

TOWN OF WARWICK PLANNING BOARD

April 5, 2023

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, April 5, 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.

PUBLIC HEARING OF Cerref LLC

Application for Site Plan Approval and Special Use Permit for the construction and use of the subject property, *Cerref LLC* of an expansion to an existing 7,550 s.f. commercial building whereas they propose to add an 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, County of Orange, State of New York.

Representing the Applicant: Dan Getz from Engineering Properties & Surveying. Lee Ferrec, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Cerref LLC 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. TW Building Department – 11/30/22 open shed permit and fire inspection required.
6. OC Planning Department – 12/05/22 no advisory comments
7. OCDPW – 03/10/23 approval letter with two minor comments

8. §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. Landscape waiver requested.
9. 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.” Note is shown on Sheet C-2.
10. Surveyor to certify that iron rods have been set at all property corners. Waiver requested.
11. The liber and page for the Aquifer Notes must be added to the plan.
12. 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. Astorino: We would like to welcome Meagen Stone our new Town Planner to the Planning Board.

Meagen Stone: The Planning Board had declared this as a Type 2 Action on this application on December 7, 2022. SEQRA has been completed.

Comment #2: Applicant to discuss project.

Dan Getz: This is an existing building in the Pine Island area. It has an existing manufacturing operation called Rylex Custom Cabinetry and closets. There is also a golf studio. What is proposed is a 10% increase in the size of the building in the area of where there are currently outdoor patios to be enclosed to be part of the building as showroom and storage.

Mr. Showalter: That is located in the front where the showroom is presently. It looks like at one time that might have been a loading doc.

Lee Ferrec: Correct.

Mr. Showalter: You are looking to expand the building out.

Lee Ferrec: Correct.

Mr. Astorino: You already have a roof on it. Is that correct?

Lee Ferrec: Yes.

Mr. Astorino: Ok.

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.

Mr. Astorino: Did you take care of that through the Building Department?

Lee Ferrec: Yes.

Mr. Bollenbach: Let's leave Comment #5 to confirm with the Building Department.

Comment #6: OC Planning Department – 12/05/22 no advisory comments

Comment #7: OCDPW – 03/10/23 approval letter with two minor comments

Mr. Astorino: Laura, is there anything that stands out?

Laura Barca: No.

Comment #8: §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. Landscape waiver requested.

Mr. Astorino: A few of us Board members went out to the site. I believe that any landscaping is not required nor is there a place to put it.

Mr. McConnell: Right.

Mr. Astorino: Is the Board in a consensus that the landscaping is not warranted.

Mr. Showalter: I agree that landscaping is not warranted.

Mr. Purcell: I agree.

Mr. McConnell: I concur.

Comment #9: 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." Note is shown on Sheet C-2.

Dan Getz: In the Note on Sheet C-2, it states the proposed addition. We are currently using the rest of the building.

Mr. Astorino: Right.

Comment #10: Surveyor to certify that iron rods have been set at all property corners. Waiver requested.

Mr. Astorino: You are not changing anything. That would be fine.

Comment #11: The liber and page for the Aquifer Notes must be added to the plan.

Dan Getz: Yes.

Comment #12: Payment of all fees.

Lee Ferrec: Understood.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns? Let the record show no comment from the Planning Board and Professionals. This is a public hearing. If there is anyone in the audience wishing to address the Cerref LLC 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. Showalter. Motion carried; 5-Ayes and 0-Nays.

Mr. McConnell makes a motion to waive Comment #8, Landscaping requirements and Comment #10, Surveyor to certify that iron rods have been set at all property corners.

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

Mr. Showalter makes a motion on the Cerref LLC application, granting Site Plan Approval and Special Use Permit for the construction and use of the subject property, **Cerref LLC** of an expansion to an existing 7,550 s.f. commercial building whereas they propose to add an 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, 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 – 11/30/22 open shed permit and fire inspection required.
2. OCDPW – 03/10/23 approval letter with two minor comments
3. §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. Landscape waiver requested. (Waived).
4. 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.” Note is shown on Sheet C-2.
5. Surveyor to certify that iron rods have been set at all property corners. Waiver requested. (Waived)
6. The liber and page for the Aquifer Notes must be added to the plan.
7. Payment of all fees.

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

Dan Getz: Thank you.

Review of Submitted Maps:***St. Stanislaus R.C. Church/Philip Hamling/Constantine & Doris Morgiewicz Trustee***

Applications for Sketch Plat Review and Final Approval of a proposed 3-Lot Lot Line Change; situated on tax parcels S 13 B 1 L 17, S 13 B 1 L 1.4 and S 13 B 1 L 1.1; parcels located on the northern side of C.R. 1, 570 feet west of Pulaski Hwy., in the SL/LB zones, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Stephen Mandracchia, Attorney. Vince Poloniak, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending
6. OCDPW – 04/05/23 no further review or approval is needed
7. TW Building Department – 03/06/23 13-1-1.1 no violations, 13-1-1.4 open permit #31301 for addition (valid until 06/17/23), 13-1-17, expired permit for handicapped ramp and needs fire inspection
8. Planning Board to determine if a site inspection is necessary.
9. Applicant to show square rule §137-21.K(1). (Applicant is requesting a waiver.)
10. Applicant to show buildable area §137-21.A. (Applicant is requesting a waiver.)
11. Town of Warwick Standard Notes must be added to the plan: Overlay Protection Districts, Signature Block, utilities, limit of disturbance (no land disturbance proposed), lighting, Agricultural Notes, Aquifer Notes, and any others that are applicable.
12. 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.”
13. Surveyor to certify that iron rods have been set at all property corners.
14. Surveyor to sign and seal drawing.
15. Submit documentation that easement over parcel 13-1-1.4 has been extinguished.
16. Payment of all fees.

The following comment submitted by the Conservation Board:

St. Stanislaus R.C. Church/Philip Hamling/Constantine & Doris Morgiewicz Trustee – None submitted.

The following comment submitted by the ARB:

Comment #1: Planning Board to discuss SEQRA.

Meagen Stone: The Planning Board has been reviewing this application with the short EAF that the Applicant has provided. This application is for a proposed lot line change. There is no construction proposed. The Planning Board has classified this as a Type 2 Action. SEQRA review is not necessary. I have prepared a draft Resolution for the Type 2 Action for the Planning Board's consideration.

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

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

617.6

State Environmental Quality Review (SEQR)

***DRAFT* Resolution**

Type II Action

Name of Action: Stanislaus Lot Line Revision Application

Whereas, the Town of Warwick Planning Board is in receipt of an application for review and approval of a Lot Line Revision approval by Saint Stanislaus Roman Catholic Church for conveyance of portions of parcels between Tax Parcels Section 13, Block 1, Lot 17; and Lots 1.4 and 1.1 , located at 17 Pulaski Highway, Pine Island, Town of Warwick, Orange County , New York; and

Whereas, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Lot Line Change for Philip Hamling, Morgiewicz Living Trust, and S.t Stanislaus Roman Catholic Church, prepared by John Nelting, Land Surveyor, John Robert Nelting Surveying and Mapping, PLLC showing conveyance of portions of parcels as described above, and no construction is proposed;

Whereas, in consideration of the applicant's request for approval of the Lot Line Revision, after comparing the thresholds contained in 6 NYCRR 617.4 and .5 of New York State Environmental Quality Review Act (SEQRA) regulations, the Planning Board has determined that the proposed action is a Type II Action under

the New York State Environmental Quality Review Act (SEQRA) regulations section 617.5, subsection (c)(16); and, therefore, SEQR does not apply.

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

Comment #2: Applicant to discuss project.

Stephen Mandracchia: This is a two-part application. It is a sketch subdivision application and a minor subdivision application. They are seeking to allow the donation of certain lands owned to St. Stanislaus R.C. Church. St. Stanislaus is the owner of the cemetery, which is adjoined by property owned by Philip Hamling and by property owned by Morgiewicz Trust. The access to the cemetery is obtained through the office of the CYO by the driveway, which actually encroaches on the Hamling property and the Morgiewicz Trust property. The property which is involved here also serves as a leach field for servicing the CYO field. Philip Hamling proposes to donate a portion of his land that is being encroached upon. The Morgiewicz Trust proposes to donate a portion of his land as well to consolidate that portion. Then the Morgiewicz Trust is proposing to donate a portion of his land to Philip Hamling to consolidate his property. The way it is situated from the recent deeds, there is a strip of land that is associated with the Morgiewicz property which is only accessible by virtue of an easement across the Hamling's property. The idea of this lot line change application is to consolidate this portion with the church. Mr. Hamling's parcel would be consolidated. That portion would go away to the Morgiewicz property and the easement would go away.

Mr. MacDonald: In essence, is this a land swap?

Stephen Mandracchia: Yes.

Mr. Astorino: They are cleaning it up.

Mr. Showalter: It makes great sense.

Stephen Mandracchia: We are cleaning up the encroachments.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending

Mr. Bollenbach: We can strike Comment #5.

Mr. Astorino: Yes. We will strike Comment #5.

Comment #6: OCDPW – 04/05/23 no further review or approval is needed

Comment #7: TW Building Department – 03/06/23 13-1-1.1 no violations, 13-1-1.4 open permit #31301 for addition (valid until 06/17/23), 13-1-17, expired permit for handicapped ramp and needs fire inspection

Mr. Astorino: You would need to contact the Building Department.

Stephen Mandracchia: I don't know what applicably that has to do with this?

Mr. Bollenbach: You will need to take care of that through the Building Department.

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

Mr. Astorino: We don't need to do a site visit. We could strike Comment #8.

Comment #9: Applicant to show square rule §137-21.K(1). (Applicant is requesting a waiver.)

Mr. Astorino: A waiver on that would make sense. They are not building anything.

Comment #10: Applicant to show buildable area §137-21.A. (Applicant is requesting a waiver.)

Mr. Astorino: A waiver on that would also make sense. They are not building anything.

Comment #11: Town of Warwick Standard Notes must be added to the plan: Overlay Protection Districts, Signature Block, utilities, limit of disturbance (no land disturbance proposed), lighting, Agricultural Notes, Aquifer Notes, and any others that are applicable.

Mr. Bollenbach: Just put a note on the plan. I don't think a declaration is relevant. We will add to Comment #11, any notes applicable to the Planning Board Engineer's specifications.

Comment #12: 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."

Mr. Astorino: That is just a standard note.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

Stephen Mandracchia: Will do.

Comment #14: Surveyor to sign and seal drawing.

Stephen Mandracchia: Yes.

Comment #15: Submit documentation that easement over parcel 13-1-1.4 has been extinguished.

Stephen Mandracchia: Yes. There would be 3 deeds created.

Mr. Bollenbach: Please give us copies of all the recorded deeds. We need those deeds before the final maps could be signed.

Stephen Mandracchia: Will do.

Comment #16: Payment of all fees.

Stephen Mandracchia: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns. Let the record show no comments from the Board and Professionals.

Mr. Bollenbach: Does the Applicant wish to waive the Final Public Hearing?

Stephen Mandracchia: Yes.

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

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

Mr. Showalter makes a motion to waive Comment #9, square rule and Comment #10 buildable area.

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

Mr. Showalter makes a motion on the St. Stanislaus/Philip Hamling/Constantine & Doris Morgiewicz Trust application, granting conditional Final Approval of a proposed 3-Lot Lot Line Change, situated on tax parcels S 13 B 1 L 17, S 13 B 1 L 1.4 and S 13 B 1 L 1.1; parcels located on the northern side of C.R. 1 570 feet west of Pulaski Hwy., in the SL/LB zones of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on April 5, 2023. Approval is granted subject to the following conditions:

1. TW Building Department – 03/06/23 13-1-1.1 no violations, 13-1-1.4 open permit #31301 for addition (valid until 06/17/23), 13-1-17, expired permit for handicapped ramp and needs fire inspection.
2. Applicant to show square rule §137-21.K(1). (Applicant is requesting a waiver.) (Waived)
3. Applicant to show buildable area §137-21.A. (Applicant is requesting a waiver.) (Waived)
4. Town of Warwick Standard Notes must be added to the plan: Overlay Protection Districts, Signature Block, utilities, limit of disturbance (no land disturbance proposed), lighting, Agricultural Notes, Aquifer Notes, and any others that are applicable. To the Planning Board Engineer's Specifications.
5. 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."
6. Surveyor to certify that iron rods have been set at all property corners.
7. Surveyor to sign and seal drawing.
8. Submit documentation that easement over parcel 13-1-1.4 has been extinguished.
9. Payment of all fees.

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

Stephen Mandracchia: Thank you.

Vince Poloniak: Thank you.

Other Considerations:

1. Planning Board Minutes of 2/15/23 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 2/15/23.

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

2. **Warwick Isle Corp.** – Received Letter from Kirk Rother, P.E. dated 3/20/23 received letter on 4/3/23 addressed to the Planning Board in regards to the Warwick Isle Subdivision, Section I - requesting 12th “Re-Approval of Final Approval for Section I (7-Lot Cluster Subdivision) including Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster subdivision into sections, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritt's Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval for Section I (7-Lots) granted on 4/6/11. *The Applicant and its attorneys are currently working on satisfying the conditions of Final Approval with the Planning Board and Town Board.* The 12th Re-Approval of Final Approval for Section I (7-Lots) becomes effective on 4/6/23; subject to the conditions of Final Approval granted on 4/6/11.

Mr. Astorino: Kirk had reached out to me. He could not be here this evening.

Mr. Bollenbach: I have been working with their Attorney, Rudolph Zoda on this. The Town Board had recently accepted the dedication of 2 road strips on Merritt's Island Road. I don't know if it has been filed yet. It is in progress. The other item is that the Town Board had accepted the Irrevocable Offer of Dedication for Warwick Isle Blvd., Section I. There are also different easements involved with the project. They have already been approved. They are in the process of being recorded. The one primary outstanding item is the Drainage District for the Town Board to consider. We have descriptions of the infrastructure. We are waiting for a Drainage Management Plan from Rother Engineering. Once we get that entire package together, then the Town Board would accept it as one unit with all of the easements.

Mr. McConnell: Does the Town Board have to do anything about the Affordable Housing?

Mr. Bollenbach: The Town Board has already accepted the Affordable Housing Marketing Plan.

Mr. Astorino: It sounds like they are working on it.

Mr. Bollenbach: Yes. They are working on it.

Mr. McConnell makes a motion on the Warwick Isle Corp., application, granting 12th Re-Approval of Final Approval for Section I (7-Lot Cluster Subdivision) including a Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster subdivision into sections (VOTE 5-0-0), situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1,

The 12th Re-Approval of Final Approval for Section I (7-Lots) becomes effective on 4/6/23; subject to the conditions of Final Approval granted on 4/6/11.

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

3. Planning Board to discuss canceling the 4/10/23-W.S. & 4/19/23-PB Meeting.

Mr. McConnell makes a motion to cancel the 3/10/23-W.S. & 4/19/23-PB Meeting.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the April 5, 2023 Planning Board Meeting.

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