

TOWN OF WARWICK PLANNING BOARD

July 19, 2023

Members present: Roger Showalter, Vice-Chairman  
Dennis McConnell, Bo Kennedy,  
John MacDonald, Rich Purcell, Alt.  
Laura Barca, HDR Engineering  
Liz Axelson, 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, July 19, 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 Charles Brown**

Application for Final Approval of a proposed 3-Lot Subdivision + Lot Line Change (MINOR), situated on tax parcels S 33 B 1 L 4.4 and 4.51; parcels located on the eastern side of Belcher Road 700 feet north of Demarest Road (75 Belcher Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

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

Connie Sardo: Mr. Vice-Chairman, we have received the certified mailings for the Brown public hearing.

Mr. Showalter: 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 – 06/13/22 possible habitat for Indiana Bat
6. TW Building Department – 06/09/22 no violations
7. NYS Office of Parks, Recreation, and Historic Preservation letter must be submitted.
8. Planning Board to determine if a site inspection is necessary.
9. Sheet S-2, the existing and proposed lot lines should have metes and bounds shown.
10. The Plat needs to have the signature and seal of the project surveyor.
11. Applicant to provide a SWPPP/notes in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements. §164-47.10E(1)(c).
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.” Sheet C-101, Note 12
13. Surveyor to certify that iron rods have been set at all property corners.
14. Applicant to add time of year clearing notes for the Indiana and Long Eared Bats.
15. The liber and page for the Agricultural and Ridgeline notes must be added to the plan.
16. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
17. Payment of all fees.

The following comment submitted by the Conservation Board:

Charles Brown – None submitted.

The following comment submitted by the ARB:

Charles Brown – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I have reviewed the Planning Board application under SEQRA. It is classified as an Unlisted Action. I have prepared a draft Negative Declaration for the Planning Board's consideration. Would the Board like me to paraphrase the Resolution and go through it?

Mr. Showalter: No. Do any Board members have any questions on the draft Negative Declaration. Let the record show no comment from the Board.

Comment #2: Applicant to discuss project.

Dave Getz: Looking at the map, there are 2 existing tax lots. The lot on the right-hand side includes the existing Veterinarian office which also has a residence in it. In the back there is a barn. There is a property line located here and a second property line located over there on the map that would be delated as part of his action. The story is of the 2 lots we are requesting approval for 3 lots where the first lot, Lot 1 would include the Vet office and the barn. The other 2 proposed lots would be used for a new single-family home. Each of the lots are approximately a little more than 4 acres. We meet the zoning requirements. We would not

need any variances or waivers. The Planning Board had done a site visit tonight before the meeting. That is about it.

Mr. Showalter: Do any Board members or Professionals have any comments or concerns? Let the record show no comment from the Board or Professionals.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06/13/22 possible habitat for Indiana Bat

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

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

Dave Getz: That SHPO letter has been submitted.

Laura Barca: Yes. It was submitted.

Dave Getz: The letter stated that there are no impacts.

Liz Axelson: Yes. The letter is dated July 7, 2023.

Mr. Bollenbach: We could strike Comment #7.

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

Laura Barca: We looked primarily at the house locations and the driveway cut locations. There weren't really any questions. It is pretty much a flat area.

Dave Getz: Right. There is a little bit of clearing needed closer to the road for the new driveways. There would be very little grading needed near the house sites.

Mr. Showalter: Ok. Laura, are you happy with that?

Laura Barca: Yes.

Comment #9: Sheet S-2, the existing and proposed lot lines should have metes and bounds shown.

Dave Getz: Will do.

Comment #10: The Plat needs to have the signature and seal of the project surveyor.

Dave Getz: Ok.

Comment #11: Applicant to provide a SWPPP/notes in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements. §164-47.10E(1)(c).

Dave Getz: Ok.

Laura Barca: What that means is when they had done their stormwater erosion control everything is on the plans. They would just need to add that one piece which is the sequencing of the events.

Dave Getz: Ok.

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.” Sheet C-101, Note 12

Dave Getz: We do have that note on the plan.

Laura Barca: It is on Sheet C-101, Note 12.

Mr. Bollenbach: We could strike Comment #12.

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

Dave Getz: Ok.

Comment #14: Applicant to add time of year clearing notes for the Indiana and Long Eared Bats.

Dave Getz: Ok.

Comment #15: The liber and page for the Agricultural and Ridgeline notes must be added to the plan.

Dave Getz: Ok.

Mr. Bollenbach: We would need to add to Comment #15, sight distance triangle clearing.

Comment #16: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Dave Getz: Ok. That would be for one lot.

Comment #17: Payment of all fees.

Charles Brown: Ok.

Mr. Showalter: Do any Board members or Professionals have any comments or concerns? This is a public hearing. If there is anyone in the audience wishing to address the Charles Brown subdivision 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. MacDonald. Motion carried; 5-Ayes and 0-Nays.

Mr. McConnell makes a motion for the Negative Declaration.

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

**617.6**

**State Environmental Quality Review (SEQR)  
DRAFT Resolution of SEQRA Determination of Non-Significance (Negative  
Declaration)**

**Name of Action: Brown/75 Belcher Subdivision**

**Whereas**, the Town of Warwick Planning Board has received an application from Dr. Charles Brown for approval of a 3-lot subdivision of a 12.1-acre parcel of land located at 75 Belcher Road, in the Town of Warwick, Orange County, New York (tax parcel identification numbers 33-1-4.4 and 33-1-4.51); and

**Whereas**, the project is depicted on site plans, prepared by Engineering & Surveying Properties, dated May 25, 2022, last revised June 27, 2023; and a Short EAF, dated May 20, 2022 and other materials were submitted in support of the application as listed in the review memorandums prepared by the Planning Board's engineering consultant; and

**Whereas**, at its regular meeting on June 15, 2022, the Planning Board initiated the New York State Environmental Quality Review Act ("SEQRA") review of the proposed action including the following steps:

- classified the proposed project as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5; and
- determined that there are no other involved agencies and declared itself Lead Agency for the review of this action;

**Now Therefore Be It Resolved**, that the Town of Warwick Planning Board, as Lead Agency under SEQRA, hereby makes a Determination of Non-Significance (Negative Declaration) indicating that the proposed action will not result in any significant adverse environmental impacts and that an environmental impact statement will not be required based on the supportive reasoning set forth below and in Short Environmental Assessment Form Parts 2 and 3 attached hereto:

1. The proposed development is consistent with the requirements in the RU (Rural) and Ridgeline Overlay and Agricultural Protection Overlay zoning districts;

2. The subdivision design avoids an online wetland and house siting, and driveway layouts align with the site topography;
3. A July 7, 2023 letter from the New York State Office of Parks Recreation and Historic Preservation aka NYS OPRHP or SHPO indicates the “no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project”;
4. No moderate or large impacts were noted in Short EAF Part 2.

Mr. Kennedy makes a motion on the Charles Brown 3-Lot Subdivision application, granting conditional Final Approval of a proposed 3-Lot Subdivision + Lot Line Change, situated on tax parcels S 33 B 1 L 4.4 and 4.51; parcels located on the eastern side of Belcher Road 700± feet north of Demarest Road (75 Belcher Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on July 19, 2023. Approval is granted subject to the following conditions:

1. Sheet S-2, the existing and proposed lot lines should have metes and bounds shown.
2. The Plat needs to have the signature and seal of the project surveyor.
3. Applicant to provide a SWPPP/notes in accordance with NYSDEC GP-0-20-001 and Town of Warwick requirements. §164-47.10E(1)(c).
4. Surveyor to certify that iron rods have been set at all property corners.
5. Applicant to add time of year clearing notes for the Indiana and Long Eared Bats.
6. The liber and page for the Agricultural and Ridgeline and Maintenance of Clearing Site Distance Triangles notes must be added to the plan.
7. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
8. Payment of all fees

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

Dave Getz: Thank you.

**Review of Submitted Maps:*****Keri Dawson Trustee Lot Line Change***

Application for Sketch Plat Review and Final Approval of a proposed lot line change, situated on tax parcels S 7 B 2 L 75.2 and 75.3; parcels located on the western side of Union Corners Road, 2,600 feet north of Spanktown Road (557 & 537 Union Corners Rd.), 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. Bill Dawson, 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 – does not require referral per planning board secretary
6. TW Building Department – pending
7. Planning Board to determine if a site inspection is necessary.
8. The two lots should be called out as Proposed Lot 1 (existing) and Proposed Lot 2.
9. The Agricultural Notes must be added to the plan.
10. The slope of the driveway shown on Proposed Lot 2 (future home) should be confirmed.
11. Provide a map note stating that “No construction of proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permit have been obtained.” Sheet C-100, note 11
12. Surveyor to certify that iron rods have been set at all property corners.
13. Surveyor to sign and seal drawing.
14. The liber and page for the Agricultural notes must be added to the plan.
15. Payment of all fees.

The following comment submitted by the Conservation Board:

Keri Dawson Trustee, Lot Line Change – None submitted.

The following comment submitted by the ARB:

Keri Dawson Trustee, Lot Line Change - None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I have prepared a draft Resolution for Type 2 Action for the Planning Board’s consideration. There is no other SEQRA review required. There is no land development. It is a lot line change.

Comment #2: Applicant to discuss project.

Dave Getz: The Dawson family owns two side by side lots located on Union Corners Road. They have a house on one side on Lot #75.3. The adjacent lot is vacant which is Lot #75.2. The action would transfer 2 slivers of land in the middle of the site. We would take them from the vacant lot and add them to Lot #75.3. The new property would line up along the stonewall. It would go behind their house. The property seems like to be their back yard but technically the existing property line puts it on the other side. We see it as a case by just cleaning it up to make both lots better. There is no construction proposed. There would be no ground disturbance.

Mr. Bollenbach: There is no construction proposed?

Dave Getz: No construction.

Mr. Bollenbach: There is a note on the map that states proposed location for dwelling, driveway and sewage system.

Dave Getz: Yes.

Mr. Bollenbach: Has that already been installed?

Dave Getz: No. The lot line doesn't require any construction. Lot #75.2 was previously engineered. We showed those previously approved amenities features on that site just to demonstrate that the lot line change won't affect the well and septic or anything. Maybe, I am wrong by saying there is no ground disturbance.

Mr. Bollenbach: There is something proposed.

Liz Axelson: Weren't these lots existing?

Mr. Showalter: I don't remember discussing this at the Work Session.

Mr. Bollenbach: On the map, it states a proposed house. I didn't realize that it was proposed.

Mr. MacDonald: Was that a proposal from the previous owner?

Bill Dawson: It was the previous owner.

Dave Getz: Mr. Ryan was a previous owner. We just showed those improved locations on the map.

Liz Axelson: I guess that I understood it as 2 lots and one had a house on it already and the other one had a proposed dwelling.

Dave Getz: Yes. That is right.

Liz Axelson: It was from a prior subdivision.



Laura Barca: John, does that mean this application would require a public hearing?

Mr. Bollenbach: Construction is proposed. That is one of the criteria.

Laura Barca: It is proposed at some future date.

Mr. Bollenbach: Yes.

Mr. MacDonald: I don't think they have anything proposed on their application. Isn't that what that means?

Mr. Showalter: We were not aware of anything when we had the Work Session.

Dave Getz: When you do a lot line change, I think it is important to show that the lots are buildable. In this case, we show it as buildable because it was previously tested, witnessed and designed.

Mr. MacDonald: Could we change the proposed to something else?

Mr. Bollenbach: The existing?

Mr. MacDonald: Yes.

Mr. McConnell: John, could Mr. Dawson go to the Building Department today based upon the previous engineering, etc... and draw up a building permit?

Mr. Bollenbach: Yes.

Mr. McConnell: He wouldn't need to do anything further?

Mr. Bollenbach: No.

Mr. McConnell: It does seem that it is proposed but not soon. That is what you are telling us.

Dave Getz: Right.

Mr. McConnell: But it had been proposed. We have kind of is neither fish nor fowl. That is what it sounds like. John, you are going to have to figure out how to deal with that.

Mr. Bollenbach: Set them for a public hearing.

Liz Axelson: Was this approved at some point?

Dave Getz: It was approved in the year 2022 for Mr. Ryan who was the owner at the time.

Mr. MacDonald: All of this stuff existed on paper?

Liz Axelson: Was the plat signed?

Dave Getz: It wasn't a subdivision.

Mr. Bollenbach: It is a subdivision. It will require a public hearing.

Laura Barca: What John is saying is that if a future home is proposed, it would need to have a public hearing.

Mr. Showalter: Yes.

Mr. McConnell: If the reason for the lot line change today is to just try to clean this up, would there be any harm or problem to you to withdraw this lot line change request until such time you might want to have the second lot built or sell it as a buildable lot? You have a buildable lot there now.

Dave Getz: He wants to sell the other lot.

Bill Dawson: If I sell the other lot before we clean the line up, someone could build right behind my house.

Mr. Kennedy: You could sell it as subject to.

Mr. McConnell: Yes, you could sell it as subject to the lot line change. The lot line change itself is not a difficult process.

Dave Getz: I think it would just be easier to move forward and have a public hearing.

Mr. Bollenbach: Yes. Move forward and have the public hearing. It is a subdivision. That is why a public hearing is required. If there was no construction proposed, it would be up to the Board's discretion to have the public hearing waived.

Laura Barca: John is correct. If there is future construction there, you should not waive the public hearing.

Mr. McConnell: I agree. I would make a motion to "Table" this until we get a clearer understanding of the pathway out of this dilemma.

Dave Getz: No. He wants to put Lot #75.2 on the market. But he wants to do it with the new configuration. He doesn't want to sell part of his backyard to some new person. He wants to clean this up then sell the remaining property. He has control of both lots now. That is the reason why you would want the second lot so he could do this.

Mr. McConnell: Right.

Mr. Bollenbach: Let us go through the rest of these comments tonight.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – does not require referral per planning board secretary

Comment #6: TW Building Department – pending

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

Mr. Showalter: Let the record show that the Board feels a site visit is not necessary.

Comment #8: The two lots should be called out as Proposed Lot 1 (existing) and Proposed Lot 2.

Dave Getz: Ok.

Comment #9: The Agricultural Notes must be added to the plan.

Dave Getz: Ok.

Comment #10: The slope of the driveway shown on Proposed Lot 2 (future home) should be confirmed.

Dave Getz: Ok.

Comment #11: Provide a map note stating that “No construction of proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permit have been obtained.” Sheet C-100, note 11

Dave Getz: Ok.

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

Dave Getz: Will do.

Comment #13: Surveyor to sign and seal drawing.

Dave Getz: Ok.

Comment #14: The liber and page for the Agricultural notes must be added to the plan.

Dave Getz: Ok.

Comment #15: Payment of all fees.

Dave Getz: Ok.

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

Dave Getz: Yes.

**Mr. Kennedy makes a motion to set the Keri Dawson Trustee, lot line change application for a Final Public Hearing at the next available agenda.**

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

Dave Getz: What is your schedule for the August meeting.

Connie Sardo: The next Work Session would be August 7, 2023. You could email me a letter requesting to be on that agenda.

Dave Getz: Ok. Will do. Thank you.

Liz Axelson: I am going to check the Code and recheck SEQRA to see if this needs to be something other than a Type 2 Action. I will double check.

Dave Getz: Ok. Thank you.

***Schluter-Curti (69 Chancellor Lane Solar Project***

Application for Site Plan Approval and Special Use Permit for the construction and use of a 5.0 MW AC ground mounted community scale solar array, situated on tax parcel S 46 B 1 L 12; parcel located on the southern side of Chancellor Lane 300 feet south of Chancellor Lane (69 Chancellor Lane), in the RU zone, of the Town of Warwick.

Representing the Applicant: Steve Long from Sol Source. Tyler Garrity from Creighton Manning.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I did express to the Board at the Workshop that I had concerns about moving forward with SEQRA. There is additional information that the Applicant needs to provide to the Planning Board. When the Planning Board circulates to the other Agencies, I believe it would be helpful to other agencies to have more information rather than less. I know that the Board wanted to deem this application as a Type I Action under SEQRA. I have prepared a draft Resolution for the Type I Action for the Planning Board's consideration.

Mr. Kennedy makes a motion for the Type I Action.

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

**617.6****State Environmental Quality Review (SEQR)****Resolution****Type 1 Action**

**Name of Action:** Schluter-Curti (Chancellor Lane Solar LLC) Solar Site Plan and Special Use Permit Application

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for review and approval of a Site Plan and Special Use Permit (SUP) by Chancellor Lane Solar LLC for the development of a 18.35-acre portion of a 142-acre tax parcel, Section 46, Block 1, Lot 12, to construct a commercial large-scale solar energy system (5 megawatt [5 MW]) including a solar array, utility connections, and access driveways and other improvements, involving 24.4 acres of land disturbance, located at 69 Chancellor Lane, Town of Warwick, Orange County , New York; and

**Whereas**, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Chancellor Lane Solar Array, prepared by Creighton Manning Engineering LLP, showing a site plan proposing the development of a portion of the 142-acre site, as described above for use as a commercial large-scale solar energy system; and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, specifically subsections 617.4 (b)(6)(i) the Planning Board has determined that the proposed project is a Type 1 Action under SEQR, and further information is needed for continued review of the application;

**Now Therefore Be It Resolved**, that the Town of Warwick Planning Board hereby declares that that the proposed project is a Type 1 under SEQR; and **Be It Further Resolved**, that the Town of Warwick Planning Board hereby declares its intent to serve as Lead Agency in the review of the application under SEQR;

**Be It Further Resolved**, that the Town of Warwick Planning Board hereby authorizes the circulation of this resolution and project information to the following Involved and Interested Agencies and other agencies to inform them of the SEQR review of the proposed action:

- United States Army Corps of Engineers;
- New York State Department of Environmental Conservation; and
- Orange County Department of Planning.

Comment #2: Applicant to discuss project.

Steve Long: I am from Sol Source. I am the developer of the project. I have been working with Bob Schluter mostly on this project to get the lease agreement and option agreement signed and start working on diligence with the project. We have done the wetlands. We have worked with an Archeologist to start working on the SHPO portion of this. We have done that research. We had a full survey done. We have also met with Orange & Rockland Utilities to determine if this is a viable project that we could interconnect to. We can on the lines. There is a distribution and transmission line on the property. We are going to connect into the distribution line. We are working with O&R Utilities on that matter. Once we have all of those constraints, we work with Creighton Manning to develop our site. I will have Tyler Garrity give you an overview of the site.

Tyler Garrity of Creighton Manning explains the project. Looking at the map that has the blue squares on it, he explains where the driveway on the owner's property comes up across the railroad tracks and the stream. The house is situated in the back of the property. On the map, there are already existing solar panels located on the property. He shows where the proposed solar panels are to be located. It would be located in the rectangular shape part of the property with one access point off the existing driveway. Located on the map are the interconnection lines that Steve just explained. The tree clearing would be minimal. There

are some tree rows. It is mostly open field. There are slopes on the property that range quite a bit. Where the proposed solar panels are to be located is within mostly the flat area of the property. The equipment pads would be situated up front. We have some stormwater swales conveyed to the back towards the lower elevations.

Mr. Bollenbach: How about the regrading? Would it be minimal?

Tyler Garrity: Yes. The regrading would be just for the road.

Mr. MacDonald: I have a question regarding the array. In the array itself, is it on the panels and the bracketing?

Tyler Garrity: The invertors would be mounted to the brackets. They would be off the ground.

Mr. MacDonald: Ok.

Mr. Bollenbach: Regarding the comments this evening, are there any comments you would like to discuss?

Tyler Garrity: There was a comment regarding the geotechnical testing. We actually do those tests after the approval. It is an expensive process. We like to do it after the approval for that. We incorporate what we find into the building documents.

Larua Barca: This list of comments is a comprehensive list of everything you would need to do before you receive Planning Board approval.

Tyler Garrity: Ok.

Laura Barca: You can do it in any order you want. When you are in front of the Planning Board, HDR lays all of this out as much as we can right from the beginning. It keeps everybody on track as to what has been done or not done. When you receive your conditional Planning Board approval, you would have to satisfy whatever those remaining conditions of approval are. By the time you go to the Building Department, you are going to say here are all of the documents. They have been done already. Then you would proceed with obtaining a building permit through the Building Department.

Mr. McConnell: The only question that I have is something that I have read that I don't know what the basis of this comment was. It raises a question in my mind. It was someone that was upset that described this was going to destroy a wetland forest. Does that language mean anything to you?

Tyler Garrity: We are not doing anything in the wetland. This is an upland forest.

Mr. Bollenbach: Dennis, what you are asking pertains to the Lake Station Road project. It does not pertain to this application.

Mr. McConnell: I apologize. It wasn't a comment that involved your project. I am sure we would be doing a site visit for this project.

Tyler Garrity: Regarding doing a site visit, would you schedule that now or later?

Mr. Showalter: We would schedule it later.

Tyler Garrity: Ok.

Mr. Showalter: You are not ready for that now. You have ways to go.

Tyler Garrity: Ok.

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

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06-14-23 advisory comments on Ag Soils, emergency services (long driveway), endangered species, fencing requirements, herbicides needed, Ag integration, stormwater concerns

Comment #6: TW Building Department – pending

Comment #7: PB to determine if a site inspection is desired. The PB may request that markers as tall as the proposed panels be located to show the height and locations of the panels.

Mr. Showalter: We have done that before with another solar farm.

Mr. Bollenbach: Laura, are there any other comments here tonight that need to be specifically addressed? Does the Applicant have any questions on these comments?

Laura Barca: No.

Tyler Garrity: No.

Mr. Bollenbach: We could list the rest of the comments for the record.

Mr. Showalter: We will list Comment #8 through Comment #71 for the record. We will also list Liz Axelson CPL Memo, dated July 19, 2023 for the record.

Tyler Garrity: Thank you.

Steve Long: Thank you.

Mr. Purcell: When we schedule a site visit, could you be at the site visit?



Tyler Garrity: Yes.

Mr. Purcell: There will be many questions that I will want to ask you at the site visit. We are an agricultural community. That comes first.

Tyler Garrity: We will be there.

Mr. Purcell: Thank you. We would appreciate that.

Comment #8: Applicant to clarify if project is a large-scale solar project (greater than 40,000-sf) or a commercial large-scale project; see §164-22 for definitions.

Comment #9: Service capacity letters must be submitted.

Comment #10: Applicant to adhere to setback requirements from internal roads for fencing/solar panels in accordance with §164-46J(127).

Comment #11: Applicant to clarify how the four-step process [§164-41.1E(3)] was used to site the locations for the solar panels. The planning board understands that the Applicant is not proposing a cluster subdivision, but the Code requires a solar application to follow the preservation of resources in a similar manner as a cluster subdivision. Applicant to provide the requested information.

Comment #12: Applicant to submit documentation (drawings, separate reports, etc.) to comply with §164-42G Large-scale solar energy installations.

Comment #13: Applicant to submit documentation to comply with §164-46J (53), (81), (97), (127), (131-137), & (154).

Comment #14: §164-46.J(53) requires compliance with the Town of Warwick Design Standards.

Comment #15: Applicant shall clarify on the plans, compliance with the Town of Warwick Performance Standards (§164-46.J(81)). A note shall be added to the plan.

Comment #16: Per §164-46.J(97) additional screening is required; Applicant to update plans to show compliance.

Comment #17: Applicant to coordinate with the local fire department. Knox box model number and detail must be added to the plan. Also, a site contingency plan should be added as notes on the plan.

Comment #18: The proposed entrance must show adequate sight distance (§A168 Appendix F).

Comment #19: The design of the access roads is noted as being for emergency access, as well. These access roads will need to conform to NYS Building Code and Town Fire Department requirements. The plans must be submitted to the Town of Warwick Building Department and the Warwick Fire Department for review.

Comment #20: Applicant to clarify the number of utility poles to be used and if underground connections can be made. Similar previous solar applications have made this connection underground, as the Town of Warwick requires all new utilities to be underground. Applicant is requested to update plans.

Comment #21: Clarify use of underground electric conduits/add line type to legend.

Comment #22: Applicant to provide the electrical one-line diagram.

Comment #23: Applicant to provide the electrical drawings showing the quantity and location of inverters and transformers.

Comment #24: Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.

Comment #25: Applicant to clarify how panels will be installed and if soil testing is required prior to installation. Applicant to provide soil boring and test pit results.

Comment #26: Applicant to provide Decommissioning Plan if large-scale solar panel project is without energy for 180 days in accordance with §164-42G(9). The Decommissioning Plan shall include a schedule for completion after O&R has determined that the electricity has been turned off.

Comment #27: In Section 1.4 of the SWPPP narrative, the Applicant makes reference to "SWPPP prepared for the Adirondack Rail trail." Applicant to revise SWPPP to reference current project.

Comment #28: A stormwater plan in compliance with Town of Warwick Town Code (§164-47.10 Stormwater Management) and NYSDEC (SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001) requirements shall be submitted.

Comment #29: Stormwater disturbance is generally limited to no more than five acres at any given time subject to seeking a waiver per GP-0-20-001 D.3. Applicant to clarify this. Please confirm how 5 acres or less will be disturbed without phasing.

Comment #30: Provide phase and LOD for solar panel and fence installation.

Comment #31: There are pieces of the proposed silt fence shown on C-9 outside of the Limit of Disturbance. This fence should be within the LOD or the LOD should be edited.

Comment #32: Applicant to include PDF of Draft NOI with submittal.

Comment #33: The proposed material storage area/laydown area shown on C-6 and C-9 should be included in the Limit of Disturbance. Applicant to revise.

Comment #34: Concrete Washout is located within 100 feet of the proposed drainage swale on the north side of the access road. Relocate to be at least 100 feet from drainage swales, storm drain inlets, wetlands, streams and any other surface waters. Shown on C-9.

Comment #35: Applicant Calls out a Dry Swale in the SWPPP Narrative but does not provide a Swale detail in conformance with the Dry Swale (O-1) shown in the Bluebook. Applicant to revise.

Comment #36: There is a callout to Stormwater Swale with Check dams on Sheet C-7, but the line denoting the swale is missing. Applicant to revise to show swale.

Comment #37: Provide detail for culvert under the new road to the point of interconnection. Sheets C-7, C-8. Clarify direction of flow through culvert.

Comment #38: Applicant to include soil boundaries on the existing and proposed plan views as per the New York State Standards and Specifications for Erosion and Sediment Control.

Comment #39: Show stabilized construction entrance for northern access road on Sheet C-9.

Comment #40: Revise Detail 1/C-10 to show 12-foot minimum distance rather than a 10 foot minimum distance from the existing pavement to the straightway of the stabilized construction entrance.

Comment #41: Revise Detail 3/C-10 to include a plastic liner as per the blue book. Please show the method for anchoring this lining in Detail 3 as well.

Comment #42: Revise Detail 6/C-10 to include a 9" minimum depth from the top of the stone to the bottom of stone.

Comment #43: Applicant to remove Number 2 statement of Section 1.4 in the SWPPP narrative. This project site falls within an MS4 municipality.

Comment #44: Clarify use and show location of compost filter sock on plans.

Comment #45: The proposed grading for the access roads must be shown; steeper areas (areas of approximately 10% grade or greater) should have a profile prepared.

Comment #46: Emergency Vehicle Turning Exhibit suggests truck path may go off road. Confirm there is ample space to allow for vehicle turn-around. Applicant to confirm with a truck turning diagram for the largest truck that would be onsite.

Comment #47: A lighting plan in compliance with §164-43.4 Lighting shall be submitted.

Comment #48: Any proposed signage shall follow §164-43.1 and must be shown on the drawings. If no signage is proposed, then a note must be added to the plans.

Comment #49: Applicant to comply with signage requirements adjacent to utility meters per §164-42G(8).

Comment #50: Applicant to provide structural drawings and structural calculations for the PV tracker system, for the tracker foundation / pile system, and for all solar PV auxiliary equipment foundations. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

Comment #51: Applicant to provide project geotechnical engineering report that was used to design all foundations for this project.

Comment #52: The Geotechnical Report in Attachment 5 and written by Partner Assessment Corporation, March 18, 2022, does not address frost jacking or the appropriate frost depth to use for the solar racking foundations. Please provide frost depth and frost jacking and freeze stress that is to be used in the solar racking foundation design.

Comment #53: Applicant to provide project corrosion assessment engineering report that was used to design the steel piles and shows the expected corrosion rate for the project. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

Comment #54: Applicant to provide Special Inspection Program including how the tracker piles will be inspected during construction.

Comment #55: The complete electrical design drawing should be included in the next submittal. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

Comment #56: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Comment #57: The declaration information for the Agricultural Notes must be added to the plans.

Comment #58: Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.

Comment #59: Surveyor to certify that iron rods have been set at all property corners.

Comment #60: Applicant to clarify if there is a power purchase agreement (PPA) with the utilities. Please provide the signed PPA from the utility company.

Comment #61: Since this application requires the approval for a special use, Planning Board to consider making the approval/permit renewable through the building department every year with proof of current ownership of the facility, confirmation that the current owner

assumes the decommissioning obligations, & general status report of the operation of the facility. Please add a note to the plan.

Comment #62: Applicant to confirm that Orange & Rockland is aware of project and if any upgrades are required (e.g., lines, substation, etc.). The fully executed copy of this agreement should be submitted during the planning board process.

Comment #63: Applicant to confirm who is responsible to file the Interconnection Application. Applicant to provide a copy of the signed Interconnection Service Agreement.

Comment #64: Applicant to submit a copy of the lease/buy agreement between the solar developer and the landowner.

Comment #65: Applicant to confirm the submittal timing for the detailed design, including civil, structural, and electrical drawings (i.e., permit drawings). The detailed design will also include the inverter type and circuit configuration for a pad-mounted system. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

Comment #66: Applicant to provide Landscape Bond cost estimate and three-year cash bond.

Comment #67: Applicant to provide Performance Bond for site inspection fees.

Comment #68: Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney.

Comment #69: Applicant to provide Decommissioning Bond to the satisfaction of the Planning Board Attorney/ Engineer.

Comment #70: The PILOT agreement must be submitted to and accepted by the Town Board.

Comment #71: Payment of all fees.

The following review comments/memorandum submitted by CPL Team:

### **MEMORANDUM**

**Date:** July 19, 2023

**To:** Chairman Ben Astorino and Town of Warwick Planning Board

**From:** Liz Axelson, AICP, Senior Planner  
Meagen Stone, Planner

**RE:** Schluter-Curti Solar Site Plan & SUP  
69 Chancellor Lane  
Warwick, NY 10990  
Section 46, Block 1, Lot 12  
Project: R23.00030.10

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We have reviewed the materials listed at the end of this memorandum according to pertinent requirements and standards of the Code of the Town of Warwick, primarily Chapter 164,

Zoning and the NY SEQR regulations. Based on our review we offer the following comments:

**General Comments:**

1. The proposed action is described as the development of a portion of the 142-acre site to construct a commercial large scale solar energy (5 megawatt [MW]) installation requiring site plan approval and a special use permit. Existing site development includes a house, 2 barns and an outbuilding, driveways and/or trails and a smaller solar array. The proposed project would involve the disturbance of approximately 25 acres of agricultural land involving 10 or more acres of development in “Farmland of Statewide Importance” on an 18.35-acre fenced area of the 142-acre site.
2. This property is located within the Town of Warwick Zoning districts and Overlay Zoning Districts listed below:
  - a. Rural (RU) district;
  - b. Agricultural Protection Overlay (AP-O);
  - c. Aquifer Overlay (AQ-O); and
  - d. Biodiversity Conservation Overlay (BC-O).
3. Provide plan elements, mapping and narrative necessary to demonstrate compliance with the following Zoning sections:
  - a. The proposal involves extensive disturbance and land development in areas of the site identified as “Farmland of Statewide Importance” and areas of “Prime Farmland” due to the soil types in these areas. It is strongly recommended that the layout of the proposed solar array be revised to avoid these agriculturally significant soil resources. There is ample land area (62 acres) in other parts of the site with soils that are not prime farmland. There is also concern about the removal of wooded areas and specimen trees.
  - b. Provide plan elements, mapping and narrative necessary to demonstrate compliance with the four-step design process at zoning section 164-41.1, E., (3) the Four-step design process, subsection (a);
  - c. Address the supplementary regulations in section 164-42, G. regarding large-scale solar energy installations, including zoning subsections referenced thereunder;
  - d. Address zoning section 164-46, J., (154) regarding (a) through (c), especially (c) [1] to [4] especially with regard to prime and statewide important agricultural soils; and decommissioning plans; and
  - e. Provide a landscaping plan as per 164-42, G., (5) to screen the project from off-site public views so that the adequacy of the proposed landscaping and screening can be evaluated.
4. Provide a visual analysis of the proposed action using line-of-sight profiles, considering views from public locations. Refer to zoning section 164-42, G., (6).
5. Please also refer to the comments of the Orange County Department of Planning, dated June 2, 2023 regarding “Prime Agricultural Soils and Soils of Statewide Importance”.
6. The submitted agricultural data statement must be forwarded to affected farms listed in the statement. Please provide documentation that this procedural step has been completed.

7. We defer to the Planning Board's Engineer regarding code and engineering review, including the grading, erosion and sedimentation control, and Stormwater Pollution Prevention Plan (SWPPP).
8. Please refer to the comments below. Although the submittal provides additional information about the proposed action, the application is incomplete. Therefore, no Planning Board action is recommended at this time. A submittal should be prepared to address the comments herein. I may have additional comments when more detailed information is provided.

### **SEQR Comments:**

9. The proposal is a Type I Action as per the New York State Environmental Quality Review (SEQR) regulations, sections 617.4 and 617.5, subsections 617.4 (b) (6)(i); and (8). Given the need to redesign the site layout in respect to significant agricultural resources, it is suggested that the Planning Board wait to declare their intent to act as Lead Agency or to authorize circulation of a lead agency request letter to all other involved agencies. However, as requested a draft resolution has been prepared for the Planning Board to indicate the proposal is a Type 1 action and to declare intent to be Lead Agency regarding SEQR.
10. Following submittal of the required visual analysis, additional review comments will be provided regarding the potential impacts of the project on visual, aesthetic and scenic aspects of the site and its environs, which will pertain to the Planning Board's considerations under SEQR.
11. Please refer to the Plan Comments below that relate to areas of potential environmental impact and corresponding recommended development practices and mitigation.
12. We defer to the Planning Board's Engineer for coordinating detailed review of the following wetlands and habitat assessment reviews:
  - a. Phase 1 Bog Turtle Survey Report;
  - b. Wetland and Stream Delineation Report; and
  - c. Threatened and Endangered Species Habitat Report.

### **Full Environmental Assessment Form Comments:**

13. In Full EAF Part A., update the "Brief description of the Proposed Action" to state that the proposed action is a commercial large scale solar energy system. It is recommended that this section refer to the Project Narrative, which should be expanded to address the following:
  - a. Specify that the proposed action is a commercial large scale solar energy system;
  - b. Provide a more detailed description, including an outline or table quantifying the larger parcel size within which the project is located, the extent of the fenced in area of the array (18+ acres), the area of the site to be cleared and the disturbed areas, lot coverage and impervious surface coverage areas. These areas should be stated consistently through the Full EAF, the project plans, reports, etc. Refer to Zoning provisions to be consistent;
  - c. Add a section about Impacts to "Farmland of Statewide Importance" and areas of "Prime Farmland"; and

- d. The Archaeological Resources section is helpful. Address the following:
  - i. Provide copies of any materials submitted to the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP or SHPO) via the Cultural Resource Information System (CRIS) and any responses from the SHPO via the CRIS.
  - ii. It is recommended that Connie Sardo, the Town of Warwick Planning Board Secretary, be included as a SEQR contact in the CRIS for this project.
14. Revise Full EAF Part B., or refer to and provided narrative and/or a table of approvals, to address the following:
  - a. Corresponding to row a., indicate “Yes” and note acceptance or approval of the Decommissioning Plan and performance bond by the Town Board, in consultation with the Planning Board’s Consulting Engineer; and
  - b. Corresponding to row d., indicate “Yes” and note:
    - i. The need for a permit from the Department of Public Works for access from a Town road;
    - ii. review by the Town’s Conservation Board; and
    - iii. review by the Town Architectural Review Board.
15. Correct the response to C. 1., to be “No” the since proposed action does not involve any legislative adoption of a plan or law, etc.
16. Provide a response to C. 4., d., noting nearby Veterans Memorial Park, and Warwick Park.
17. Revise the response to question D., D.1 a., to refer to a commercial large scale solar energy system.
18. Explain the response to question D., D.1 b. b., as the 6.5-acre value refers to “grading for access road/stormwater management practices”, yet there are other land disturbance activities such as tree removal, required to place the solar panels and connections throughout the array, to install fencing and other proposed improvements. Please refer to the comment above about the need for more clarity and consistency about the various land development values presented throughout the submittal. For example, in response to Full EAF question E. 1. b., the changes in acreage values for various types of land cover add up to 25 acres. A table and narrative are needed to explain the various development values.
19. The response to question D.1 g. i and ii. provides the number of structures as 8,190 solar panels, which are four feet (4’) wide and 6’ long, or twenty-four square feet (24 SF), This would be 196,560 SF (4.5 acres) of total solar panel area. Please confirm.
20. The response to question D.1 g. ii. also provide the 7’ height of the solar panels. Since the Planning Board will need to review the proposed development, including any visual concerns, address the following:
21. On plan sheet C-11, Detail 5 shows the panel without indicating the height as part of a site layout detail. The detail indicates “NTS”, that is, not to scale. So, this EAF question cannot be properly evaluated.
22. All of the corresponding panel dimensions should be labeled in the plan detail.
23. Since it is noted that Detail C-11 show a part of the panel array with each row consisting of a depth of 2 panels connected, would that represent two 6’-long panels connected on a tilt?

24. The narrative and plans should be revised to answer all questions with illustrations labeled to provide the Planning Board with an understanding of:
  - a. the width and length of panels;
  - b. the width and length of a typical row of panels;
  - c. the range of height of tilt of a double panel row; and
  - d. the maximum height of tilt of a double panel row.
25. We note that Engineering review may result in the need for stormwater management practices. We defer to the Planning Board's Consulting Engineer. EAF question D. 1. h., should be revised as needed. If necessary, stormwater management practices may involve impoundment of water.
26. Regarding the response to EAF question D. 2. e. i., indicating 0.46 acres of impervious seems low; and this is inconsistent with the Zoning Table on the plan set's cover sheet, which indicates 18.35 acres of lot coverage. The response to D. 2. E. i. should also be 18.35 acres. Please revise the response to this question. It is assumed this coverage value is considered in the SWPPP.
27. The rest of the responses to D. 2. e. should be addressed in narrative explaining whether there are point sources or not; whether runoff from the panels will be directed to drainageways such as swales along the rows of solar panels or some other method for directing runoff to the "On site stormwater management practices" noted in the response to this EAF question.
28. Please refer to the Code Chapter 100A, section 100A-3 Prohibited noises, subsection 100A-3, F., regarding construction and revise the hours of operation during construction in the response to EAF question D. 2. 1. I, accordingly. Per the code, construction would be limited to 7 AM to 7 PM Monday through Saturday or 9 AM to 7 PM Sunday and holidays.
29. In response to D. 2. m. ii. describe the removal of trees, shrubs and other vegetation, which would act as a natural screen for noise.
30. In response to D. 2. Q., describe any pest control methods.
31. Refer to the comment above about EAF question D. 2. e., which should be revised to note 18.35 acres of coverage. The responses to question E. 1. b. should be similarly revised to be consistent. with the Zoning Table on the plan set's cover sheet, indicating 18.35 acres of lot coverage. Please revise the response to this question, adjusting the entire table at E. 1. b. It is assumed this coverage value is considered in the SWPPP.
32. Regarding the response to E. 2. b., does the proposed action involve any rock removal? If yes, describe rock removal methods.
33. Regarding the response to E. 2. h. iv., it is suggested the EAF refer to the Wetland and Stream Delineation Report. The report concludes that "All jurisdictional boundaries are subject to verification by the USACE-New York District and/or the NYSDEC Region 3, under their respective jurisdictions." Please submit copies of any responses to the Planning Board.
34. Regarding the response to E. 2. O., it is suggested the EAF refer to the Phase I Bog Turtle Survey Report. The report concludes that "It is LaBella's opinion that bog turtle habitat is not present within the Study Area or immediate vicinity, and additional studies such as a Phase II bog turtle presence/absence study is not required. Concurrence of our findings should be coordinated with the USFWS and NYSDEC." Please submit copies of any responses to the Planning Board.



35. Regarding the response to E. 2. O., it is suggested the EAF refer to the Threatened and Endangered Species Habitat Assessment Report. The report concludes that “Further coordination with NYSDEC and USFWS is recommended to ensure that winter clearing is suitable to avoid impacts to both bat species.” Please submit copies of any responses to the Planning Board.
36. The responses to E.3, e. and f. indicate proximity to a site listed on or eligible to be listed on the National of State Register of Historic Places; or an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (NY SHPO) archaeological site inventory. At the Planning Board Workshop meeting, the Applicant’s Representatives were urged to make a submittal via the NY Office of Parks Recreation and Historic Preservation Office’s (NYS OPRHP) Cultural Resource Information System (CRIS) online portal as soon as possible. Please submit to the Planning Board copies of all information, reports, maps, etc., that have been submitted to the SHPO via the CRIS for their records. *Importantly, regarding the CRIS, please add the Planning Board Secretary and her email address as a SEQR contact within the CRIS for this project.*
37. Given the site’s location in the Agricultural Protection and Biodiversity Overlay zoning districts, the response to question E. 3. h. should be “Yes”. Both sets of code provisions have language concerning scenic and aesthetic characteristics of these land areas and the community.
38. Responses should be added to E. 3. h., I through iii.
39. Based on a review of various online Orange County and other mapping platforms, the scenic and aesthetic resources listed below are noted to be in the vicinity of the project site (with an estimated approximate distance in miles [mi] from the project site). Additional scenic and aesthetic resources, and historic sites, may be added to the list of sites from which the proposed action may be visible. The following should be considered as part of a visual analysis;
  - a. King’s Highway (0.45 mi);
  - b. Route 17A (1.2-1.3 mi);
  - c. Veteran’s Memorial Park (1.4 mi);
  - d. Hickory Hill Golf Course (1.6 mi);
  - e. Bellvale Lakes Road (1.65 mi);
  - f. Warwick Park (2.1 mi);
  - g. Bellvale Mountain on Appalachian National Scenic Trail (2.25 mi); and
  - h. Sterling Forest State Park (3.5 mi).

### **Plan Comments:**

The plan comments below focus on creating plans that identify the environmental and other resources of the site and surroundings, clearly depict the proposed action and demonstrate the extent of impacts and corresponding mitigation.

40. Since SEQR involves review of the whole action, revise the Zoning table on the cover sheet of the plan set to include the existing conditions of the entire site including the existing dwelling, barn, other outbuildings, driveway, private road, etc. Also, refer to zoning section 164-46, J., (154), (c)[2].

41. On the cover sheet, correct the signature block by deleting reference to any subdivision or plat and instead refer to site plan.
42. As noted above, the proposed project area should be reconsidered and redesigned to avoid disturbance in areas of “Farmland of Statewide Importance”, prime agricultural soils, and wooded areas and specimen trees.
43. Consider relocating the existing private residential solar system or incorporating it within the proposed solar array.
44. Several plan sheets show rows of rectangular units, which represent the rows of the proposed solar array. The rectangle item is not shown on the legend on sheet C-1. Provide a callout to identify with a corresponding detail on the same plan sheet showing what a single rectangle represents. It is suggested that this callout and detail be provided on the first sheet in the set where the solar array is shown, such as sheet C-4.
45. Label the typical dimensions of the solar array in the plan view, including the length and width of a row of panels and the width of the open area between the rows of panels.
46. As noted in the Full EAF review comments, on plan sheet C-11, Detail 5 shows the panel without indicating the height as part of a site layout detail. The detail indicates “NTS”, that is, not to scale. All of the corresponding panel dimensions should be labeled in the plan detail.
47. Since it is noted that Detail C-11 show a part of the panel array with each row consisting of a depth of 2 panels connected, would that represent two 6’-long panels connected on a tilt?
48. The plans should answer all questions with illustrations labeled to provide the Planning Board with an understanding of:
  - a. the width and length of panels;
  - b. the width and length of a typical row of panels; and
  - c. the range of height of tilt of a double panel row, Including the height at maximum tilt.
49. Show and label on the plans the pathway of runoff from the panels, how it will be directed to drainageways such as swales along the rows of solar panels or some other method for directing runoff to the “On site stormwater management practices” noted in the EAF.
50. The required landscaping plan, see above under general comments, should show proposed plantings under the panels with details for pollinator, meadow, wildflower or other seed mixes.
51. The submitted plan set includes the Town of Warwick Standard Map Notes corresponding to the Overlay Zoning Districts in which the project site is located:
  - a. Agricultural Notes, as the site is in the AP-O;
  - b. Aquifer Protection Notes, as the site is in the Aquifer Overlay (AQ-O); and
  - c. Biodiversity Conservation Notes, as site is in the BC-O. Address the following:
  - d. Biodiversity condition 4. a., regarding limiting tree clearing form October 1<sup>st</sup> through March 31<sup>st</sup>, should be added to the Biodiversity Conservation Notes on the plans;
  - e. Biodiversity condition 4. b., regarding maintenance of a 100 foot or greater buffer to streams, should be added to the Biodiversity Conservation Notes on the plans.
52. Provide a decommissioning plan sheet, prepared by an engineer, as part of the overall plan set prepared in accordance with Code Section 164-42. G. (9). An example of a

decommissioning plan sheet can be provided if needed. The decommissioning plan sheet should fully depict the scope of all aspects and steps of decommissioning, as described in the submitted TRC Decommissioning & Site Restoration Plan report dated March 2023, including:

- a. dismantling, demolition, removal of all equipment;
  - b. indication of improvements to remain or to be removed and reclaimed;
  - c. delineation of the limits of all related dismantling, demolition, and removal activities and/or disturbance;
  - d. measures for protection of wetlands, streams, habitat or wooded areas or other natural features during decommissioning activities;
  - e. the extent of site restoration and stabilization; and
  - f. all corresponding details, specifications, and notation, etc.
53. Also, in accordance with Code Section 164-42. G. (9) decommissioning plan report or narrative, including a cost estimate for executing the plan, must be provided. While I defer to the Planning Board Attorney and Engineer on their review of the written aspect, it is recommended that the salvage value should not be included in the corresponding decommissioning cost estimate or cost analysis.
54. In response to discussion at the Planning Board Workshop, add notation clarifying that no battery storage is proposed.
55. Add values in percent (%), retaining the acreage values, to the Zoning Table on the plan set cover sheet.
56. We recommend the following plan revisions to highlight the site's natural features:
- a. Label the New York State Class A and Class B Streams wherever they are shown;
  - b. Label the tributaries of the site's streams on all sheets where they are shown; and
  - c. Depending on responses from NYSDEC and USACE, add notation to the plan set about any recommended protections.
57. Upon submittal of revised plans and other application materials and documents, we may have additional comments.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at [eaxelson@cplteam.com](mailto:eaxelson@cplteam.com).

Materials Reviewed:

- Cover Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated May 25, 2023;;
- Project Narrative, dated May 26, 2023;
- Application for Site Plan and Special Use Approval, signed by Robert Schluter, May 11, 2023, as prepared by Travis Rosencranse, PE, signed 5/18/23;
- Full Environmental Assessment Form, prepared by Steve Long, Senior Civil Engineer, signed May 22, 2023; with attached:
  - Copy of area of CRIS Map annotated; and
  - Copy of letter prepared by Heidi Krahling, Environmental Review Specialist, NYS Natural Heritage Program;
- Agricultural Data Statement, apparently signed by an applicant representative, signed May 17, 2023;

- Plans entitled Chancellor Lane Solar Array, prepared by PREPARER NOT INDICATED, Creighton Manning Engineering, LLP, dated May 2023, including the following:
    - G-0 Cover;
    - G-1 General Notes And Legend, dated 5/26/23;
    - C-2 ALTA/NSPS Land Title Survey, dated April 7, 2023 and April 17, 2023, unsigned;
    - C-3, Existing Conditions Plan, dated 5/26/23;
    - C-4, Overall Site Plan, dated 5/26/23;
    - C-5 Tree Clearing Plan, dated 5/26/23;
    - C-6, Phasing Plan, dated 5/26/23;
    - C-7, Layout and Materials Plan, dated 5/26/23;
    - C-8 Grading and Drainage Plan, dated 5/26/23;
    - G-9 Erosion and Sediment Control Plan, dated 5/26/23;
    - G-10 Erosion and Sediment Control Details, dated 5/26/23;
    - C-11 & C-12, Miscellaneous Details-1 and 2, dated 5/26/23; and
  - ALTA/NSPS Land Title Survey, dated April 7, 2023 and April 17, 2023, unsigned;
  - Copy of Town of Warwick, Tax Map Section 46, Tax Year 2022, with outlines of the Project Parcel and the Project Site;
  - Map of Chancellor Lane Solar Array created via DEC Mapper showing wetlands, dated May 8, 2023;
  - Map of Chancellor Lane Solar Array created via US Fish and Wildlife Service National Wetlands Inventory showing Federal wetlands, dated May 8, 2023;
  - Orange County – State of New York County Clerk’s Recording page of deed, Book 14624 Page 1353, regarding Curti and Curti Trust, recorded 9/13/19;
  - Orange County – State of New York County Clerk’s Recording page of deed, Book 12779 Page 859, regarding William and Nancy Russell; and Robert J Schluter and Rosemarie Curti, recorded 2/6/09;
  - Easement granted to Orange and Rockland Electric Company, May 16, 1956 by Chas, Mabel, Louise and Donald Bender;
  - Easement granted by Harvey and Martha Green to Warwick Valley Light and Power company October 16, 1914;
  - Grant of right-of-way granted to Orange and Rockland Utilities, Inc, September 18, 1969 by Chas, Donald and Louise Bender;
  - Service Capacity Communication to Nick Schupp, Sol Source Power regarding Chancellor Lane Solar, regarding Orange and Rockland Utility, dated 5/17/23;
  - Escrow account form signed 5/17/23;
  - Phase 1 Bog Turtle Survey Report for Chancellor Lane Solar, prepared by LaBella Associates, DPC, dated February 2023;
  - Wetland and Stream Delineation Report for Chancellor Lane Solar, prepared by LaBella Associates, DPC, dated January 2023;
  - Threatened and Endangered Species Habitat Report for 69 Chancellor Lane, prepared by LaBella Associates, DPC, dated April 10, 2023;
  - Copy of checks; and
- Annotated/Highlighted Copy of Town of Warwick Standard Map Notes

***M&V Guitars & Pickups-Joseph Vervoordt***

Application for Site Plan Approval and Special Use Permit for the conversion of an existing 1,004 s.f. accessory structure on site into a guitar studio, situated on tax parcel S 31 B 2 L 31; project located at 49 Ackerman Road, in the RU zone, of the Town of Warwick.

Representing the Applicant: James Mauer from LAN Associates.

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 – 06/22/23 BD permit #30832 requires a CO; permit #30844 for driveway is open
6. OC Planning Department – submittal not required per planning board secretary
7. The Applicant has submitted Orange County Tax Map Section 33; Section 31 should have been submitted.
8. Planning Board to determine if a site inspection is necessary.
9. Provide key plan no larger than 1” = 2000’ in upper right-hand corner of Sheet C2.01
10. Applicant to clarify what is proposed and what is existing on the property.
11. Applicant to clarify the uses of the two buildings.
12. Applicant to demonstrate compliance with §164-43.5 (Class 2 home occupation) with responses to Items 1 through 12. As appropriate, items shall be added to the plan as additional notes.
13. Add a note to the plans that there is no construction or land disturbance proposed.
14. Add a call-out for the buildings that are serviced by the generator.
15. Service capacity letters are required to be submitted.
16. Any existing and all proposed signage must be shown on the plan.
17. The hours of operation should be shown on the plans.
18. The 911 address(es) must be shown on the plan.
19. Parking calculations are to be provided for the home occupation.
20. All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped.
21. §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.
22. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

23. Please include applicable Town of Warwick standard notes on the plan (notes for all projects, lighting, overlay notes (if applicable), projects with access to a Town Road, etc.).
24. Surveyor to certify that iron rods have been set at all property corners.
25. Surveyor to sign and seal drawing.
26. Payment of all fees.

The following comment submitted by the Conservation Board:

M&V Guitars & Pickups-Joseph Vervoordt – None submitted.

The following comment submitted by the ARB:

M&V Guitars & Pickups-Joseph Vervoordt – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: This application would be classified as a Type 2 Action. There is no construction proposed. It meets the thresholds for a Type 2 Action. SEQRA review is not necessary. I have prepared a draft Type 2 Resolution for the Planning Board's consideration.

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

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

**617.6**  
**State Environmental Quality Review (SEQR)**  
**Resolution**  
Type II Action

**Name of Action:** M&V Guitars & Pickups Site Plan and Special Use Permit Application

**Whereas,** the Town of Warwick Planning Board is in receipt of an application for review and approval of a Site Plan and Special Use Permit for a Class 2 home occupation approval submitted on behalf of Joe Vervoordt, M&V Guitars & Pickups for conversion of an existing 484.77 square foot (SF) structure on a 3.2-acre parcel of land (SBL: 31-2-31), which lot has an existing dwelling (1,112 SF), and an existing 520 SF 2-car garage structure, located at 49 Ackerman Road, Town of Warwick, Orange County, New York; and

**Whereas**, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Proposed Site Plan, M&V Guitars & Pickups, prepared by James P. Maurer II, PE, LAN Associates, based on a Survey by John A. McGloin, PLS, showing the site, existing residence, well, driveway; 484.77 SF building, garage and another driveway, with the project description in the submitted Short EAF indicating 0.023 acres of site disturbance; and

**Whereas**, the Planning Board is now considering the applicant's request for approval of the Site Plan and Special Use Permit;

**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) and (18); 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.

James Mauer: There are two existing structures on the site. They had previous building permits that were closed out. He opened up a 2<sup>nd</sup> permit to construct a driveway. It was under construction the last time that we were here. It is finished. It is pending final inspection. We are not proposing anything other than he wants to use this as a Class II Home Occupation for his guitar business.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 06/22/23 BD permit #30832 requires a CO; permit #30844 for driveway is open

Laura Barca: The owner of the property will need to go to the Building Department to close out those permits.

James Mauer: Yes. Ok.

Comment #6: OC Planning Department – submittal not required per planning board secretary

Comment #7: The Applicant has submitted Orange County Tax Map Section 33; Section 31 should have been submitted.

James Mauer: Ok.

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

Mr. Showalter: Does the Board feel a site visit is necessary?

Mr. Kennedy: No.

Mr. McConnell: No.

Mr. Showalter: The Planning Board determined that a site visit isn't necessary.

Comment #9: Provide key plan no larger than 1" = 2000' in upper right-hand corner of Sheet C2.01

James Mauer: Ok.

Laura Barca: Do you have any questions on these comments?

James Mauer: No. I just want to clarify about the typography if it is required or not?

Laura Barca: The question for the typography was written when it was believed that everything was proposed when everything is existing. The one question that I do have is what is the 0.023-acre of site disturbance that is listed in the EAF?

James Mauer: The last thing that was pending was the apron of the driveway. I think it was that.

Laura Barca: Ok.

Mr. Showalter: We will list Comment #10 through Comment #26 for the record. Do any Board members or Professionals have any comments?

Mr. Bollenbach: Regarding Comment #24, Surveyor to certify that iron rods have been set at all property corners. This is not a subdivision. This is a site plan. The Board might want to entertain a waiver of the iron rods. Does the Applicant wish to be set for a public hearing at the next available agenda?

James Maurer: Yes.

**Mr. McConnell makes a motion to Set the M&V Guitars & Pickups-Joseph Vervoordt application for a Public Hearing at the next available agenda.**

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

Mr. Showalter: Connie will set you up for a public hearing.



Connie Sardo: No. They would need to resubmit to the Planning Board first.

Laura Barca: When you are ready for the public hearing, just make a resubmittal by the deadline.

James Mauer: Ok. Thank you.

Comment #10: Applicant to clarify what is proposed and what is existing on the property.

Comment #11: Applicant to clarify the uses of the two buildings.

Comment #12: Applicant to demonstrate compliance with §164-43.5 (Class 2 home occupation) with responses to Items 1 through 12. As appropriate, items shall be added to the plan as additional notes.

Comment #13: Add a note to the plans that there is no construction or land disturbance proposed.

Comment #14: Add a call-out for the buildings that are serviced by the generator.

Comment #15: Service capacity letters are required to be submitted.

Comment #16: Any existing and all proposed signage must be shown on the plan.

Comment #17: The hours of operation should be shown on the plans.

Comment #18: The 911 address(es) must be shown on the plan.

Comment #19: Parking calculations are to be provided for the home occupation.

Comment #20: All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped.

Comment #21: §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.

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

Comment #23: Please include applicable Town of Warwick standard notes on the plan (notes for all projects, lighting, overlay notes (if applicable), projects with access to a Town Road, etc.).

Comment #24: Surveyor to certify that iron rods have been set at all property corners.

Comment #25: Surveyor to sign and seal drawing.

Comment #26: Payment of all fees.

***Gallardo & Allen Lot Line Change***

Application for Sketch Plat Review and Final Approval of a proposed 3-Lot, Lot Line Change, situated on tax parcel S 11 B 1 L 18, 19, & 20; parcels located at Liberty Corners Road 1700 feet west of C.R. 1 (73 Liberty Corner Rd.), in the SL/AI zones, of the Town of Warwick.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Francesca Gallardo-Allen, 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 – does not need to be submitted per planning board secretary
6. TW Building Department – pending comments
7. ZBA variance for Lot 1 for lot area and front yard (no change as a result of this proposed subdivision).
8. OCDPW – pending submittal
9. Planning Board to determine if a site inspection is necessary.
10. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-101, note 11
11. The Agricultural, Aquifer, and Biodiversity Notes must be added to the plans.
12. 911 addresses must be obtained from the Building Department and then shown on the plan.
13. Project must conform with Town of Warwick stormwater management requirements §164-47.10.
14. Sheet S-1, the existing and proposed lot lines should have metes and bounds shown.
15. Surveyor to certify that iron rods have been set at all property corners.
16. Surveyor to sign and seal drawing.
17. The liber and page for the Agricultural, Aquifer, and Biodiversity Notes must be added to the plan.
18. Payment of all fees.

The following comment submitted by the Conservation Board:

Gallardo & Allen Lot Line Change – None submitted.

The following comment submitted by the ARB:

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: The Planning Board has reviewed this application with a short EAF. This application is for a proposed lot line change with 3 lots. It meets the thresholds under SEQRA as a Type 2 Action. 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. Kennedy. Motion carried; 5-Ayes and 0-Nays.

## 617.6

### State Environmental Quality Review (SEQR)

#### Resolution

#### Type II Action

**Name of Action:** Gallardo & Allen Lot Line Change Application

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for review and approval of a Lot Line Change, which application pertains to a lot line change plan and application materials submitted on behalf of Frances Gallardo Allen and John Jordan Allen; and Francesca Lee Gallardo for a realignment of lot lines between: an existing undersized, 0.34-acre parcel of land, vacant Tax Parcel SBL: 11-1-18; another undersized lot (Tax Parcel SBL: 11-1-20); and the adjacent Tax Parcel SBL: 11-1-19, an existing 22.98-acre parcel of land with an existing dwelling and barn remains to:

- dissolve lot lines for 11-1-20;
- create an undersized, yet a more conforming 1.59-acre lot (11-1-18); and
- create a resulting larger 24.9-acre Tax Parcel SBL: 11-1-19 located at Liberty Corners Road, in the Town of Warwick, Orange County, New York; and

**Whereas**, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Sketch of Lot Line Change Plan, Gallardo & Allen Lot Line Change, prepared by Daved A Getz, PE, Engineering & Surveying Properties, dated June 28, 2023, showing the 3 lots, existing and proposed dwellings, with the project description in the submitted Short EAF describing the reconfiguration of the lots so that parcel 11-1-18 would contain the existing dwelling and a proposed residence would be located on the resulting larger lot 11-1-19. And the

Planning Board is now considering the applicant's request for approval of the Lot Line Change; 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)(16); and, therefore, SEQR does not apply.

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

Comment #2: Applicant to discuss project.

Dave Getz: What was stated in the Type 2 Action gives the gist of the application. There are currently 3 lots on the property. The proposal is to make it into 2 lots. Mrs. Gallardo-Allen proposes to build a new dwelling on the 24.9-acre parcel that would be created. The access to that dwelling would be from Liberty Corners Road. They would be improving an existing farm road. There is a dirt driveway that goes down the hill to the new house site. Our office has done soil tests on the property. There are suitable soils for the septic system. Our next step in the process is we would need to go to the ZBA for a variance for Lot 1 for lot area and front yard. That lot is in the zone that requires 3 acres. Based upon all of the constraints, we are making the lot as big as we feel we could at 1.59 acres. We are going to request a variance from the ZBA for that lot area. In the environmental mapper, it comes up as a potential site for archeologically a cultural resource. They are hiring Tracker Archeology to study that. We will have a report in the future.

Mr. Bollenbach: What are your setbacks? If you don't have any construction proposed within 100 feet of that area or do you have construction proposed?

Dave Getz: It is not within the black dirt. But who knows what he might find? We are not proposing anything down in the black dirt.

Laura Barca: That is actually part of the reason for the smaller lot.

Dave Getz: Yes.

Laura Barca: It is to preserve that.

Dave Getz: Right.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – does not need to be submitted per planning board secretary

Comment #6: TW Building Department – pending comments

Comment #7: ZBA variance for Lot 1 for lot area and front yard (no change as a result of this proposed subdivision).

Mr. Showalter: You would need to go to the ZBA. We will list Comment #8 through Comment #21 for the record. Do any Board members or Professionals have any comments?

Dave Getz: Regarding Comment #9, Planning Board to determine if a site visit is necessary. Could we schedule a site visit?

Mr. Showalter: Does the Planning Board feel a site visit is necessary?

Mr. McConnell: We don't know what the ZBA is going to do.

Mr. Showalter: We will wait until you get back from the ZBA.

Dave Getz: Ok. Could we be set for a public hearing?

**Mr. Kennedy makes a motion to Set the Gallardo-Allen Lot Line Change for a Final Public Hearing at the next available agenda.**

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

Comment #8: OCDPW – pending submittal

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

Comment #10: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-101, note 11

Comment #11: The Agricultural, Aquifer, and Biodiversity Notes must be added to the plans.

Comment #12: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #13: Project must conform with Town of Warwick stormwater management requirements §164-47.10.

Comment #14: Sheet S-1, the existing and proposed lot lines should have metes and bounds shown.

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

Comment #16: Surveyor to sign and seal drawing.

Comment #17: The liber and page for the Agricultural, Aquifer, and Biodiversity Notes must be added to the plan.

Comment #18: Payment of all fees.

***Old Forge School 57-61 Old Forge Road***

Application for Site Plan Approval & Special Use Permit for the use and construction of an existing 3-Story 87,000.± Sq. ft. building from medical research facility to a 200-student private school with overnight accommodations Use #84 and Special Conditions #25 & #104, situated on tax parcels S 83 B 1 L 2 and L 5.1; parcels located on the South Eastern side of Old Forge Road 0 feet South Eastern of Sterling Pines Road (57-61 Old Forge Rd.), in the LC zone, of the Town of Warwick.

Representing the Applicant: Keith Woodruff from Engineering Properties & Surveying. Bob Krahulik, Attorney.

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 – 04/27/23 no violations
6. OC Planning Department – pending response
7. ZBA for increasing amount of impervious area (20% allowed, 37% existing or proposed; Applicant to clarify). Sheet O-100, Bulk Requirement Table states that the impervious area is 36.3% existing and 37.1% proposed; therefore, a ZBA variance will be required.
8. Planning Board to determine if a site inspection is necessary.
9. Applicant should clarify if proposing to combine the two lots together (parking on one lot and building is on other). Applicant proposed to combine the two lots into one; comments will be removed when confirmed with the Town Assessor that the two lots have been combined.
10. Town of Warwick §164-40.M Use 84 requires that a private school be state-credited. Applicant to provide documentation showing that the proposed private school is state accredited.
11. Town of Warwick §164-46.J(24) requires that the state accredited private schools shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such. This does not apply if the school is a nursery school.
12. Applicant to demonstrate how overnight accommodations at a private school are permitted in the Town of Warwick Town Code. Applicant to provide notice from NYS Commissioner of Education pursuant to 8 NY ADC Sec. 126.5 with regards to overnight accommodations.
13. Applicant to clarify the condition of the existing utility lines (e.g., water, sewer, drainage).
14. Applicant to update drawings with the height and type of lighting fixtures shown on the plans. Site lighting is required to the comply with the Town of Warwick lighting code §164-43.4.

15. Site Plan should be updated to identify features that are shown in the recent survey for the property. There are several unidentified shapes on the plan that need to be labeled.
16. Service capacity letters are required to be submitted.
17. Applicant to expand Sheet O-100 Note 16 to state that a Certificate of Occupancy will not be issued until the Town of Warwick Building Department has received confirmation from Veolia that the proper water supply improvements have been installed.
18. Applicant to provide sewer district use approval letter.
19. All existing and proposed signage must be shown on the plan per §164-43.1. This includes depicting the location and related signage for any handicapped accessible parking spaces. Indicate locations of all proposed signs (stop, no parking, fire lane, etc.) and stop bar on the plans that correspond to the sign schedule and details.
20. The hours of operation should be shown on the plans. Applicant to obtain approval from the State for overnight accommodations to allow for 24-hour schedule.
21. Parking calculations are to be provided.
22. The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.
23. §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.
24. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet O-100, General Note 15
25. The August 2021 ESA Phase 2 Report referred to a prior Phase 1 report; please clarify if that was the July 2021 Preliminary Environmental Site Evaluation or the 2017 Phase 1 Report that was conducted by NYU.
26. The Phase 2 Report indicates that there were five underground tanks (3 were previously closed out or removed and 2 appear to still be active for heating oil) and three above ground storage tanks (please clarify the operation status and contents (existing or historical) of the above ground storage tanks).
27. There is one open spill with NYSDEC (#2004002 from August 07, 2020) where there was a spill reported associated with a 50-gallon transformer oil tank. Please clarify the status of this spill with NYSDEC and any potential cleanup /assessment that was conducted or that is still needed. If this spill # was closed, please provide date of close-out and documentation.
28. Owner/Operator should consult local, state, and Federal guidance and analyze the Phase 2 soil vapor data to further assess the potential for vapor intrusion (“VI”) for the existing buildings. During this assessment, it is recommended that indoor air samples be collected to fully assess the potential for vapor intrusion and indoor air quality. Should mitigation be determined to be required (or, if the Owner/Operator voluntarily elects to install a VI mitigation system such as sub-slab depressurization), the Building Department shall be notified. It is understood that VI conditions may also warrant NYSDEC or NYSDOH notification.
29. It is the responsibility of the Owner/Operator to properly assess (and report, if necessary) all environmental conditions on the property (including remnant or residual materials that are stored / staged inside the buildings). These conditions may include but are not limited to: chemical storage/containers, building materials, light fixtures, electrical equipment /

switches, lead-based paint, and asbestos containing materials. All regulated materials shall be assessed, handled, and removed/disposed of in accordance with appropriate regulations. If such assessments and actions within the buildings have already been completed, please submit summary of activities and documentation to the Planning Board.

30. The recommendation in the August 2021 Phase 1 ESA regarding soil sample SB-4 should be followed; i.e., excavation of soil around this point, followed by proper off-site disposal, endpoint sampling, and backfill with acceptable material.
31. It is noted that groundwater at the site (based on data from one of the temporary monitoring wells installed in August 2021) was determined to have elevated SVOC concentrations downgradient from a former 1,000 gallon underground storage tank (this UST was reportedly taken out of services, and closed/removed). In accordance with the recommendation in the August 2021 Phase 2 ESA, NYSDEC Spills should be contacted. If this spill reporting has been completed, please provide the spill number and the status of the spill.
32. If any environmental conditions are discovered during site re-development or construction (e.g., additional tanks, buried material, historical contamination within buildings, soil contamination, or groundwater contamination), it is the Owner/Operator's responsibility to report as necessary and address and manage these conditions in accordance with all local, state, and Federal requirements. Regulations that may be applicable could include NYSDEC Part 360, 364, and 375 criteria. Any sampling and analysis that is required should be implemented in accordance with NYSDEC DER-10.
33. The 2017 full Phase 1 ESA prepared for NYU should be reviewed during site re-develop planning (pre-construction) to ensure that no potential environmental conditions are omitted. It is understood that the Owner/Operator will engage qualified environmental professional(s) during construction to ensure that encountered environmental conditions are appropriately addressed.
34. It is understood that all buildings on the property are currently served by an off-site public water supply. A note shall be added to the plan stating that no on-site groundwater will be used for potable or non-potable uses unless a complete application (including proposed well location, construction details, yield, sample data, and purpose of the proposed groundwater use) has been submitted to the building department.
35. Any deviation from the approved site plan for this property (i.e., a proposal for future new building, an expansion of an existing building, etc.) may require that environmental conditions be evaluated. This may be scoped as part of an amended site plan review. Add a note to the plan.
36. Surveyor to certify that iron rods have been set at all property corners.
37. The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.
38. Applicant to post any Performance and/or Landscape bond, as determined by the Planning Board.
39. Payment of all fees.



The following comment submitted by the Conservation Board:

Old Forge School 57-61 Old Forge Rd. – None submitted.

The following comment submitted by the ARB:

Old Forge School 57-61 Old Forge Rd. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I had previously mentioned that this could be a Type I Action because if it had been 2.5 acres of disturbance and next to a NYS Park, it would have been a Type I Action. The applicant came back with more information. The area of disturbance I believe is .36 acres.

Keith Woodruff: Some points we rounded up to just .4.

Liz Axelson: In any case it falls below the threshold to be a Type I Action. It is classified as an Unlisted Action. There are other Involved/Interested Agencies such as; NYS Education Department, NYSDEC, OC Department of Planning, OC Department of Health, and Town of Warwick Zoning Board of Appeals. It would have to be circulated to those other agencies. I have prepared a draft Resolution for the Unlisted Action for the Planning Board's consideration. The last Resolved, that the Town of Warwick Planning Board hereby refers this application to the Town of Warwick Zoning Board of Appeals for an area variance.

Mr. McConnell: John, I don't think we need to resolve yet. Do we need that in the motion the referral to the ZBA?

Mr. Bollenbach: We refer them to the ZBA without recommendation. It is indicating that the ZBA is involved with this.

Mr. McConnell: Ok.

Laura Barca: John, since they are being referred to the ZBA, I don't think we can start SEQRA until they come back to the Planning Board?

Mr. Bollenbach: Correct. We would have to wait until they come back from the ZBA before we could start SEQRA.

Liz Axelson: I feel more comfortable with waiting for them to come back from the ZBA before we start the SEQRA process. I would like to see more information on the plans.

Mr. Showalter: Ok.

Comment #2: Applicant to discuss project.

Bob Krahulik: I am the Attorney for the Applicant. I have Keith Woodruff from Engineering Properties & Surveying here with me tonight. I will have him explain the project to the Board.

Keith Woodruff: It is an existing 87,000 square-foot building. It is a mix of two and three stories that was previous utilized by NYU for a medical research facility. As to what is currently proposed, the Applicant is looking to repurpose the existing building as is with interior modifications to turn it into a private state-credited private school with overnight accommodations. They will be utilizing the existing parking lot which is located on the second tax parcel. As part of this application, we will be merging both tax parcels into a singular contiguous tax parcel. With the utilization of the lower parking lot, we are required to improve upon it in order to bring it up to current Codes and Regulations in order to make sure it has adequate fire apparatus access into and out of that parking lot. The only other two locations that we are proposing earth disturbance is in the upper parking lot for which we are squaring off the corners of that parking lot in order to have adequate parking and an access isle for those locations. The remaining portion of the site is going to remain as is. The pavement is just the existing that we're proposing modification in order to bring it up to Code. Anything else around the building will be cosmetic and the interior of the building would undergo some major renovations in order to transform it from a medical research facility into a private dormitory style school. Since the Work Session, the plans are more of a complete detailed design outlining the existing utilities on site. There is an existing water and sewer service that is currently being provided. We did receive a sign-off on the water. They had stated that there would be adequate water supply with some minor improvements. But the Sewer Department said no they don't have any capacity. We are still trying to get any kind of input or direct guidance from them. They have been very short coming with any information whatsoever. We are still trying to pursue that with them since February or March for an actual determination from the Sewer Department as to what improvements are required. The Applicant has not made a statement yet. He understands there is an insufficient sewer capacity. They would either have to off set it on site or pay for the improvements on the sewage treatment corporation treatment system. The Sewer Department has not been forthcoming with any information. Other than that, we are going to utilize everything else as far as the existing electric. I don't believe there is any gas located at Old Forge Rd. There were some underground tanks still currently located on the property of large quantities which I believe is a 10,000- and 20,000-gallon tank. Those would be permanently closed. I don't know if it would require a complete removal or just a closure in place. The Applicant intends to do split units instead of trying to fire up the giant boiler system that the previous tenant had been utilizing, which is very energy inefficient.

Mr. MacDonald: Are those tanks empty right now?

Keith Woodruff: I don't know if they are completely empty. We haven't been provided with a closure report from NYU.

John MacDonald: Are they just run down and not completely empty?

Keith Woodruff: We don't know. They did have a Phase I and Phase II Environmental Study that was performed as part of the previous/current property owners. The Environmental Consultant did identify the spills that were on site and the large underground tanks. The other tanks that were on site were either for fuel oil or gasoline. The gasoline tanks have been removed. The only tanks left are the fuel oil tanks. The other thing that was identified in the environmental study was that there was a transformer leak at some point. That was one of the documented spills. It has not been closed through the DEC. That would be part of the remediation process of bringing the site up to compliance with the State's Code.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 04/27/23 no violations

Comment #6: OC Planning Department – pending response

Laura Barca: We do have that now.

Mr. Showalter: Ok. We have that information from OC Planning Department.

Comment #7: ZBA for increasing amount of impervious area (20% allowed, 37% existing or proposed; Applicant to clarify). Sheet O-100, Bulk Requirement Table states that the impervious area is 36.3% existing and 37.1% proposed; therefore, a ZBA variance will be required.

Bob Krahulik: We agree.

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

Mr. Showalter: The Planning Board will want to schedule a site visit in the future. We will list HDR Comment #9 through Comment #39 for the record. We will also list our Town Planner's memo dated July 12, 2023 for the record as well. Do any Board members or Professionals have any comments?

Laura Barca: HDR did review the two environmental reports that were submitted. We did not identify a reason to suggest that the property cannot be used as proposed however a future assessment of vapor mitigation may be required. You kind of referred to that about the tanks. That specifically relates to Comment #30 and Comment #31. That is all technical stuff. We could go through those two comments if you have any questions about them.

Keith Woodruff: No. They seem to be pretty straight-forward. That would all be part of the application process of them remediating the site and bringing it up to the current

Codes. That would be a condition of final approval to make sure that all environmental impacts have been taken care of prior to issuance of a Certificate of Occupancy.

Laura Barca: Ok.

Bob Krahulik: We do have one concern. We are not exactly sure what the path would be to the finish line yet. We understand the Town's requirement that this would be a state-accredited private school. I don't know if we can get accreditation unless we have approval from the Planning Board first or whether I can get accreditation and come back to the Planning Board to get final approval from you afterwards. I will get the answer to that. I am sure that John and I could work out some safe guards that would allow you to give us approval but withhold a Certificate of Occupancy until we get accreditation from the state.

Mr. Bollenbach: It wouldn't be at the point of getting a C of O. It would be done before maps are signed and any building permits are issued.

Mr. McConnell: Yes.

Mr. Showalter: That would make sense.

Bob Krahulik: It does. You understand my concern. I don't want to go to the state and have them say well show us your approval.

Mr. McConnell: On the other hand, our concern is if we give them approval and you come back and say the state won't approve it for a private school. It would bring you back to square one. It would be a pea in a shell game. That would not be appropriate.

Bob Krahulik: I agree with that.

Laura Barca: I agree that the attorneys could try to figure it out. But from what I understand, it is not actually a use until you have the accreditation. That would be for the attorneys to figure that out.

Mr. Showalter: Bob, you would want to work that out with John. We would then go from there.

Bob Krahulik: Ok.

Mr. Showalter: Does the Board or Professionals have any other questions?

Mr. Purcell: I know that animals were tested there for various reasons. Were there any other tanks below ground other than oil tanks or possibly gas tanks as you had referred to?

Keith Woodruff: There was on the original survey they did identify acid tanks that were underground. The environmental studies did not identify those same tanks. They were provided with that same survey information when they performed their Phase II environmental study. I could reach out to the environmental company to see if they did research those acid tanks. The current survey doesn't identify any of the underground improvements other than the water, sewer and electric. They didn't identify those same acid tanks as being operable or containing actual acid.

Mr. Purcell: The reason why I am asking the question, the environmental consequences of anything that is in that soil that could impact people 100 years from now. The people of Orange County are very concerned about the environment. We've had issues where dirt has been brought in and we are in the process of having it removed. It is huge in my opinion. It has to be a clean sweep.

Keith Woodruff: Yes. Absolutely. The DEC typically issues guidance as to what the use of the property is. There would be different guidance for that and mitigation for that.

Mr. Purcell: I visited the site today. There is a lot of potential there. We understand that. There is a lot of work that has to be done there.

Keith Woodruff: Yes.

Mr. Showalter: They would have to show there is no contamination and the site is suitable and habitable.

Keith Woodruff: Yes. Does the Board want to schedule a site visit now?

Mr. Showalter: No. We will wait until you come back from the ZBA.

Keith Woodruff: Ok. I know it was identified at the Work Session that the current state of the property was subject to vandalism. The Applicant is in the process of securing it. They are in the process of trying to get electric so they could install some security cameras. They are looking into getting a person on site to patrol the site. They will also be boarding up any broken glass on the doors.

Mr. Purcell: Would the site visit include going into the building?

Keith Woodruff: I cannot guarantee you that we might be able to provide internal access to the building because of the current state of broken glass and the disrepair. It would not be safe. We did provide external and internal pictures of the building. That was part of the submittal packet.

Mr. Showalter: I agree. We would not want to go into the building. You are off to the ZBA.

Keith Woodruff: Ok. Thank you.

Bob Krahulik: Thank you.

Comment #9: Applicant should clarify if proposing to combine the two lots together (parking on one lot and building is on other). Applicant proposed to combine the two lots into one; comments will be removed when confirmed with the Town Assessor that the two lots have been combined.

Comment #10: Town of Warwick §164-40.M Use 84 requires that a private school be state-credited. Applicant to provide documentation showing that the proposed private school is state accredited.

Comment #11: Town of Warwick §164-46.J(24) requires that the state accredited private schools shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such. This does not apply if the school is a nursery school.

Comment #12: Applicant to demonstrate how overnight accommodations at a private school are permitted in the Town of Warwick Town Code. Applicant to provide notice from NYS Commissioner of Education pursuant to 8 NY ADC Sec. 126.5 with regards to overnight accommodations.

Comment #13: Applicant to clarify the condition of the existing utility lines (e.g., water, sewer, drainage).

Comment #14: Applicant to update drawings with the height and type of lighting fixtures shown on the plans. Site lighting is required to the comply with the Town of Warwick lighting code §164-43.4.

Comment #15: Site Plan should be updated to identify features that are shown in the recent survey for the property. There are several unidentified shapes on the plan that need to be labeled.

Comment #16: Service capacity letters are required to be submitted.

Comment #17: Applicant to expand Sheet O-100 Note 16 to state that a Certificate of Occupancy will not be issued until the Town of Warwick Building Department has received confirmation from Veolia that the proper water supply improvements have been installed.

Comment #18: Applicant to provide sewer district use approval letter.

Comment #19: All existing and proposed signage must be shown on the plan per §164-43.1. This includes depicting the location and related signage for any handicapped accessible parking spaces. Indicate locations of all proposed signs (stop, no parking, fire lane, etc.) and stop bar on the plans that correspond to the sign schedule and details.

Comment #20: The hours of operation should be shown on the plans. Applicant to obtain approval from the State for overnight accommodations to allow for 24-hour schedule.

Comment #21: Parking calculations are to be provided.

Comment #22. The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.

Comment #23: §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.

Comment #24: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet O-100, General Note 15

Comment #25: The August 2021 ESA Phase 2 Report referred to a prior Phase 1 report; please clarify if that was the July 2021 Preliminary Environmental Site Evaluation or the 2017 Phase 1 Report that was conducted by NYU.

Comment #26: The Phase 2 Report indicates that there were five underground tanks (3 were previously closed out or removed and 2 appear to still be active for heating oil) and three above ground storage tanks (please clarify the operation status and contents (existing or historical) of the above ground storage tanks).

Comment #27: There is one open spill with NYSDEC (#2004002 from August 07, 2020) where there was a spill reported associated with a 50-gallon transformer oil tank. Please clarify the status of this spill with NYSDEC and any potential cleanup /assessment that was conducted or that is still needed. If this spill # was closed, please provide date of close-out and documentation.

Comment #28: Owner/Operator should consult local, state, and Federal guidance and analyze the Phase 2 soil vapor data to further assess the potential for vapor intrusion (“VI”) for the existing buildings. During this assessment, it is recommended that indoor air samples be collected to fully assess the potential for vapor intrusion and indoor air quality. Should mitigation be determined to be required (or, if the Owner/Operator voluntarily elects to install a VI mitigation system such as sub-slab depressurization), the Building Department shall be notified. It is understood that VI conditions may also warrant NYSDEC or NYSDOH notification.

Comment #29: It is the responsibility of the Owner/Operator to properly assess (and report, if necessary) all environmental conditions on the property (including remnant or residual materials that are stored / staged inside the buildings). These conditions may include but are not limited to: chemical storage/containers, building materials, light fixtures, electrical equipment / switches, lead-based paint, and asbestos containing materials. All regulated materials shall be assessed, handled, and removed/disposed of in accordance with appropriate regulations. If such assessments and actions within the buildings have already been completed, please submit summary of activities and documentation to the Planning Board.

Comment #30: The recommendation in the August 2021 Phase 1 ESA regarding soil sample SB-4 should be followed; i.e., excavation of soil around this point, followed by proper off-site disposal, endpoint sampling, and backfill with acceptable material.

Comment #31: It is noted that groundwater at the site (based on data from one of the temporary monitoring wells installed in August 2021) was determined to have elevated SVOC concentrations downgradient from a former 1,000 gallon underground storage tank (this UST was reportedly taken out of services, and closed/removed). In accordance with the recommendation in the August 2021 Phase 2 ESA, NYSDEC Spills should be contacted. If this spill reporting has been completed, please provide the spill number and the status of the spill.

Comment #32: If any environmental conditions are discovered during site re-development or construction (e.g., additional tanks, buried material, historical contamination within buildings, soil contamination, or groundwater contamination), it is the Owner/Operator’s responsibility to report as necessary and address and manage these

conditions in accordance with all local, state, and Federal requirements. Regulations that may be applicable could include NYSDEC Part 360, 364, and 375 criteria. Any sampling and analysis that is required should be implemented in accordance with NYSDEC DER-10.

Comment #33: The 2017 full Phase 1 ESA prepared for NYU should be reviewed during site re-develop planning (pre-construction) to ensure that no potential environmental conditions are omitted. It is understood that the Owner/Operator will engage qualified environmental professional(s) during construction to ensure that encountered environmental conditions are appropriately addressed.

Comment #34: It is understood that all buildings on the property are currently served by an off-site public water supply. A note shall be added to the plan stating that no on-site groundwater will be used for potable or non-potable uses unless a complete application (including proposed well location, construction details, yield, sample data, and purpose of the proposed groundwater use) has been submitted to the building department.

Comment #35: Any deviation from the approved site plan for this property (i.e., a proposal for future new building, an expansion of an existing building, etc.) may require that environmental conditions be evaluated. This may be scoped as part of an amended site plan review. Add a note to the plan.

Comment #36: Surveyor to certify that iron rods have been set at all property corners.

Comment #37: The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.

Comment #38: Applicant to post any Performance and/or Landscape bond, as determined by the Planning Board.

Comment #39: Payment of all fees.

#### MEMORANDUM

**Date:** July 12, 2023

**To:** Chairman Ben Astorino and Town of Warwick Planning Board

**From:** Liz Axelson, AICP, Senior Planner  
Meagen Stone, Planner

**RE:** Old Forge Site Plan & SUP  
57 & 61 Old Forge Road  
Warwick, NY 10990  
Section 83, Block 1, Lots 2 & 5.1  
Project: R23.00030.06

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We have reviewed the materials listed at the end of this memorandum according to pertinent requirements and standards of the Code of the Town of Warwick, primarily Chapter 164, Zoning. Prior comments that have been addressed have been deleted. Based on our review we offer the following comments:

#### **General Comments:**



58. The proposed action is the use and partial redevelopment of the 7.01-acre site, consisting of 2 tax parcels, to adapt the existing structure and site improvements for a boarding school, which is listed in the LC (land conservation) zoning district column of the use table as “state accredited private schools”, requiring site plan approval and a special use permit. The extent of proposed project construction, improvements, and land disturbance must be shown on more detailed site plans. For example, the plans should show:
- a. While an outline was added, which appears to be a symbol of existing wooded areas, add a legend item and a callout to the plans to clearly identify; and confirm that there are not any areas to be cleared. Specifically, label areas as “Existing Wooded Area to be Preserved”;
  - b. parking calculations per zoning were provided. Please number the rows of parking areas to demonstrate that there is sufficient parking per the calculations for staff and visitors;
  - c. Prior comments asked about the need for outdoor recreational areas and improvements may also result in site disturbance, which per the response “is currently being evaluated by the applicant”; and
  - d. Prior comments requested that any grading, drainage improvements, the corresponding extent of disturbance, the delineation of areas to remain undisturbed or be protected, and other aspects of the proposed use must be clearly shown on the site plans. Address the following:
    - i. While “Disturbance Areas” A through E are shown, it is not clear whether grading is proposed, or not. Clearly show and label all proposed grading. Or add a callout with a note describing the type of disturbance;
    - ii. An area to the south of “Disturbance Area A”, which appears to be a pathway or drainage structure, must be identified;
    - iii. Show erosion control measures; and
    - iv. There are other line types on the plan that should be included in a plan legend and/or identified in the plan view.
59. Prior comments noted that to provide a 7.01-acre project site, the 2 separate tax parcels must be merged by deleting the lot line separating the 2 parcels. A callout and note has been added to the plan set on sheets O-100 Overall Plan; and C-102 Site Plan. Filing of a map to affect the lot merger will be a condition of approval.
60. Prior comments noted that this property is located within the following Town of Warwick Zoning districts and Overlay Zoning Districts: Land Conservation (LC); Ridgeline Overlay (RL-O 1); and Biodiversity Conservation Overlay (BC-O). Address the following comments pertinent to environmental effects of the project will be considered as per the standards in the following zoning overlay districts as set forth in their corresponding sections:

- a. Ridgeline Overlay (RL-O 1) section 164-47.1:
  - i. Regarding subsection 164-47.1, E., add a legend to the plan set with an item indicating edge of existing wooded area;
  - ii. Regarding 164-47.1, E., add a legend to the plan set with an item indicating edge of existing wooded area to be preserved;
  - iii. add a callout indicating wooded area and wooded area to be preserved;
  - iv. Show any areas of removal of vegetation;
  - v. Provide a landscaping plan showing all areas of wooded areas to remain and those to be preserved; areas of vegetation removal and proposed plantings to restore vegetated areas;
  - vi. Regarding subsection 164-47.1, F. (2) Restrictions on height., which requires that no structure have a building height of greater than 25', show and label the heights of existing structures in feet;
  - vii. Add the actual existing tallest building height in feet to the Bulk Requirements table on plan sheet O-100; and add a new, separate footnote for pre-existing nonconforming height for Ridgeline Overlay zoning district;
  - viii. It is recommended that the above be done to establish a record of these existing conditions.
  - ix. Regarding subsection 164-47.1, F. (5), provide a lighting plan showing existing lighting and any proposed lighting in accordance with this section and other lighting requirements in zoning;
  - x. Regarding subsection 164-47.1, F. (6)(d), clearing of existing vegetation at the edge of any road shall be minimized except as noted in that subsection. Show any proposed clearing near any road frontage or existing points of access; and
  - xi. Discuss any proposed additional point of access.
- b. Biodiversity Conservation Overlay (BC-O) on the northeastern portion of the site, section 164-47.9:
  - i. Add Biodiversity Conservation notes 4 and 4. a.:  
"Approve of the \_\_\_\_ project, issued pursuant to section 164-46 and 164-47.9 of the Town Code, is conditioned on the following site specific conditions:" "Limitation of mature tree clearing on the site to the period from October 1st through March 31st", regarding the northern long eared bat; and renumber to 5; and
  - ii. Proof of filing regarding Biodiversity Conservation note renumbered to 5 will be a condition of approval;
  - iii. Regarding the potential presence of timber rattlesnake, as set forth in the ERS consultants Inc. letter of June 26, 2023, show the recommended exclusion fence placed around the entirety of disturbed or developed areas with this specification for the exclusion fence; and

- iv. Add plan notation indicating that: "A timber rattlesnake monitor would be required prior to and during land disturbance/clearing activities as well as during installation of the fence."
61. We defer to the Planning Board's Engineer regarding code review.
62. Please refer to the comments below. Although the submittal provides some preliminary information about the proposed action, the application is incomplete. Therefore, **no** Planning Board action is recommended at this time. A submittal should be prepared to address the comments herein. I may have additional comments when more detailed information is provided.
63. It is recommended that the plans and application materials be revised to address the Orange County Department of Planning comments of May 18, 2023.

### **SEQR Comments:**

64. The plans submitted are more detailed, showing the extent of disturbance in 5 areas A through E, in response to prior comments noting the proposed action could be classified as a Type 1 Action, in accordance with the SEQR regulations at 617.4, (b) (6)(i) and (10). This is because Sterling Forest State Park (Palisades Interstate Park) is adjacent to the project site on 3 sides. However, the areas of disturbance total 0.36 acres, which is less than 2.5 acres, so the proposal would be an Unlisted action.
65. Given the submittal is incomplete, no Planning Board SEQR action is recommended at this time. A submittal should be prepared to provide more detailed information about the proposed action by providing a more detailed site plan set.
66. Provide existing site development values alongside the proposed development values in a tabular summary, such as building footprint, gross floor area, impervious coverage, etc.
67. Please refer to the Plan Comments below that relate to areas of potential environmental impact and corresponding recommended development practices and mitigation.

### **Short Environmental Assessment Form Comments:**

68. The responses to Short EAF question 8. a. through c., regarding traffic, transportation and pedestrian accommodations requires responses, including:
  - a. The submittal of a traffic impact assessment; and
  - b. Provide explanation of the context of the site along a rural road, Orange County Route 84; and the presence of a train station over 5 miles from the site.
69. In response to question 11, it is indicated that the current sewage treatment plant will need to be expanded to receive the additional flows generated by the proposed action. I defer to the Planning Board's engineer about the connection to the wastewater utilities, including the anticipated need for expanded service.

70. Regarding the responses to questions 17., 17. a., and 17. b., I defer to the Planning Board's engineer about stormwater discharges, and how they are conveyed to established conveyance systems.
71. Regarding question 20, the results of the August 20, 2021 Phase II Environmental Site Assessment (ESA), include recommendations for: contaminated soil excavation; disposal at a disposal facility; and post-excavation soils samples, soil sample results and disposal receipts being submitted to the NYSDEC for review. The Phase II ESA also indicate a groundwater sample from down-gradient of a former 1,000-gallon Underground Storage Tank (UST), which may "represent a reportable condition to the NYSDEC Spill Hotline"; and that this condition "be reported to NYSDEC by the current property owner". Please provide updates about the next steps as recommended in this report. It seems there remain steps to be taken before the site can be used as a school.

### **Plan Comments:**

The plan comments below focus on creating plans that identify the environmental and other resources of the site and surroundings, clearly depict the proposed action and demonstrate the extent of impacts and corresponding mitigation.

72. Provide an existing conditions plan showing and labelling existing vegetated, and wooded areas, including existing large trees in open areas, meadow or lawn areas, rock outcrops, paved areas, etc.
73. Provide an overall proposed development plan showing and labelling existing and proposed vegetated, and wooded areas, including large trees in open areas, meadow or lawn areas, rock outcrops, paved areas, etc.
74. Provide an existing conditions plan showing and labelling existing features in the plan view with existing site development values shown in the plan view and in a summary and/or bulk table, such as building footprint, gross floor area, impervious coverage, etc. The existing conditions plan should show existing infrastructure such as water and sewer, lighting, etc. I note that a bulk table was provided, yet additional information should be added per this comment.
75. Provide an overall proposed development plan with proposed site development values shown in the plan view and in a summary and/or bulk table, such as building footprint, gross floor area, impervious coverage, limits of disturbance, etc. The proposed development plan should show expanded infrastructure such as water and sewer, lighting, etc.
76. Upon submittal of revised plans and other application materials and documents, we may have additional comments.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at [eaxelson@cplteam.com](mailto:eaxelson@cplteam.com).

Materials Reviewed:

- Submittal cover and response letter, prepared, signed by David Getz, PE, Chief Engineer; and Keith Woodruff, CPESC, CPSWQ, Senior Project Engineer, dated June 28, 2023; and
- Site Plan entitled Old Forge School, prepared by David A. Getz, PE, Engineering & Surveying Properties, dated 2/3/23, revised 6/28/23, including the following:
  - O-100 Overall Plan;
  - C-101 Existing Conditions;
  - C-102 Site Plan;
  - C-103 Grading, Drainage & Utility Plan;
  - C-301 Details.
- Short EAF prepared by Keith Woodruff, Engineering & Surveying Properties, dated 6/28/23;
- Project Narrative prepared by David Getz, PE, Engineering & Surveying Properties, dated 4/25/23, revised June 28, 2023;
- Copy of Town of Warwick Neighbor Notification Letter, with locations map, signed by David Getz, PE, Engineering & Surveying Properties, dated July 11, 2023;
- ERS Consultants Inc Threatened & Endangered Species Investigation, prepared by David Griggs, dated June 26, 2023;
- SHPO No Impact letter dated June 22, 2023;
- SHPO resource evaluation dated June 22, 2023;
- SHPO submission packet of photographs dated 6/13/23;
- Email from Steve Bernardino, Veolia North America regarding no available sewer capacity, dated May 20, 2023;
- Letter ensuring water supply requirement, by Eric Engell, PE, dated March 29, 2023;
- Letter to John Furst, Esq., from Daniel Gibson, Building Inspector, Town of Warwick, regarding interpretation, dated November 7, 2022;
- Phase II ESA, prepared by Michael Scott, Geologist; and Conor Tarbell, Project Manager, PVE LLC, dated August 20, 2021;
- Preliminary ESA prepared by Christopher Brown, PG, CEO, PVE LLC, dated July 12, 2021;

Materials Previously Reviewed:

- Application for Site Plan and Special Use Permit, signed April 18, 2023, prepared by David Getz, PE, dated 4/24/23;
- Project Narrative prepared by David Getz, PE, Engineering & Surveying Properties, dated 4/24/23;
- Short EAF prepared by Keith Woodruff, Engineering & Surveying Properties, dated 4/14/23;
- Agricultural Data Statement, prepared by Stephen LaBarbera, OFR Assoc, LLC, dated 4/24/23;
- Site Plan (conceptual) entitled Old Forge School, sheet C-1 only, prepared by PREPARER NOT INDICATED, Engineering & Surveying Properties, dated 2/3/23;
- Town of Warwick, Section 83S of Tax Year 2022, with site location highlighted;
- NYSDEC Environmental Resource Mapper with project location and nearby wetland areas, undated;
- US Fish and Wildlife Service, National Wetland Inventory map, with project location and nearby wetland areas, dated April 23, 2023;
- Copy of deed;
- Letter from Veolia Water New York Inc., to Ross Winglovitz, PE, Engineering & Surveying Properties referencing a proposed subdivision, dated 3/6/23, with attached forms prepared by Ross Winglovitz, PE, Engineering & Surveying Properties, dated 2/14/23;
- Survey prepared by Anthony Celentano, PLS, dated and signed March 19, 2023; and
- Survey prepared by Richard DeKay, LS, dated and signed June 5, 1980.

**Other Considerations:**

1. Planning Board Minutes of 6/7/23 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 6/7/23.

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

2. **Maylor-Mitchell Lot Line Change** – Letter from Jeremy Havens, Esq., dated 7/3/23 addressed to the Planning Board in regards to the Maylor-Mitchell Lot Line Change – requesting 6-Month Extension on Re-Approval of conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #23-1-56.1 and 56.2; parcels located at 148 East Ridge Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 1/19/22. *The Applicant has stated that due to unforeseen circumstances and unanticipated delays in getting documents prepared and for filing of deeds the 6-Month Extension is needed.* The 6-Month Extension becomes effective on 7/19/23.

Mr. McConnell makes a motion on the Maylor-Mitchell Lot Line Change application, granting a 6-Month Extension on conditional Final Approval of a proposed lot line, situated on tax parcels S 23 B 1 L 56.1 & 56.2; parcels located at 148 East Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 1/19/22.

The 6-Month Extension becomes effective on 7/19/23.

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

3. Planning Board to discuss canceling the 7/24/23-W.S. & 8/2/23-PB Meeting.

Mr. McConnell makes a motion to cancel the 7/24/23-W.S. & 8/2/23-PB Meeting.

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

**Correspondences:**

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

Connie Sardo: No.

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

Mr. Showalter: 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 July 19, 2023 Planning Board Meeting.**

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