

TOWN OF WARWICK PLANNING BOARD
February 15, 2023

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, February 15, 2023 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:

Dan Doyle

Application for Site Plan Approval and Special Use Permit for the construction and use of the subject property a/k/a ***Snufftown Farm Market***, as a Farm Market greater than 4,000 sq. ft. in size, including a farm brewery as permitted under the NYS Ag & Markets Law upon proper licensing, along with elements and appurtenances shown on the submitted site plan, situated on tax parcel S 17 B 1 L 37.2; parcel located on the western side of Union Corners Road 1200+/- feet south of Town Park Rd adjacent to the Town Park (9, 10 and 11 Fence Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York. At the Planning Board Meeting of 10/19/22, the Planning Board adopted the Negative Declaration and closed the Public Hearing.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Dan Doyle, 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 – 04/14/19 ADA comments within building will be addressed at the time of building department application.
5. OC Planning Department – 05/21/19 advisory for NYSDEC wetlands and farm market permit
6. TW Building Department – several open permits have been closed out.
7. OCDPW – approval letter dated 03/22/22
8. OCDOH – approval letter dated 04/28/21
9. NYSDEC – Article 24 Freshwater wetland buffer permit modification dated 01/06/23
10. NYS OPRHP – letter dated 11/17/16 stating that there will be no impact on archaeological and/or historic resources.

11. ZBA – §164-46.J(3) A buffer strip of 200 feet is required separating a building used for warehousing and wholesaling of farm products, and for retail sale or production of farm and food processing supplies from any residence. ZBA variance was renewed on February 06, 2023; drawings to be updated with new variance language.
12. Provide landscaping within the parking lots, as required by Town Code §164-43.2. Town of Warwick code requires 1 tree and 10 shrubs for every 8 parking spaces. There are 10 trees and 22 shrubs proposed, where there should be 16 trees and 158 shrubs. Requesting waiver.
13. Sheet C-1, Note 27 shall be supplemented to state that if the project would like to have outdoor music, then the project must come back to the Town of Warwick Planning Board for an amended approval.
14. Sheet C-1, General Note 28 shall be supplemented to state that the condensation stack must be installed before issuance of a Certificate of Occupancy.
15. Surveyor to certify that iron rods have been set at all property corners. Requesting waiver.
16. The liber and page for required declarations (Agricultural and Biodiversity Notes) must be added to the plan.
17. Provide a Performance Bond and three-year landscaping bond and associated site inspection fees.
18. Payment of all fees.

The following comment submitted by the Conservation Board:

Dan Doyle – None submitted.

The following comment submitted by the ARB:

Dan Doyle – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: SEQRA has been completed.

Comment #2: Applicant to discuss project.

Dave Getz: There are two things that happened since the public hearing. Mr. Doyle received renewal of his variance that had expired. The DEC has issued an amended wetland permit that was needed do to the change of the driveway.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – 04/14/19 ADA comments within building will be addressed at the time of building department application.

Comment #5: OC Planning Department – 05/21/19 advisory for NYSDEC wetlands and farm market permit

Comment #6: TW Building Department – several open permits have been closed out.

Mr. Astorino: That has been taken care of.

Comment #7: OCDPW – approval letter dated 03/22/22

Mr. Astorino: Laura, do we have that?

Laura Barca: Yes.

Comment #8: OCDOH – approval letter dated 04/28/21

Mr. Astorino: Laura, do we have that?

Laura Barca: Yes.

Comment #9: NYSDEC – Article 24 Freshwater wetland buffer permit modification dated 01/06/23

Laura Barca: We have that.

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

Laura Barca: We have that.

Comment #11: ZBA – §164-46.J(3) A buffer strip of 200 feet is required separating a building used for warehousing and wholesaling of farm products, and for retail sale or production of farm and food processing supplies from any residence. ZBA variance was renewed on February 06, 2023; drawings to be updated with new variance language.

Mr. Astorino: Connie, do we have that?

Connie Sardo: Yes.

Laura Barca: That comment has to remain. They need to add the new language to the drawing.

Mr. Astorino: Ok.

Comment #12: Provide landscaping within the parking lots, as required by Town Code §164-43.2. Town of Warwick code requires 1 tree and 10 shrubs for every 8 parking spaces. There are 10 trees and 22 shrubs proposed, where there should be 16 trees and 158 shrubs.
Requesting waiver.

Mr. Astorino: We discussed this at length numerous times. Is the Board still on the same page for that waiver?

Mr. Bollenbach: The Board was out there. They reviewed it. There is adequate existing screening.

Mr. Astorino: Is the Board ok with that?

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Comment #13: Sheet C-1, Note 27 shall be supplemented to state that if the project would like to have outdoor music, then the project must come back to the Town of Warwick Planning Board for an amended approval.

Dave Getz: Ok. That would be an addition to the note that we have.

Laura Barca: Correct. It is just expanded on the note a little bit.

Dave Getz: Ok.

Comment #14: Sheet C-1, General Note 28 shall be supplemented to state that the condensation stack must be installed before issuance of a Certificate of Occupancy.

Dave Ok.

Laura Barca: That is the same thing. The note is on there saying you would do it. This is just an addition to the note stating that you would do it before the issuance of a Certificate of Occupancy.

Mr. Bollenbach: Regarding Comment #13 and Comment #14, let's add to both of those comments "revise map note".

Mr. McConnell: Ok.

Mr. McConnell: Mr. Chairman, I would like to raise again something that I had raised before. If the Applicant for whatever reason decides not to go through with the brewery at this time, is to require the stack to be in place before they could do anything else and open. It just seems a little backwards to me. I understand the Applicant saying they want to do that. I just want to note again that if something were to happen, we should be open to modifying that.

Mr. Getz: Could we say that issuance of a Certificate of Occupancy for a brewery?

Mr. Astorino: If the Applicant comes in and says they would not be doing a brewery, they would go to the Building Department. They would come to us and say that they don't need it. Then something could come from us. I don't want to get too crazy here to complicate it. The Applicant's intention is to open a brewery.

Dan Doyle: That is right.

Mr. Astorino: I got your point. We are not going to hold you up.

Mr. McConnell: Ok.

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

Mr. Astorino: We had discussed this. Property lines are not changing. I don't think there is an issue.

Mr. McConnell: Has there ever been an issue with the neighbors about property lines?

Dave Getz: No. We are not doing any new work near boundaries.

Mr. McConnell: Ok.

Comment #16: The liber and page for required declarations (Agricultural and Biodiversity Notes) must be added to the plan.

Dave Getz: Ok.

Mr. Bollenbach: Need to add to Comment #16, the Indiana and Long-Eared Bats. Need to have the time of year clearing on the plans.

Dave Getz: Ok.

Comment #17: Provide a Performance Bond and three-year landscaping bond and associated site inspection fees.

Dave Getz: Ok.

Comment #18: Payment of all fees.

Dan Doyle: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? We do have a letter from Ashley Torre, Attorney from Naughton & Torre dated 2/14/23. Her letter stated that she was unable to attend the meeting tonight. She stated in her letter about the noise and odor that they would need to come back before the Planning Board. Her letter was a little more in depth regarding public hearings. Once an Applicant comes back to the Planning Board for an amended approval, they would need to have a public hearing and notify the neighbors.

Mr. Bollenbach: That relates to Comment #13 and Comment #14.

Mr. Astorino: Yes. We have already taken care of that. Our Code already takes care of that. Does the Board or Professionals have anything further?

Mr. Purcell: We had talked about the lighting approximately 1-1/2 years ago. I don't see any mention about lighting going up the driveway for people not to trip and fall.

Dan Doyle: Are you talking about the driveway or in the parking area?

Mr. Purcell: The parking area.

Dave Getz: We do have a lighting plan.

Mr. Purcell: Ok. You do.

Dave Getz: We have even improved some lighting near the entrances.

Mr. Purcell: Ok

Mr. Astorino: Laura, does it meet the Town Code?

Laura Barca: Yes. The comments were all addressed. That is why they are not listed in the comments tonight.

Mr. Astorino: We need a motion from the Board to waive Comment #12 and Comment #15.

Mr. McConnell makes a motion to waive Comment #12, provide landscaping within the parking lots, as required by Town Code §164-43.2. Town of Warwick Code requires 1 tree and 10 shrubs for every 8 parking spaces. There are 10 trees and 22 shrubs proposed, where there should be 16 trees and 158 shrubs. Comment #15, Surveyor to certify that iron rods have been set at all property corners.

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

Mr. Kennedy makes a motion on the Dan Doyle application, granting conditional Site Plan Approval and Special Use Permit for the construction and use of the subject property a/k/a ***Snufftown Farm Market***, as a Farm Market greater than 4,000 sq. ft. in size, including a farm brewery as permitted under the NYS Ag & Markets Law upon proper licensing, along with elements and appurtenances shown on the submitted site plan, situated on tax parcel S 17 B 1 L 37.2; parcel located on the western side of Union Corners Road 1200± feet south of Town Park Road adjacent to the Town Park (9, 10 and 11 Fence Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 19, 2022. Approval is granted subject to the following conditions:

1. OCDPW – approval letter dated 03/22/22
2. OCDOH – approval letter dated 04/28/21
3. NYSDEC – Article 24 Freshwater wetland buffer permit modification dated 01/06/23
4. NYS OPRHP – letter dated 11/17/16 stating that there will be no impact on archaeological and/or historic resources.
5. ZBA – §164-46.J(3) A buffer strip of 200 feet is required separating a building used for warehousing and wholesaling of farm products, and for retail sale or production of farm and food processing supplies from any residence. ZBA variance was renewed on February 06, 2023; drawings to be updated with new variance language.
6. Provide landscaping within the parking lots, as required by Town Code §164-43.2. Town of Warwick code requires 1 tree and 10 shrubs for every 8 parking spaces. There are 10 trees and 22 shrubs proposed, where there should be 16 trees and 158 shrubs. (Waiver Granted).
7. Sheet C-1, Note 27 shall be supplemented to state that if the project would like to have outdoor music, then the project must come back to the Town of Warwick Planning Board for an amended approval. Revise Map Note.
8. Sheet C-1, General Note 28 shall be supplemented to state that the condensation stack must be installed before issuance of a Certificate of Occupancy. Revise Map Note.
9. Surveyor to certify that iron rods have been set at all property corners. (Waiver Granted).
10. The liber and page for required declarations (Agricultural, Indiana and Long-Eared Bat and Biodiversity Notes) must be added to the plan.

11. Provide a Performance Bond and three-year landscaping bond and associated site inspection fees.
12. Payment of all fees.

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

Dan Doyle: Thank you.

Other Considerations:

1. **Saufroy-Cozad Subdivision** – Letter from David Getz, Engineering Properties & Surveying dated 1/18/23 addressed to the Planning Board in regards to the Saufroy-Cozad Subdivision – requesting Re-Approval of conditional Final Approval of a proposed 3-Lot Subdivision, situated on tax parcel SBL #31-2-20.21; parcel located at 25 Denton Lane, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 1/19/22. *The Applicant has stated that they are working on to satisfy the conditions of final approval but needs to time to finalize the surveying and legal requirements.* The Re-Approval of Final Approval becomes effective on 1/19/23, subject to the conditions of Final Approval granted on 1/19/22.

Mr. Astorino: I agree with Mr. Saufroy. I had a conversation with him. He has been trying to get a hold of the Surveyor in the worse way. He is trying to get him out there to do the work.

Mr. MacDonald makes a motion on the Saufroy-Cozad Subdivision, granting “Re-Approval” of final approval for a proposed 3-Lot Subdivision, situated on tax parcel S 31 B 2 L 20.21; parcel located at 25 Denton Lane, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 1/19/22. (See attached)

The Re-Approval of Final Approval becomes effective on 1/19/23.

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

2. Planning Board Minutes of 1/18/23 for PB Approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 1/18/23.

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

3. Planning Board to discuss canceling the 2/20/23-W.S. & 3/1/23-PB Meeting.

Mr. McConnell makes a motion to cancel the 2/20/23-W.S. & 3/1/23-PB Meeting.

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

Correspondences:

Mr. Astorino: I mentioned earlier about the correspondence that we received from Ashley Torre, Attorney dated 2/14/23 regarding the Snufftown Farm Market application. We have that correspondence in our packets and for the record. Connie, do we have any other 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: I don't see under correspondence the thing that we talked about regarding the Jordan Subdivision.

Mr. Astorino: That was emailed to the Board and Professionals.

Mr. McConnell: The Board and Professionals should read it and be aware.

Mr. Astorino: Connie, please could you re-email that to everyone?

Connie Sardo: Yes.

Mr. Bollenbach: We had discussed that there was a Stipulation of Settlement on violations back in the year 2007.

Mr. Astorino: They have a few issues there.

Mr. McConnell: I thought that when this application came before us again, I thought it was resolved. Why are there still 2 houses on the property?

Mr. MacDonald: Are we talking about houses or a lot of dwellings?

Mr. Astorino: There are a lot of dwellings on the Jordan property.

Mr. McConnell: Ok. Thank you.

Mr. McConnell makes a motion to adjourn the February 15, 2023 Planning Board Meeting.

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