok.

Mr. Astorino: We just talked about it. Everything was agreed to by the Applicant now on record about the porta-potty and the parking being moved. The screening has already been agreed to. It may have to be shifted. What John had just read off everything is agreed to.

Mr. McConnell: John, do you agree with that?

Mr. Bollenbach: Yes. The other thing is that the maps won't get signed until all of this is placed on the map. All of the map notes will be placed on the map. There would be a landscaping bond put in place. Where is the landscaping located? Is there supplemental fencing or other screening? That is to be determined.

Mr. McConnell: Ok. I haven't read whether it is included in here. The filing of the Negative Declaration would be based upon the maps at that point.

Mr. Astorino: Just like with everyone that we do.

Mr. McConnell: I just wanted to make it clear that the concerns that the neighbors had raised are going to be addressed. By us passing a Negative Declaration, I don't want them to think that nothing has changed.

Mr. Astorino: Absolutely not. Joe, do you understand what he had said?

Joe Pillmeier: I do. Thank you. I would like to add one thing. I just ask for screening down my whole property line. Looking from my front lawn, I could see those containers. I shouldn't have to see that. The screening would act as a noise and dust buffer.

Mr. Astorino: As I had said before, we are going out there to see what can be done. I don't think that 6' to 8' Blue Spruces are going to work there. Personally, I think they are just too big. That is me sitting here right now saying that. I would like to see it again. That is why we have our Professionals.

Joe Pillmeier: Would you be putting screening down the whole property?

Mr. Astorino: I don't know yet. It will be considered.

Joe Pillmeier: I would ask that it be considered strongly. It would act as a noise buffer as well.

Mr. Astorino: The comment will be left as to the Town Engineer's specifications. When we go out there and see that they need to add or remove a tree, we would have the right to do that. It is not set in stone right now. But your comments as you had seen tonight are definitely being strongly considered.

Joe Pillmeier: Thank you. Would there be any other meetings or workshops that I should be attending?

Mr. Astorino: Not if this application gets approval tonight. If this gets conditional approval tonight, what that means is if the site plan is not completed and won't be signed until everything that we had discussed here are put on the plan that they have agreed to. We will go out to the site and discuss the screening. We would then set that up on the plan.

Joe Pillmeier: Supposed I don't think the screening is adequate.

Mr. Astorino: The Planning Board has that right to make that decision. I think that with what you had seen here tonight, I think you could pretty much understand that we take it seriously.

Joe Pillmeier: I do.

Mr. Astorino: I sure hope so. We had brought the Applicant up here. They did not disagree with the items that we brought up. This is me saying that I would go out to the site to see it again. I want us to go out there with our Professionals to take a look at it again to make that determination. That is as fair as I can be.

Joe Pillmeier: Ok.

Mr. Astorino: Is there anyone else wishing to address the Michael & Marie Pillmeier application? Let the record show no further public comment.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Purcell. The following Resolution was carried 3-Ayes and 0-Nays.

617.12(b)

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

Name of Action: Pillmeier Adaptive Reuse

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed adaptive reuse of an existing agricultural building located at 276 Round Hill Road, Town of Warwick, Orange County, New York, and

Whereas, there are no other involved agencies pursuant to SEQR, and

Whereas, the Planning Board has reviewed the Short Environmental Assessment Form (SEAF) for the action, including Part 1, Part 2, and Part 3 including additional supporting documents and site plans, the probable environmental effects of the action against the Criteria For Determining Significance, and has considered such impacts as disclosed in the SEAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached SEAF and Negative Declaration and authorizes the Chairman to execute the SEAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chairman to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Mr. McConnell makes a motion to waive Comment #11, the Surveyor must sign and seal the plan and Comment #12, Surveyor to certify that iron rods have been set at all property corners.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

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

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Mr. McConnell makes a motion on the Michael & Marie Pillmeier, Joint Revoc., Trust application, granting 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 1 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on December 7, 2022. Approval is granted subject to the following conditions:

1. TW Building Department – 08/04/22 expired well permit (25243); illegal business (20220052)
2. Applicant is proposing screening to Town Engineer’s specifications between the road and the dumpsters, as well as between an adjacent property and the former Agricultural building. Provide Three-Year Landscape Bond.
3. Applicant to confirm that the hours of operation shown conform to the Town Code Requirements. Saturday and Sunday operations of Adaptive Reuse limited to Emergency Removal only.
4. Sheet C-1, Note 19 to be updated to state that “The tenant is in the business of handling used liquid-storage tanks, including but not limited to tanks containing petroleum-based products. These tanks are cleaned in-place before they are removed from the originating property and transported to this property. All tanks must be maintained in accordance with Town Code §82-31.A, which states that all tank removal activities must comply with New York State Department of Environmental Conservation DER-10 regulations for site investigations and removal.”
5. The declaration information for the Aquifer Overlay and Agricultural Protection Notes must be added to the plans.
6. The surveyor must sign and seal the plan. (Waived)
7. Surveyor to certify that iron rods have been set at all property corners. (Waived)
8. Relocate parking to Town Engineer’s specifications.
9. No onsite crushing of tanks.
10. Provide Porta-John annual maintenance contract to the Building Department.
11. Payment of all fees.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

PUBLIC HEARING OF Dario Gagliardi

Application for Review and Approval of "Chapter 150" Site Plan Application, situated on tax parcel S 64 B 1 L 57; parcel located on the southerly side of Black Rock Road at the corner of Brady Road (78 Black Rock Rd.), in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Karen Arent, Landscape Architect. Jerry Gagliardi, Applicant.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Gagliardi 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 – 07/12/22 advisory comments for stormwater, ag protection overlay, ridgeline overlay, and biodiversity overlay
6. TW Building Department – 07/13/22 notice of violation for tree cutting (20220055)
7. Sheet L1 Clearing/Grading Step 3 – There should be a note added as to who makes the decision of which trees are native and in good condition. Perhaps trees to be removed could be noted on the plan now.
8. Sheet L1 Clearing/Grading Step 4 – Please note who makes the decision of which trees are native and in good condition.
9. Sheet L1 Clearing/Grading Step 4 – The plans should indicate how the Town will be informed that the vines are being cut every year.
10. Sheet L1 Clearing/Grading Step 4 – The plans should state when are the vines are to be cut (spring/fall, etc.).
11. Sheet L1 Clearing/Grading Step 4 – The plans should indicate if there will there be annual reporting to the town.
12. It is noted that §150 allows for culling tree removal, but a building department permit would need to be obtained.
13. The plan should identify a schedule for the implementation of the invasive species management plan but may also need to allow for a time extension as long as the plan is being followed and the invasive species are not able to be brought under control within the planned time frame.
14. The plan should also outline the restoration/reseeding of areas where invasive vegetation has been removed, as well as trees and other native species being planted.
15. The plan should indicate if it is transferable to a new owner and/or a requirement for a new owner to continue.
16. All requirements set forth in §150-5 Permit Procedure must be satisfactorily completed.

17. The total amount of land where the topography has been changed (i.e., disturbed/filled) must be shown on the plan.
18. The plans should indicate if the natural drainage of the area has been affected, including if adjacent property owners will be affected.
19. Applicant to clarify if the land disturbance is complete or if additional land will be disturbed/filled. If additional land will be disturbed/filled application to show on plan view and include the area of the disturbance.
20. Clarification that all disturbed areas, especially where the soil is or was recently disturbed, have been sufficiently stabilized.
21. Any proposed landscaping shall include applicable notes, including three-year survivability.
22. A stormwater plan in conformance with §164-47.10 Stormwater Management must be submitted.
23. Provide anticipated restoration schedule, including site grading, topsoil placement, and landscaping installation.
24. The path(s) of the vehicular traffic for the machinery or trucks involved with the land disturbance must be shown.
25. The Town of Warwick standard notes must be added to the plan.
26. The Town of Warwick standard note for lighting must be added to the plan.
27. Property owners within 300-ft of this property must be added to the plan.
28. Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
29. Surveyor to certify that iron rods have been set at all property corners.
30. Applicant to post any Performance Bond Landscaping, or Invasive Species Management Bond, as determined by the Planning Board.
31. Payment of all fees.

The following comment submitted by the Conservation Board:

Dario Gagliardi – None submitted.

The following comment submitted by the ARB:

Dario Gagliardi – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“The Board classified this as a Type 2 Action on July 20, 2022 so no further action needs to be taken under SEQRA. I have no further comments on the Chapter 150 application”*.

Comment #2: Applicant to discuss project.

Karen Arent: Mr. Gagliardi cleared some of the vegetation. He had a Stop Work Order. He plans to clean it up and get rid of the fallen trees and stumps. He plans to cut some of the vines at the base. In the area where it was already cleared, he is planning to grade it and put seed down. The seed mixture is specified on the plan.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/12/22 advisory comments for stormwater, ag protection overlay, ridgeline overlay, and biodiversity overlay

Comment #6: TW Building Department – 07/13/22 notice of violation for tree cutting (20220055)

Mr. Astorino: Laura, I want to ask you. I know that we discussed this at the Work Session. I know it is in the Ridgeline Overlay District. Please could you explain the steps on how this would go?

Laura Barca: There are 2-ways that it could be handled. The process that was described by Karen at the Workshop where there are so many invasive species on the property with fast growing weeds and mostly vines, I had one of HDR's independent Landscape Architect review it. She agrees with the methodology. The questions together that we had was if the violation is for land clearing, in order to satisfy the land clearing initially the Planning Board asked to plant trees. The response to that was that we cannot plant trees right now because the invasive species would likely overtake them. That would defeat the purpose. We are all in agreement with the plan. The question is how do you implement the plan? This review letter that we had prepared there are a lot of specific comments about the actual timing of the plan and who would enforce it. The simpler approach would be if the trees are what is required, have them put up a bond for the trees. Once the trees have been planted, the landscape bond would remain in effect for 3-years.

Mr. Astorino: This would be on the Landowner to put the Landscape Bond up. Is that correct?

Laura Barca: Correct.

Mr. Astorino: We would need to know the number of trees that would need to be planted or do we have that?

Mr. Bollenbach: The Applicant's Engineer would provide that along with a cost estimate of the trees.

Mr. Astorino: Ok.

Mr. McConnell: The only concern that I have is implementing the plan if other trees are stated the need to be removed. Does the plan contemplate that and have a solution for that contingency?

Laura Barca: Chapter 150 in the Town Code does allow there to be up to 10 acres of responsible clearing for culling and thinning of dead trees. The Code does allow that as long they get a permit.

Mr. McConnell: Ok.

Mr. Bollenbach: Have they provided that? At the Work Session, we talked about the plantings. You would want to elaborate on that so that when you do go to the Building Department to get the permit, we would know what it was for.

Mr. Astorino: Karen, please explain to the Board like what you had mentioned at the Work Session regarding the process.

Karen Arent: The plan does show the end results. It also states the entire methodology on the plan. It just doesn't state how the vines are going to be cut. I did not think that kind of thing would be necessary. It shows the methodology of it on the plan regarding the grading, stabilizing, mowing, seeding, etc... What is basically going to happen is he would clean up the wood and chip it on site. They are going to stump it and grade it.

Mr. Astorino: Does that include the soil erosion control? Is that all in there?

Karen Arent: Yes. I still have to include the soil erosion control measures.

Laura Barca: Those comments would remain in the letter.

Mr. Astorino: Ok.

Karen Arent: The best thing they could do for invasive species management that is realistic is to put seed down and mow it biannually or annually. It is listed on the plan under invasive species management. It would be quite extensive but it would not be onerous. He could mow it. To spray and try to get rid of every single weed, you can't do that. This property is too in festive. By mowing it regularly would help. That is the approach.

Jerry Gagliardi: We contacted O&R Utilities. I can't touch a certain number of trees.

Mr. Astorino: Laura, are you comfortable with the methodology of the plan? I know that we need a note on the plan stating how many trees are to be planted and bonded. Is that correct?

Laura Barca: Yes.

Mr. Astorino: Laura, what comments do these take care of?

Laura Barca: If we use this methodology, Comment #7 through Comment #13 could come out.

Mr. Astorino: Is the Board ok with that with the methodology that was just explained?

Mr. McConnell: Yes.

Mr. Purcell: Yes.

Mr. Astorino: Ok. We could strike Comment #7 through Comment #13.

Laura Barca: We could also strike Comment #23.

Mr. Astorino: Ok.

Mr. McConnell: What is the plan for this property?

Jerry Gagliardi: Originally, we were going to build a home for my son. We ran out of time. Now, we are building a home for him in Sugarloaf. I don't know what to do with the property now. I was thinking of selling it. But knowing me, I would probably wind-up building on it.

Mr. McConnell: Ok. I think it is important for whoever is the owner to follow through with the methodology that we had just described.

Mr. Astorino: Are you going to do the stumping?

Jerry Gagliardi: I rather not.

Mr. Astorino: Ok.

Comment #7: Sheet L1 Clearing/Grading Step 3 – There should be a note added as to who makes the decision of which trees are native and in good condition. Perhaps trees to be removed could be noted on the plan now.

Comment #8: Sheet L1 Clearing/Grading Step 4 – Please note who makes the decision of which trees are native and in good condition.

Comment #9: Sheet L1 Clearing/Grading Step 4 – The plans should indicate how the Town will be informed that the vines are being cut every year.

Comment #10: Sheet L1 Clearing/Grading Step 4 – The plans should state when are the vines are to be cut (spring/fall, etc.).

Comment #11: Sheet L1 Clearing/Grading Step 4 – The plans should indicate if there will there be annual reporting to the town.

Comment #12: It is noted that §150 allows for culling tree removal, but a building department permit would need to be obtained.

Comment #13: The plan should identify a schedule for the implementation of the invasive species management plan but may also need to allow for a time extension as long as the plan is being followed and the invasive species are not able to be brought under control within the planned time frame.

Mr. Astorino: We will strike Comment #7 through Comment #13 for the record.

Comment #14: The plan should also outline the restoration/reseeding of areas where invasive vegetation has been removed, as well as trees and other native species being planted.

Laura Barca: That is what is on the plan.

Mr. Astorino: Ok.

Comment #15: The plan should indicate if it is transferable to a new owner and/or a requirement for a new owner to continue.

Mr. Astorino: Comment #15 stays.

Comment #16: All requirements set forth in §150-5 Permit Procedure must be satisfactorily completed.

Karen Arent: Right.

Mr. Astorino: That is why you are in front of the Planning Board.

Comment #17: The total amount of land where the topography has been changed (i.e., disturbed/filled) must be shown on the plan.

Mr. Astorino: That would be 1.9 acres. Is that correct?

Karen Arent: Yes.

Laura Barca: I don't know if the topography has changed. This is the language from the Code.

Jerry Gagliardi: No topography has changed.

Mr. Astorino: Your intention is not to change the topography. Is that correct?

Jerry Gagliardi: Correct.

Comment #18: The plans should indicate if the natural drainage of the area has been affected, including if adjacent property owners will be affected.

Karen Arent: Nothing has changed.

Comment #19: Applicant to clarify if the land disturbance is complete or if additional land will be disturbed/filled. If additional land will be disturbed/filled application to show on plan view and include the area of the disturbance.

Mr. Astorino: You had said that nothing is going to happen.

Laura Barca: Right. You are at the 1.9 acres of disturbance. You would manage that.

Jerry Gagliardi: Yes.

Comment #20: Clarification that all disturbed areas, especially where the soil is or was recently disturbed, have been sufficiently stabilized.

Jerry Gagliardi: Yes.

Comment #21: Any proposed landscaping shall include applicable notes, including three-year survivability.

Mr. Bollenbach: That would be the bond.

Comment #22: A stormwater plan in conformance with §164-47.10 Stormwater Management must be submitted.

Karen Arent: No problem.

Comment #23: Provide anticipated restoration schedule, including site grading, topsoil placement, and landscaping installation.

Mr. Astorino: We will strike Comment #23.

Comment #24: The path(s) of the vehicular traffic for the machinery or trucks involved with the land disturbance must be shown.

Mr. Astorino: Is that where the driveway location would be changed from Black Rock Road to Brady Road?

Jerry Gagliardi: I would like to.

Laura Barca: You would need to get a new 911 address.

Mr. Astorino: That would make sense to do that. The pipe is there already.

Jerry Gagliardi: That would be great.

Comment #25: The Town of Warwick standard notes must be added to the plan.

Karen Arent: Ok.

Comment #26: The Town of Warwick standard note for lighting must be added to the plan.

Karen Arent: Ok.

Comment #27: Property owners within 300-ft of this property must be added to the plan.

Karen Arent: Ok.

Comment #28: Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Jerry Gagliardi: Yes.

Comment #29: Surveyor to certify that iron rods have been set at all property corners.

Jerry Gagliardi: That was just done.

Comment #30: Applicant to post any Performance Bond Landscaping, or Invasive Species Management Bond, as determined by the Planning Board.

Karen Arent: Are you looking for a Performance Bond?

Laura Barca: It would be a Landscape Bond.

Karen Arent: Ok.

Comment #31: Payment of all fees.

Jerry Gagliardi: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Gagliardi application, please rise and state your name for the record.

Pamela Durante-Williams: I live at 143 Brady Road. What were you saying about Brady Road?

Mr. Astorino: There is a cut that goes off Brady Road now. It looks like a farm entrance cut. There is a 24" pipe located there already. It would make sense to go up from there instead of Black Rock Road. There is such a steep grade that goes out onto Black Rock Road. There would be more cuts and fills going out to Black Rock Road.

Pamela Durante-Williams: Would that be the entrance to the property?

Mr. Astorino: Yes.

Pamela Durante-Williams: What kind of variance do you need for that?

Mr. Astorino: You don't need a variance. They would need a DPW site inspection to make sure there is sight distance. We would verify that now with our Professionals that the sight distance is adequate and the pipe that is located in there is adequate.

Pamela Durante-Williams: Brady Road is a much busier street than Black Rock Road. It changes things for us going in and out of our driveway. There will be more cars. I did not see any of this. I did not know about it. I woke up one day and everything was cleared. For me, when my husband bought our property there were a lot of restrictions on the removal of trees. The same thing happened on 141 Brady Road. They came in and took all of the trees down.

Mr. Astorino: That is why the Applicant is before the Planning Board.

Pamela Durante-Williams: It is too late. The trees are already down.

Mr. Astorino: That is why they are before us. We discussed earlier to add more trees. That is usually the protocol.

Pamela Durante-Williams: They had said 6. Do you know how much property they have? They have 7 acres. They had only 6 trees taken down.

Mr. Astorino: What was disturbed was not 7 acres.

Pamela Durante-Williams: It was pretty cleared.

Mr. Astorino: We had done a site visit. It was 1.9 acres of disturbance. That property was an approved lot to build a home. It had clearing involved on it. But it could not be done without a permit.

Pamela Durante-Williams: I didn't say anything when this had happened the last time. I got this letter in the mail. I wanted to find out what is going on. I don't know what you plan to build there.

Mr. Astorino: It would be for a single-family home.

Pamela Durante-Williams: He has no intention to do anything with it right now. He is looking to sell the land.

Jerry Gagliardi: I don't know just yet what I am doing with the land. I have been a builder in the area for many years.

Mr. Astorino: Now there would be a plan put in place to satisfy the lack of getting a permit from the Building Department. They are before the Planning Board to make it right. We want to make it right. We don't want to have any issues with erosion control. We don't want that hill to come down towards you crossing the road. That is why they are here doing this. They have a plan in place to try to knock out the invasive species on this site by the cutting of the vines. If a home gets built on the property, they would have to put in some trees around there as per the Code. That is where we are at.

Pamela Durante-Williams: Ok. It would be nice to see a really nice home on that property.

Jerry Gagliardi: I build some nice homes. I think you would like it.

Pamela Durante-Williams: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Gagliardi application? Let the record show no further public comment.

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

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Mr. McConnell makes a motion on the Dario Gagliardi application granting, conditional approval of “Chapter 150” Site Plan Application, situated on tax parcel S 64 B 1 L 57; parcel located on the southerly side of Black Rock Road at the corner of Brady Road (78 Black Rock Rd.), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on July 20, 2022. Approval is granted subject to the following conditions:

1. TW Building Department – 07/13/22 notice of violation for tree cutting (20220055)
2. The plan should also outline the restoration/reseeding of areas where invasive vegetation has been removed, as well as trees and other native species being planted.
3. The plan should indicate if it is transferable to a new owner and/or a requirement for a new owner to continue.
4. All requirements set forth in §150-5 Permit Procedure must be satisfactorily completed.
5. The total amount of land where the topography has been changed (i.e., disturbed/filled) must be shown on the plan.
6. The plans should indicate if the natural drainage of the area has been affected, including if adjacent property owners will be affected.
7. Applicant to clarify if the land disturbance is complete or if additional land will be disturbed/filled. If additional land will be disturbed/filled application to show on plan view and include the area of the disturbance.
8. Clarification that all disturbed areas, especially where the soil is or was recently disturbed, have been sufficiently stabilized.
9. Proposed landscaping shall include applicable notes, including Three-Year Survivability Bond.
10. A stormwater plan in conformance with §164-47.10 Stormwater Management must be submitted.
11. The path(s) of the vehicular traffic for the machinery or trucks involved with the land disturbance must be shown.
12. The Town of Warwick standard notes must be added to the plan.
13. The Town of Warwick standard note for lighting must be added to the plan.
14. Property owners within 300-ft of this property must be added to the plan.
15. Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
16. Surveyor to certify that iron rods have been set at all property corners.
17. Applicant to post any Performance Bond Landscaping, or Invasive Species Management Bond, as determined by the Planning Board.
18. Payment of all fees.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Karen Arent: Thank you.

Jerry Gagliardi: Thank you.

Review of Submitted Maps:***Cardella & Lehman Lot Line Change***

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change, situated on tax parcels S 27 B 1 L 106 & L 105; parcels located on the northern side of Co. Hwy. 1 300 feet east of Amity Road (364 Co. Hwy 1 & 360 Co. Hwy 1), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Jessica & Chris Cardella, 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 – pending comments
6. TW Building Department – 12/01/22 Cardella: open permit for pool and fence; open permit for mudroom & basement, pool fence needs to be installed, pool over property line; Lehman: open permit for roof replacement (31031), open permit for new roof & enclosed porch (22742), open permit for bath addition (16946).
7. Planning Board to determine if a site inspection is necessary.
8. Surveyor to certify that iron rods have been set at all property corners.
9. Surveyor to sign and seal drawing.
10. The liber and page for the Shared Driveway Agreement must be added to the plan.
11. Payment of all fees.

The following comment submitted by the Conservation Board:

Cardella & Lehman Lot Line Change – None submitted.

The following comment submitted by the ARB:

Cardella & Lehman 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 a Type 2 Action under SEQRA and you should have a draft Resolution to that effect. I have no further comments on the lot line alteration.”*

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

Seconded by Mr. McConnell. The following Resolution was carried 3-Ayes and 0-Nays.

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: Cardella & Lehman Lot Line Change

Whereas, the Town of Warwick Planning Board is in receipt of an application for Re-subdivision (Lot Line Alteration) approval by Jessica & Christopher Cardella for a 8.6 acre parcel of land, located at 364 and 360 Pine Island Turnpike, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 11/23/22 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 a Type II Action that meets the thresholds found in 6 NYCRR 617.5(c)(32) with no new construction proposed as part of the action 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 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.

Dave Getz: The Cardella's are in the process of selling their home at C.R. 1. They had an updated survey done recently. The swimming pool they had for 18 years now, they thought was in their backyard. It is actually located on the Lehman's property.

Jessica Lehman: We didn't put the pool in. It was put in the year of 1997.

Dave Getz: The purpose of this is to reroute the property line. There would be no disturbance. There would be no construction. Looking at the map, there would be approximately 2/10th of an acre that would be transferred from the Lehman's property to the Cardella's property.

Mr. Astorino: That makes sense.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 12/01/22 Cardella: open permit for pool and fence; open permit for mudroom & basement, pool fence needs to be installed, pool over property line; Lehman: open permit for roof replacement (31031), open permit for new roof & enclosed porch (22742), open permit for bath addition (16946).

Jessica Cardella: Regarding the pool permit. I know there was a pool permit in our closing documents. Does that mean it was never closed out in the year of 1997?

Mr. Astorino: Apparently.

Laura Barca: Those permits you would need to call the Building Department and talk to them directly.

Jessica Cardella: Ok.

Mr. Astorino: Did your title search ever pick that up? Someone should have picked that up before the property changed hands. You will need to call the Building Department on that.

Chris Cardella: Would the lot line change be approved before those are remedied?

Mr. Bollenbach: You would need to go to the Building Department to close out those permits. You would not be able to close on the house until these are closed out.

Jessica Cardella: We had spoken to the Building Department about the pool around the fence. We have in our contract that we are given a credit. They had told us that the new owners could install the fence after closing.

Mr. Bollenbach: That is through the Building Department. Get documentation.

Laura Barca: If this application gets conditional final approval this evening, I will go to the Building Department and ask them what the status is of these permits?

Jessica Cardella: Ok.

Laura Barca: If the Building Department says they are closed out or you worked an agreement out, then you would be done.

Chris Cardella: We could go to the Building Department and tell them that the new buyers would take care of the fence. Would that be closed out?

Mr. Bollenbach: You would need to get some documentation from the Building Department.

Mr. McConnell: What does your title search say about this pool? That might be something you would want to discuss with your attorney to make sure all the I's are dotted and T's are crossed.

Mr. Astorino: You are going to have to get in touch with the Lehman's and the Building Department.

Chris Cardella: Until we get the lot line change approved, we technically don't own that property. How do we resolve issues on a property that we do not own?

Jessica Cardella: We technically don't have a violation on the pool and fence. Phyllis has the violation technically.

Mr. Bollenbach: You would need to contact the Building Department to take care of those issues.

Mr. McConnell: If you are on a good basis with your neighbor, you would want to ask her to sign a letter stating that you know this is in the process of being rectified and get permission for a fence to be constructed.

Chris Cardella: Ok.

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

Mr. Astorino: We don't need to do a site visit.

Comment #8: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Will do.

Comment #9: Surveyor to sign and seal drawing.

Dave Getz: Ok.

Comment #10: The liber and page for the Shared Driveway Agreement must be added to the plan.

Dave Getz: Ok.

Comment #11: Payment of all fees.

Dave Getz: Ok.

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

Mr. Bollenbach: Does the Applicant wish for a waiver of the public hearing?

Dave Getz: Yes.

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

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Mr. McConnell makes a motion on the Cardella & Lehman Lot Line Change application, granting conditional Final Approval of a proposed Lot Line Change, situated on tax parcels S 27 B 1 L 106 and L 105; parcels located on the northern side of Co. Hwy. 1. 300 feet east of Amity Road (364 Co. Hwy. 1 & 360 Co. Hwy. 1), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on December 7, 2022. Approval is granted subject to the following conditions:

1. TW Building Department – 12/01/22 Cardella: open permit for pool and fence; open permit for mudroom & basement, pool fence needs to be installed, pool over property line; Lehman: open permit for roof replacement (31031), open permit for new roof & enclosed porch (22742), open permit for bath addition (16946).
2. Surveyor to certify that iron rods have been set at all property corners.
3. Surveyor to sign and seal drawing.
4. The liber and page for the Shared Driveway Agreement must be added to the plan.
5. Payment of all fees.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Dave Getz: Thank you.

Jessica Cardella: Thank you.

Cerref LLC Site Plan & Special Use Permit

Application for Site Plan Approval and Special Use Permit for the construction and use of an expansion to an existing 7,550 s.f. commercial building whereas they propose to add and addition of approximately 870 s.f., situated on tax parcel S 14 B 2 L 18.1; project located on the eastern side of Co. Hwy. 1 350 feet south of Pulaski Hwy. (636 Co. Hwy. 1), in the LB zone, of the Town of Warwick.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying.
Lee Ferrac, 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. TW Building Department – 11/30/22 open shed permit and fire inspection required.
6. OC Planning Department – pending comments
7. OCDPW – pending submittal
8. Service capacity letters are required to be submitted.
9. All existing and proposed signage must be shown on the plan. This includes depicting the location and related signage for any handicapped accessible parking spaces.
10. Applicant to confirm proper function and maintenance of the septic system.
11. The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.
12. All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped.
13. §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.
14. 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.”
15. Surveyor to certify that iron rods have been set at all property corners.
16. The liber and page for the Aquifer Notes must be added to the plan.
17. Payment of all fees.

The following comment submitted by the Conservation Board:

Cerref LLC – None submitted.

The following comment submitted by the ARB:

Cerref LLC – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQRA comment has been prepared by Mr. Ted Fink: *“This is also a Type II Action under SEQRA and you should have a draft Resolution to that effect. My primary comment on the on the application was for the Applicant to install some landscaping to screen the parking lot and, if possible, to channelize the entrance.”*

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

Seconded by Mr. McConnell. The following Resolution was carried 3-Ayes and 0-Nays.

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: Cerref LLC Site Plan & Special Use Permit

Whereas, the Town of Warwick Planning Board is in receipt of applications for Site Plan and Special Use Permit approvals by Cerref LLC for a 0.7 acre parcel of land, located at 636 County Route 1, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 11/22/22 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)(9) with no new construction proposed as part of the action 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 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.

Dave Getz: Lee and his wife, Dawn had a business in this building since 1993. The majority of the building is used for cabinets in the building. It is used for the assembly of it. They are not painting. They are not starting with raw materials. Lee also has a golf studio in one small part of the building.

Mr. Astorino: This application would need to go to OCDPW. Is that correct?

Dave Getz: Yes. When we heard Ted's comment about channelizing the entrance. Lee has mentioned over the years that he needs to bring in tractor trailers at times. His opinion is that we should meet with the County at the site.

Mr. Astorino: That would be wise to do.

Dave Getz: We need to keep it open as opposed to much changed. They need that room.

Mr. Astorino: That would have to come from OCDPW. That is not from us.

Dave Getz: Right.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 11/30/22 open shed permit and fire inspection required.

Lee Ferrac: That shed was on the property when we bought the property.

Mr. Astorino: You would need to check with the Building Department.

Dave Getz: Ok.

Comment #6: OC Planning Department – pending comments

Comment #7: OCDPW – pending submittal

Comment #8: Service capacity letters are required to be submitted.

Dave Getz: That was done.

Comment #9: All existing and proposed signage must be shown on the plan. This includes depicting the location and related signage for any handicapped accessible parking spaces.

Dave Getz: Will do.

Comment #10: Applicant to confirm proper function and maintenance of the septic system.

Dave Getz: We had done the dye test.

Comment #11: The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.

Laura Barca: You would need to check with Stephanie at the Building Department.

Dave Getz: Ok.

Comment #12: All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped.

Dave Getz: Some of the spaces in the back are not on asphalt. Maybe we could put in some precast parking bumpers?

Mr. Astorino: That might be wise to do.

Lee Ferrac: We have them already.

Mr. McConnell: It would be cheaper than pavement.

Laura Barca: Do you have them on the plan?

Dave Getz: Not yet. We will do that.

Laura Barca: Ok.

Comment #13: §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.

Dave Getz: Ok.

Comment #14: 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.”

Dave Getz: We have a similar note on the plan. Note #13 based upon something what Dennis had said previously for Applicants. We worded it to say no construction or use of a proposed addition shall begin until maps are signed.

Mr. Bollenbach: Yes. That is fine.

Comment #15: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: We will ask for a waiver on that.

Comment #16: The liber and page for the Aquifer Notes must be added to the plan.

Dave Getz: Ok.

Comment #17: Payment of all fees.

Dave Getz: Ok. We ask the Board to set us for a public hearing?

Mr. McConnell makes a motion to set the Cerref LLC Site Plan & Special Use Permit application for a Public Hearing at the next available agenda.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

Dave Getz: Thank you.

Other Considerations:

1. Planning Board Minutes of 11/16/22 for PB approval

Mr. McConnell makes a motion to approve the Planning Board Minutes of 11/16/22.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays

2. Planning Board to discuss canceling the 12/12/22-W.S. & 12/21/22-PB Meeting.

Mr. McConnell makes a motion to cancel the 12/12/22-W.S. & 12/21/22-PB Meeting.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.

3. Planning Board to discuss scheduling a site visit for the Capozza-Lightstar Solar Project located at 200 Ridge Rd.

Mr. Astorino: We will "Table" that for now.

4. **Lombardo-Fusco Subdivision** – Letter from Dave Higgins, Lance & Tully Engineering dated 11/28/22 in regards to the Lombardo-Fusco Subdivision – requesting 6-Month Extension on 5th Amended conditional Final Approval of a proposed 9-Lot Cluster subdivision, situated on tax parcel SBL #18-1-31.2; 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. The 5th Amended conditional Final Approval was granted on 6/15/22. *The Applicant is still working on finalizing the conditions of the approval such as; declarations, legal descriptions, bonds, parkland fees, etc...* The 6-Month Extension becomes effective on 12/15/22.

Representing the Applicant: William and Tanya Lombardo

Tanya Lombardo: We just received an email from Joe Scarmato our Attorney.

Mr. McConnell Makes a motion on the Lombardo-Fusco subdivision application, granting 6-Month Extension on 5th Amended conditional Final Approval of a proposed 9-Lot Cluster subdivision, situated on tax parcel SBL #18-1-31.2; parcel located on 22 Taylor Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 6/15/22.

The 6-Month Extension becomes effective on 12/15/22.

Seconded by Mr. Purcell. Motion carried; 3-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.

Mr. McConnell makes a motion to adjourn the December 7, 2022 Planning Board Meeting.

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 0-Nays.