

TOWN OF WARWICK PLANNING BOARD
October 4, 2023

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Bo Kennedy,
John MacDonald, Rich Purcell, Alt.
Liz Axelson, CPL Planner
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, October 4, 2023 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Old Forge Road LLC

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. Previously discussed at the July 19, 2023 Planning Board Meeting.

Representing the Applicant: Keith Woodruff from Engineering Properties & Surveying. Bob Krahulik, Applicant's 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. Planning Board to determine if a site inspection is necessary. An exterior site inspection is planned for 10/04/2023. HDR recommends that access to the interior of the building(s) be offered as part of the Planning Board's review of this application.
8. Applicant confirmed that it proposes to combine the two lots into one (general Note #17 added to the Drawings); comment will be removed when confirmed with the Town Assessor that the two lots have been combined.
9. 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.

10. 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.
11. 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.
12. Applicant proposes to conduct a detailed inspection of the existing utilities during facility renovation, with any changes made to the plans as needed. Applicant should clarify the timing of the existing utility conditions assessment.
13. 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. Provide lighting for the parking lot and all outdoor walkway areas.
14. 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.
15. Service capacity letters are required to be submitted.
16. Applicant to provide sewer district use approval letter.
17. Revise sign schedule to be in accordance with current MUTCD standards for sign type, numbering, size, color, etc.
18. Applicant to obtain approval from the State for overnight accommodations to allow for 24-hour schedule. Hours of operations (24-hr) should be added to the Drawings (perhaps as a note under the Bulk Requirements table).
19. All proposed uses must be shown on the drawings to be able to confirm parking requirements.
20. The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.
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. A copy of the NYSDEC Petroleum Bulk Storage (PBS) database output for the property (listed as 57 Long Meadow Road, Tuxedo) was submitted, which notes:
 - a. a history of five (5) USTs, with 2 in service (20,000 and 10,000 gal.) and three noted as “closed -removed” or “closed prior to 03/1991”
 - b. a history of three (3) ASTs, with 1 in service (172 gal.) and the other two noted “closed – removed”

The PBS record matches with the information presented in the Phase 2 report. The applicant must confirm that the 57 Long Meadow Road referenced in the PBS report is in fact the subject site. As noted in below specific / general comments, the applicant remains responsible for appropriately addressing existing and future (known or unknown) environmental conditions at the site and for complying with all applicable local, State, and Federal rules and regulations. For the active tanks, the applicant shall clearly confirm if they will remain active.

HDR notes that the PBS database indicated that tank or line testing may be due for one or more of the active USTs and ASTs; the applicant shall confirm this and remain responsible for all tank-related compliance activities.

23. HDR notes that this 50-gallon tank does not appear on the NYSDEC PBS database. The applicant should confirm registration with NYSDEC. The applicant proposes to investigate and close this spill as part of the proposed renovation and remediation work. Schedule of spill investigation and close-out to be discussed with the Planning

Board. It is possible that sampling and remediation work (soil removal) will be required, the extent of which is unknown at this time. Planning Board should discuss if acceptable to add the investigation / closure as a condition of Site Plan approval.

24. The applicant proposes to handle VI as part of the building permit for the renovation and remediation work. HDR recommends that the VI assessment can be started now (provide an assessment of the soil vapor data and identify feasible approaches to address VI if deemed necessary), and at the time of clearing / gutting of the building interior as remnant items from prior operations may impact the indoor air testing and not be representative of future occupancy.
25. 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.
26. The applicant notes that the remedial recommendations regarding the SB-4 area will be completed during the building permit phase of the project for renovation and remediation work. Schedule of SB-4 area work to be discussed with the Planning Board. Soil remediation work will be required, the extent of which is unknown at this time. Planning Board should discuss if acceptable to add the SB-4 area work as a condition of Site Plan approval.
27. 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.
28. 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.
29. A copy of the September 29, 2017 Phase 1 report (TRC; prepared for NYU) was provided. It is requested that the applicant provide a narrative or table summary of the Recognized Environmental Conditions (RECs/ HRECs) that are noted in the 2017 report, and (a) identify which of those items is included in the 2021 environmental reports previously furnished and (b) which (if any) may be new conditions. The 2017 Phase 1 call out ACM and LBP as potential noteworthy conditions that exist in the building and that will need to be appropriately addressed.
30. 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.

31. Applicant to clarify proposed shift in western treeline and if trees are to be removed.
32. Surveyor to certify that iron rods have been set at all property corners.
33. The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.
34. Applicant to post any Performance and/or Landscape bond, as determined by the Planning Board.
35. Payment of all fees.

HDR recommends the Applicant consider the potential for vapor intrusion in future construction based on analytical results in the soil vapor as reported in the 2021 Phase II ESA prepared by PVE Engineering. The Applicant may consider vapor mitigation efforts in future construction including but not limited to the installation of a vapor barrier and/or sub-slab depressurization system. If soil excavation and offsite disposal is planned, endpoint samples should be taken at the bottom and sidewalls of excavated areas particularly in areas where the Phase II ESA indicated elevated concentrations of contaminants to ensure that residual contamination is removed, and best soil management practices should be followed. The existing fuel oil tanks should be inspected, upgraded/tested and repaired if necessary, or if the proposed school will not use the existing tanks they shall all be appropriately decommissioned and removed. Any tanks that were closed in place should be removed.

Based on the environmental reports reviewed, HDR has not identified a reason to suggest the property cannot be used as proposed. However, further assessment of vapor mitigation needs; confirmation of UST/AST compliance and spill reporting/closure; proper characterization and handling / disposal of historic building materials, uses, and features; and proper site and soil management during re-development are recommended.

The following comment submitted by the Conservation Board:

Old Forge Road LLC – None submitted.

The following comment submitted by the ARB:

Old Forge Road LLC – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I have prepared a Resolution for the Planning Board's consideration for establishing Intent to be Lead Agency as an Unlisted Action.

Mr. McConnell makes a motion for the Intent To Be Lead Agency.

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

State Environmental Quality Review (SEQR)**Resolution**

Unlisted Action

Name of Action: Old Forge School 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) approval by Old Forge School for the use and redevelopment of the existing 7.01-acre site, structures and improvements on a site with 2 tax parcels: Section 83, Block 1, Lots 2 & 5.1, approximately 5.4± and 1.5± acres, respectively, located at 61 Old Forge Road, Town of Warwick, Orange County, New York; and

Whereas, the Town of Warwick Planning Board had previously referred this application to the Town of Warwick Zoning Board of Appeals for an area variance; and

Whereas, an area variance for a minor expansion of existing nonconforming lot coverage was denied by the Town of Warwick Zoning Board of Appeals on August 28, 2023; and accordingly, the site's impervious coverage will not be increased by the proposed Site Plan and SUP; and

Whereas, the Town of Warwick Planning Board has reviewed the submittal including drawings entitled Old Forge School, prepared by David Getz, PE; and Keith Woodruff, CPESC, CPSWQ, Engineering & Surveying Properties, showing a set of detailed site plans proposing the redevelopment of existing structures, accessways and parking areas for use as a private school; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, the Planning Board has determined that the proposed project is an Unlisted Action under SEQR, yet 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 an Unlisted Action 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:

- New York State Education Department;
- New York State Department of Environmental Conservation;
- Orange County Department of Planning;
- Orange County Department of Health; and
- Town of Warwick Zoning Board of Appeals.
- Tuxedo UFS District

Comment #2: Applicant to discuss project.

Keith Woodruff: Since the Board had last seen the project. We went to the ZBA and asked for a variance for the increase in the impervious surfaces necessary to widening and improve the existing paved access ways. We were then subsequently denied due to the fact that we have an abundance of parking on the facility. It was that Board's determination that an alternative removal of the existing pavement was necessary in order to comply. We have subsequently updated the plans and removed approximately 11,300 s.f. of previously impervious surfaces which was the lower graveled parking lot. That offsets the approximately 2,200 s.f. of impervious surfaces that we are adding as part of this application. We have also added some additional detailed design for the lighting that was requested some additional notations that was also requested to help give some overall scope to the improvements that are already on site.

Mr. Astorino: Have you provided a traffic study?

Keith Woodruff: Yes. We have a traffic study that was completed in August from Creighton Manning. That shows the proposed use changing from the research and development facility to a private school boarding for 200 students is a slight increase in traffic from what was previously there to what the new use would be. However due to it be a boarding school the traffic peaks would only be on a Monday morning when the students are being dropped off and on a Friday evening when they are being picked up. They also had subsequently said that Old Forge Road has sufficient capacity to serve that additional demand.

Mr. Astorino: That would be reviewed by our Town Professionals.

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

Comment #7: Planning Board to determine if a site inspection is necessary. An exterior site inspection is planned for 10/04/2023. HDR recommends that access to the interior of the building(s) be offered as part of the Planning Board's review of this application.

Mr. Astorino: We did do a site inspection of the exterior this evening. We are requesting from the Applicant to get access inside the buildings. I believe that everyone on this Board is in an agreement with that. The site is extremely in rough condition. We had seen that this evening. There is a lot of work that needs to be done. We were out there with our Planner, Engineer, and we also had brought along an Environmental Engineer from HDR for the environmental concerns that are on that site. We would be work on those issues as we go further. We have here this evening a lengthy list of comments since this project is extremely new and going through the process. I am not going to read them all. It is a lengthy process. We are going to work through them one step at a time. For the residents that are here this evening, this is not a public hearing this evening. We are on step 3 of 997 steps. Please be aware that this project is not going to be done in 5 minutes or 2 or 3 meetings. With that being said, there will be a lot of what this Board is going to require and request. We will move forward as we see fit. With that being said, I am going to go through some of the comments that I am going to touch on to get them on the record.

Comment #8: Applicant confirmed that it proposes to combine the two lots into one (general Note #17 added to the Drawings); comment will be removed when confirmed with the Town Assessor that the two lots have been combined.

Comment #9: 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.

Mr. Astorino: We did speak on that tonight at the site visit. The Board is in an agreement that if we don't see something from the State, we would not act. We would not act on a preliminary approval against the Town Code. We would need something from the State to approve that it is a state-accredited school. The Town Code requires that to act on this.

Bob Kraulik: We don't disagree at all.

Mr. Astorino: Perfect. That is what we want.

Bob Kraulik: The only concern is if the state says to us that they can't accredited us until they know that we have site plan approval.

Mr. Astorino: We need to see something from the state saying that. We need documentation coming from the state saying you could be accredited but you would need this.

Bob Kraulik: No problem.

Mr. Astorino: We are sending this for Lead Agency to the NYS Education Department. If they want to comment back to us, they are more than welcome to do so.

Bob Kraulik: I am in full agreement with that.

Mr. Astorino: We will not as a Planning Board give approvals without accreditation.

Comment #10: 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.

Bob Krahulik: Fine.

Comment #11: 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.

Bob Krahulik: There is correspondence to that effect which I will pull out of my file and send to the Board after the meeting.

Comment #12: Applicant proposes to conduct a detailed inspection of the existing utilities during facility renovation, with any changes made to the plans as needed. Applicant should clarify the timing of the existing utility conditions assessment.

Keith Woodruff: We are still in discussion with Veolia as far as the conditions and requirements for the water and sewer to serve the project as it would be an increase of demand. Once we get the detailed response back from them, we will provide that to you.

Mr. McConnell: Do you know how many employees were on site when it was up and running at its biggest level?

Keith Woodruff: I don't know that off the top of my head. I am sure it was documented through NYU.

Mr. McConnell: I am sure it was.

Keith Woodruff: We did get copies of their water bills as far as the water consumption. Other than that, we don't have anything else. Other than aerial imageries over the years, we counted cars. That would be the best bet that we have at this point to make a determination.

Mr. Astorino: At the site visit this evening, we directed our Professionals HDR to reach out to NYU for all of their past records from the inception until now. We want to get a full understanding as to what took place when, where, how and why. That was directed to them this evening. That should be forthcoming to get a letter from NYU. Have that provided to the Planning Board.

Comment #13: 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. Provide lighting for the parking lot and all outdoor walkway areas.
Comment #14: 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 #15: Service capacity letters are required to be submitted.

Keith Woodruff: Will provide.

Comment #16: Applicant to provide sewer district use approval letter.

Mr. Astorino: That would be the status of where you would be with your water and sewer connection.

Keith Woodruff: Correct.

Comment #17: Revise sign schedule to be in accordance with current MUTCD standards for sign type, numbering, size, color, etc.

Comment #18: Applicant to obtain approval from the State for overnight accommodations to allow for 24-hour schedule. Hours of operations (24-hr) should be added to the Drawings (perhaps as a note under the Bulk Requirements table).

Keith Woodruff: Yes.

Mr. Astorino: The rest of these comments that we have Comment #19 through Comment #35 relate directly to the environmental conditions the status of the property. These are all engineering comments that have to be addressed as we go forward. We did meet with HDR Environmental Engineer out on site. I am sure these comments are going to change as we move forward. As of right now, I am going to list Comment #19 through Comment #35 for the record. That is all due to outside and inside environmental concerns that are on the site as far as fuel tanks, remediation and everything to that degree. You have a laundry list of stuff here to take care of. Do any Board members or Professionals have any comments about the site visit we had this evening? We started SEQRA. Now the ball is in the Applicant's court to provide us with the information. We are going to request information from NYU.

Liz Axelson: The other thing that happened at the site visit was that the Board members would want to see as soon as possible some idea what the process is with the state accreditation.

Keith Woodruff: That would be part of that correspondence.

Liz Axelson: We would need a letter for that.

Keith Woodruff: Yes.

Mr. McConnell: Mr. Krahulik, are you going to be involved with the process of obtaining the state accreditation or do they have counsel who specializes in that?

Bob Krahulik: My involvement in this matter is going to end very shortly. There will be another attorney taking over this matter.

Mr. McConnell: Ok. Mr. Chairman, if this was proposed for opened land, the process might be different and maybe quicker other than the state's involvement with the accreditation. The remediation of this building the repurposing of this probably adds to the length of time it would take to get it done as maybe for the benefit of the citizens here thinking that this could

go quickly. I don't see this going quickly because of the condition of the property that we witnessed tonight.

Mr. Astorino: I had mentioned before that we do want to get inside the building to see what is in there. As we walked by the building, you could smell the mold coming out of that place.

Mr. McConnell: Yes.

Mr. Astorino: We understand that the inside is pretty rough. We do want to get inside the building to take a look at that as a Planning Board.

Keith Woodruff: Ok.

Mr. Astorino: Ok. Do any Board members or Professionals have anything else? The Applicant has a laundry list of items to take care of.

Keith Woodruff: Ok. Thank you.

Bob Krahulik: Thank you.

Comment #19: All proposed uses must be shown on the drawings to be able to confirm parking requirements.

Comment #20: The 911 addresses must be shown on the plan. Please confirm with 911 coordinator how many 911 addresses would be required.

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: A copy of the NYSDEC Petroleum Bulk Storage (PBS) database output for the property (listed as 57 Long Meadow Road, Tuxedo) was submitted, which notes:

- a. a history of five (5) USTs, with 2 in service (20,000 and 10,000 gal.) and three noted as "closed -removed" or "closed prior to 03/1991"
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The PBS record matches with the information presented in the Phase 2 report. **The applicant must confirm that the 57 Long Meadow Road referenced in the PBS report is in fact the subject site.** As noted in below specific / general comments, the applicant remains responsible for appropriately addressing existing and future (known or unknown) environmental conditions at the site and for complying with all applicable local, State, and Federal rules and regulations. For the active tanks, the applicant shall clearly confirm if they will remain active.

HDR notes that the PBS database indicated that tank or line testing may be due for one or more of the active USTs and ASTs; the applicant shall confirm this and remain responsible for all tank-related compliance activities.

Comment #23: HDR notes that this 50-gallon tank does not appear on the NYSDEC PBS database. The applicant should confirm registration with NYSDEC. The applicant proposes to investigate and close this spill as part of the proposed renovation and remediation work. Schedule of spill investigation and close-out to be discussed with the Planning Board. It is possible that sampling and remediation work (soil removal) will be required, the extent of which is unknown at this time. Planning Board should discuss if acceptable to add the investigation / closure as a condition of Site Plan approval.

Comment #24: The applicant proposes to handle VI as part of the building permit for the renovation and remediation work. HDR recommends that the VI assessment can be started now (provide an assessment of the soil vapor data and identify feasible approaches to address VI if deemed necessary), and at the time of clearing / gutting of the building interior as remnant items from prior operations may impact the indoor air testing and not be representative of future occupancy.

Comment #25: 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 #26: The applicant notes that the remedial recommendations regarding the SB-4 area will be completed during the building permit phase of the project for renovation and remediation work. Schedule of SB-4 area work to be discussed with the Planning Board. Soil remediation work will be required, the extent of which is unknown at this time. Planning Board should discuss if acceptable to add the SB-4 area work as a condition of Site Plan approval.

Comment #27: 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 #28: 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 #29: A copy of the September 29, 2017 Phase 1 report (TRC; prepared for NYU) was provided. It is requested that the applicant provide a narrative or table summary of the Recognized Environmental Conditions (RECs/ HRECs) that are noted in the 2017 report, and (a) identify which of those items is included in the 2021 environmental reports previously furnished and (b) which (if any) may be new conditions. The 2017 Phase 1 call out ACM and LBP as potential noteworthy conditions that exist in the building and that will need to be appropriately addressed.

Comment #30: 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 #31: Applicant to clarify proposed shift in western treeline and if trees are to be removed.

Comment #32: Surveyor to certify that iron rods have been set at all property corners.

Comment #33: The liber and page for the Ridgeline and Biodiversity Overlay Notes must be added to the plan.

Comment #34: Applicant to post any Performance and/or Landscape bond, as determined by the Planning Board.

Comment #35: Payment of all fees.

HDR recommends the Applicant consider the potential for vapor intrusion in future construction based on analytical results in the soil vapor as reported in the 2021 Phase II ESA prepared by PVE Engineering. The Applicant may consider vapor mitigation efforts in future construction including but not limited to the installation of a vapor barrier and/or sub-slab depressurization system. If soil excavation and offsite disposal is planned, endpoint samples should be taken at the bottom and sidewalls of excavated areas particularly in areas where the Phase II ESA indicated elevated concentrations of contaminants to ensure that residual contamination is removed, and best soil management practices should be followed. The existing fuel oil tanks should be inspected, upgraded/tested and repaired if necessary, or if the proposed school will not use the existing tanks they shall all be appropriately decommissioned and removed. Any tanks that were closed in place should be removed.

Based on the environmental reports reviewed, HDR has not identified a reason to suggest the property cannot be used as proposed. However, further assessment of vapor mitigation needs; confirmation of UST/AST compliance and spill reporting/closure; proper characterization and handling / disposal of historic building materials, uses, and features; and proper site and soil management during re-development are recommended.

Richard & Diane Jacobs Lot Line Change

Application for Sketch Plat Review and Final Approval of a proposed lot line change with no construction or improvements proposed., situated on tax parcels S 76 B 2 L 4.12 (24 West Cove Road) S 76 B 1 L 55 (2 Sanders Lane); parcels located on the northern side of Sanders Lane 0 feet east of West Cove Rd., in the SM zone, of the Town of Warwick.

Representing the Applicant: Bob Krahulik, Applicant's 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. OC Planning Department – PB secretary: not required
6. TW Building Department – 06/22/23 both properties need a septic pump out; the shed on 76-2-4.12 needs a building permit.
7. Existing and proposed bulk requirements should be shown in a table on the plan.
8. The home on the adjacent parcel 76-1-56 encroaches on parcel 76-1-55 by 0.15' or 1.8".
9. Planning Board to determine if a site inspection is necessary.
10. NYSDEC Enviromapper must be submitted.
11. USACE wetland map must be submitted.
12. FEMA floodplain map must be submitted.
13. Applicant to update the tax parcel ID for Lot 2 on Sheet 1, Note 5; it is 76-1-55 (not 76-2-55).
14. The Lot Areas table should be updated to include existing and proposed lot areas, as well as tax ID numbers.
15. Each septic system will require a New York Professional Engineer's certification that it is functioning properly.
16. The septic systems for both properties shall be shown on the plan.
17. A note should be added to the plan stating that there is no construction and no ground disturbance proposed.
18. Applicant to clarify is the line type with the ---W--- is a water line or an overhead utility wire. Municipal water is not known to be present in this area. A legend would be helpful to clarify.
19. Applicant to show well for Lot 2 and clarify if the garage has water supplied.
20. The Town of Warwick standard note for lighting must be added to the plan; please update the note on the plan.
21. A note should be added to the plan stating that there will be no further subdivision (with additional lots created) of either lot (per Town of Warwick Code §137-5).
22. Applicable Town of Warwick Standard Notes should be added to the plan.
23. Driveway sight distance must be shown on the plan.

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.”
25. Environmental information to be reviewed to confirm if any biodiversity notes are required for this project.
26. Surveyor to certify that iron rods have been set at all property corners.
27. Payment of all fees.

The following comment submitted by the Conservation Board:

Richard & Diane Jacobs Lot Line Change – None submitted.

The following comment submitted by the ARB:

Richard & Diane Jacobs Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I had prepared a draft Resolution for the Planning Board to determine this application as a Type 2 Action requiring no SEQRA. I have a whole bunch of blank spots in it.

Mr. Astorino: So, we don't need to action on the Type 2 Action tonight.

Liz Axelson: That was my understanding.

Mr. Astorino: Bob, you would need to go to the ZBA.

Bob Krahulik: Yes.

Mr. Astorino: Do you have any numbers for us? I know we had discussed this at the Work Session.

Comment #2: Applicant to discuss project.

Bob Krahulik: I could share with you the numbers based upon my analysis of the Code. The surveyor has been working slow with his turnaround. I do not have a revised map. The property is located in the SM zoning district. The minimum lot size is 1/2-acre. It is 21,780 s.f. There is a chart that shows the proposed lot size. Both lots would end up being too small. Lot #1 would be at 16,312 s.f. Lot #2 would be at 21,728 s.f. At a minimum we would be seeking a variance with respect to lot size. One lot would become more conforming. The other lot would be less conforming. I would have to look at lot area coverage ratio, lot width, and side yard setbacks. There may be a number of variances we would need based on existing circumstances and improvements on the property. We are not proposing any new construction. These are all pre-existing conditions. We are going to try to variances that would encompass everything that is not in compliance with the current Code.

Liz Axelson: Would there be a plan revision?

Bob Krahulik: Yes. There would be a full chart that would show what is required, before and after.

Mr. Astorino: We would need to see that.

Bob Krahulik: I am trying to have my clients to get an engineer or a surveyor show up at these meetings.

Mr. Astorino: That would be wise to do. We will list Comment #3 through Comment #27 for the record. You are off to the ZBA.

Bob Krahulik: Ok. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – PB secretary: not required

Comment #6: TW Building Department – 06/22/23 both properties need a septic pump out; the shed on 76-2-4.12 needs a building permit.

Comment #7: Existing and proposed bulk requirements should be shown in a table on the plan.

Comment #8: The home on the adjacent parcel 76-1-56 encroaches on parcel 76-1-55 by 0.15' or 1.8".

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

Comment #10: NYSDEC Enviromapper must be submitted.

Comment #11: USACE wetland map must be submitted.

Comment #12: FEMA floodplain map must be submitted.

Comment #13: Applicant to update the tax parcel ID for Lot 2 on Sheet 1, Note 5; it is 76-1-55 (not 76-2-55).

Comment #14: The Lot Areas table should be updated to include existing and proposed lot areas, as well as tax ID numbers.

Comment #15: Each septic system will require a New York Professional Engineer's certification that it is functioning properly.

Comment #16: The septic systems for both properties shall be shown on the plan.

Comment #17: A note should be added to the plan stating that there is no construction and no ground disturbance proposed.

Comment #18: Applicant to clarify is the line type with the ---W--- is a water line or an overhead utility wire. Municipal water is not known to be present in this area. A legend would be helpful to clarify.

Comment #19: Applicant to show well for Lot 2 and clarify if the garage has water supplied.

Comment #20: The Town of Warwick standard note for lighting must be added to the plan; please update the note on the plan.

Comment #21: A note should be added to the plan stating that there will be no further subdivision (with additional lots created) of either lot (per Town of Warwick Code §137-5).

Comment #22: Applicable Town of Warwick Standard Notes should be added to the plan.

Comment #23: Driveway sight distance must be shown on the plan.

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.”

Comment #25: Environmental information to be reviewed to confirm if any biodiversity notes are required for this project.

Comment #26: Surveyor to certify that iron rods have been set at all property corners.

Comment #27: Payment of all fees.

Bruno Rzeznik Chapter 150

Application for Review and Approval of "Chapter 150" Site Remediation Plan Application, situated on tax parcel S 58 B 1 L 39.223; parcel located on the northwestern side of Old Dutch Hollow Road 3200 feet south of Nelson Road (353 Old Dutch Hollow Rd.), in the MT zone, of the Town of Warwick.

Representing the Applicant: Geoffry Bass, Engineer. Bruno Rzeznik, 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 – PB secretary determined that project did not review.
6. TW Building Department – 05/26/23 §150 violation
7. Septic Certification letter should be submitted.
8. Silt fence locations must be added to the plan; if additional silt fence is needed in the field, it should be installed.
9. Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, note 17
10. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting a waiver.
11. A landscaping schedule (species name in English and Latin, number to plant, and size to plant) should be included on the plan. The locations of the proposed shrubs should also be shown.
12. Declaration information for the Ridgeline Overlay Notes should be added to the plan.
13. Applicant to post any Performance Bond and/or Landscape Bond, as determined by the Planning Board. The source of the cost estimate shall be provided or the cost estimate shall be prepared by a local contractor or nursery.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

Bruno Rzeznik Chapter 150 – None submitted.

The following comment submitted by the ARB:

Bruno Rzeznik Chapter 150 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I have prepared a draft Resolution for a Tye 2 Action for the Planning Board’s consideration. No further SEQRA review is necessary.

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

Seconded by Mr. McConnell. The following Resolutions was carried 5-Ayes and 0-Nays.

617.6

State Environmental Quality Review (SEQR)

Resolution

Type II Action

Name of Action: Rzeznik Excavation Application

Whereas, the Town of Warwick Planning Board is in receipt of an application for review and approval of a Warwick Code Chapter 150 Tree and Topsoil Removal; Grading and Excavating, which application pertains to excavation approval, submitted on behalf of Bruno Rzeznik for placement of fill on a 1.1-acre parcel of land, Tax Parcel SBL: 58-1-39.223, located at 353 Old Dutch Hollow Road, Town of Warwick, Orange County , New York; and

Whereas, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Site Plan for Bruno Rzeznik, prepared by Jeffrey Bass, PE, based on a Survey by John A. McGloin, PLS, showing the site, existing residence, well, septic and existing fill area, with the project description in the submitted Short EAF, dated April 20, 2023, indicating “ ... placement of fill, with erosion control measures and landscaping, to improve topography ... ” and the EAF notes 0.36 acres of site disturbance. And the Planning Board is now considering the applicant’s request for approval of the Excavation 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)(8) 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.

Mr. Astorino: We have been through these comments already. Our Engineer had highlighted some of these comments to go over.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – PB secretary determined that project did not review.

Comment #6: TW Building Department – 05/26/23 §150 violation

Comment #7: Septic Certification letter should be submitted.

Mr. Astorino: That letter was submitted dated 9/16/23.

Comment #8: Silt fence locations must be added to the plan; if additional silt fence is needed in the field, it should be installed.

Comment #9: Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, note 17

Comment #10: Surveyor to certify that iron rods have been set at all property corners. Applicant requesting a waiver.

Mr. Astorino: That would be for us to decide.

Bruno Rzeznik: The rods are there.

Mr. Astorino: Do you want to show them on a map or want a waiver of the iron rods?

Bruno Rzeznik: We would request a waiver.

Mr. Astorino: I think a waiver would be wise.

Mr. McConnell: The rods are there.

Bruno Rzeznik: Yes.

Mr. McConnell: Why?

Mr. Astorino: You would have to get a surveyor to show them on a plan.

Mr. McConnell: The surveyor has already been on the property. I am missing what the waiver would be about.

Mr. Astorino: To certify the setting of the iron pins. They would have to hire the surveyor to verify that the pins are there. We were out there. Where that is it is not encroaching. I don't think it would be necessary. If the Applicant would like to pay for that, it would be up to them.

Bruno Rzeznik: No.

Mr. Astorino: I didn't think so. If you are requesting a waiver, that is usually the reason why.

Mr. McConnell: What I remember from being out there is that it wasn't clear to me where the property line was to the neighbor to the left of the property. Fill had been added. It slopes downhill.

Mr. Astorino: We were told from Mr. Bass that there was quite a distance between them and the neighbor.

Geoffry Bass: Yes. There is.

Mr. McConnell: I don't know. I don't know where the neighbor's line is. I am hesitant to provide the waiver when we don't know.

Mr. Astorino: It would be up to the rest of the Board. Does the Board want to grant a waiver or not?

Mr. MacDonald makes a motion to grant a waiver of the Surveyor to certify that iron rods have been set at all property corners.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays. (Mr. McConnell)

Mr. Astorino: You got the waiver of certification of iron rods.

Geoffry Bass: Thank you.

Comment #11: A landscaping schedule (species name in English and Latin, number to plant, and size to plant) should be included on the plan. The locations of the proposed shrubs should also be shown.

Comment #12: Declaration information for the Ridgeline Overlay Notes should be added to the plan.

Mr. Astorino: You would need to check that the Declaration Note for the Ridgeline Overlay is added to the plan.

Geoffry Bass: Yes.

Comment #13: Applicant to post any Performance Bond and/or Landscape Bond, as determined by the Planning Board. The source of the cost estimate shall be provided or the cost estimate shall be prepared by a local contractor or nursery.

Mr. Astorino: You would only need to post the Landscape Bond.

Connie Sardo: You would need to add an inspection fee for the Landscape Bond.

Mr. McConnell: What would be the cost of the Landscape Bond?

Mr. Astorino: It would be the cost of the plants. For example; if the plants cost \$1,000.00 it would be \$1,000.00 Landscape Bond. They would provide that information to our Engineer to verify that. We will add the inspection fee for the Landscape Bond as well.

Mr. Astorino: Ok. Does the Applicant request a waiver of the public hearing?

Bruno Rzeznik: Yes.

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

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

Comment #14: Payment of all fees.

Mr. McConnell makes a motion on the Bruno Rzeznik Chapter 150 application, granting Review and Approval of "Chapter 150" Site Remediation Plan Application, situated on tax parcel S 58 B 1 L 39.223; parcel located on the northwestern side of Old Dutch Hollow Road 3200 feet south of Nelson Road (353 Old Dutch Hollow Rd.), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on September 20, 2023. Approval is granted subject to the following conditions:

1. Septic Certification letter should be submitted.
2. Silt fence locations must be added to the plan; if additional silt fence is needed in the field, it should be installed.
3. Provide a map note stating that "No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1, note 17
4. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting a waiver. (WAIVED)
5. A landscaping schedule (species name in English and Latin, number to plant, and size to plant) should be included on the plan. The locations of the proposed shrubs should also be shown.
6. Declaration information for the Ridgeline Overlay Notes should be added to the plan.
7. Applicant to post any Landscape Bond and Inspection Fee, as determined by the Planning Board. The source of the cost estimate shall be provided or the cost estimate shall be prepared by a local contractor or nursery.
8. Payment of all fees.

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

Mr. Astorino: What you would have to do is get these conditions onto a plan and pay the Landscape Bond and Inspection Fee. Then, it would get forward to the Building Department. You would then get your building permit. You would get your cost of the trees and plants from a landscaper. You would send everything into our Town's Professionals for final review.

Bruno Rzeznik: Ok.

Mr. Purcell: There were some trees located on the property that appeared to be dead. We were discussing hydro-planting. Would that be part of the landscaping plan?

Mr. Astorino: Any seeding would be on the plan.

Mr. Purcell: Ok.

Mr. Astorino: Any trees removed would be stated on the plan. That is the process. If you have any questions, give Connie or Laura a call.

Connie Sardo: I will be emailing you both a letter of the condition of the approval for the Chapter 150. I will email that you within the next day or two. If you have any questions regarding the letter, please don't hesitate to give me a call.

Geoffry Bass: Ok. Thank you.

Bruno Rzeznik: Thank you.

Ball Farm, LLC

Application for Sketch Plat Review of a proposed 14-Lot Cluster (MAJOR) subdivision + 1-Affordable Home, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick. **Previously discussed at the PB Meeting of 9/20/23.

Representing the Applicant: James Ramos from Kirk Rother Engineering.

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 – sent 08/24/23
6. TW Building Department – 08/25/23 overgrown property and dwelling in disrepair
7. NYS Parks, Recreation, and Historic Preservation letter
8. The Open Space notes on the Sketch Cluster Subdivision Plan indicate that the open space will be part of Lot #14, which also includes the “Barn Lot”. Not having a residential unit on Lot 14 requires a ZBA variance to have an accessory structure without a primary structure.
9. Planning Board to determine if a site inspection is necessary.
10. Applicant to clarify status of the existing dwelling in disrepair that will be located on Proposed Lot 13.
11. Clarify status of opting into the AP-O Overlay District with the Warwick Town Board.
12. The Yield Plan indicates that 13 lots can be constructed on this property; the Cluster Plan shows 14 lots. Applicant to clarify number of lots proposed.
13. A note shall be added to the plan stating that there will be no future subdivision of any lot included within this subdivision.
14. The Site Context Plan does not appear to show woodlands over ½ acre in area, utility easements and rights of way, public land, and land protected under conservation easements.
15. The Context Plan shows the contour lines, but the contour elevation numbers should be shown.
16. The Context Plan should indicate the 100-year floodplain or add a note stating that there is not one on this property.
17. The Existing Resources Plan does not appear to show slopes between 15 and 25%, existing vegetative cover, vegetative types described by plant community, relative age, and condition, viewshed analysis, geologic formations, historically significant sites or structures, and all easements/encumbrances.

18. On the Existing Resources Plan, there is a rectangle to the northwest of the existing dwelling and what appears to be septic system to the west of the existing dwelling. Please label these two features.
19. The Four-Step Process, Step 1: The vegetation types by community, views to and from the site, and steep slopes between 15 and 15% should be shown.
20. The Four-Step Process, Step 1C: The sketch indicates that the plan will use two existing driveway entrances, but there appears to be only one existing driveway entrance to Ball Road. Applicant to clarify.
21. The Four-Step Process, Step 3: Applicant to clarify why two cul-de-sacs are proposed instead of one looped road.
22. §164-41.1.G(4) states that the land used for agricultural purposes shall be buffered from residential uses with a 100 to 200-ft setback. If this buffer is not wooded, the planning board may require vegetative screening be provided. Applicant to clarify.
23. §164-41.1.G(5) states that no parcel of open space shall be less than one acre. Applicant to clarify.
24. Applicant to clarify that proposed Sketch Cluster layout complies with §164-41.1H(2). New dwelling setbacks.
25. Applicant to confirm that project confirms to §164-41.1.H(6) proposed wells must be at least 100- ft from active agricultural lands.
26. To comply with §164-46.H(7)(a)[8], please show the areas with slopes of 15% or greater on the drawings, so that it can be confirmed that these areas are avoided.
27. §164-46H(7)(a)[9] requires the subdivision to avoid the habitats of any threatened or endangered species. Please confirm if any of these locations are present.
28. The metes and bounds for all lot lines must be shown on the drawings.
29. The type of roadway being proposed should be clarified (e.g., common driveway, private road, etc.).
30. Applicant to provide right-of-way and cross-section for the proposed roadway(s).
31. Applicant to provide proposed roadway profiles.
32. Potential street trees may be required per §137-19.B(5).
33. Applicant to add notes to the plan to clarify the proposed owner of the new roadway(s), stormwater management practices, etc.
34. Applicant to provide Aquifer impact assessment performed by a qualified professional.
35. All well and septic location to be approved by the Orange County Department of Health (OCDOH). OCDOH to witness soil testing, as well.
36. 911 addresses must be obtained from the Building Department and shown on the plan.
37. Applicant to include appropriate Stormwater management items, details, SWPPP, etc.
38. Applicant to clarify the owner of the open space, as well as the entity that will maintain the open space area.
39. Sight distance triangle descriptions and maintenance requirements must be shown on the plans.
40. 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.” Sketch Cluster Plan, Note 12

41. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
42. A metes and bounds description shall be provided for the proposed open space.
43. The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.
44. Payment in lieu of parkland for 13 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
45. Payment of all fees.

The following review comments submitted by the Conservation Board:

Ball Farm LLC – None submitted.

The following review comments submitted by the ARB:

Ball Farm LLC – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: All that we are doing tonight is SEQRA.

Liz Axelson: I have prepared a draft Resolution for the Planning Board's consideration to declare themselves Lead Agency. This project would be a Type 1 Action under SEQRA. It is a type of action that would more likely to require the preparation of an Environmental Impact Statement than an Unlisted Action.

Mr. McConnell 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 I Action

Name of Action: Ball Farm Cluster Subdivision Permit Application

Whereas, the Town of Warwick Planning Board is in receipt of an application for Sketch review and approval of a Subdivision known as the Ball Farm Subdivision by Ball Farm, LLC, care of (c/o) Victor J. Ludmerer, for the

subdivision and development of the existing 40.1 +/-acre site, on tax parcel: Section 53, Block 1, Lot 37.2, located at 56 Ball Road, Town of Warwick, Orange County , New York; and

Whereas, the Town of Warwick Planning Board has reviewed the submittal including drawings entitled Lands of Ball Farm, LLC, including the following: Existing Resources Plan, Site Context Plan, Yield Subdivision Plan, and Sketch Cluster Subdivision Plan, prepared by Kirk Rother, PE, Consulting Engineer, PLLC showing a set of detailed Cluster Subdivision plans proposing the creation of 14 lots with access via two (2) sixteen foot (16') wide common driveways to South Street Extension and Ball Road for the development of 14 single-family residential structures; 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 1 Action under SEQR as per the SEQR regulations sections 617.4 (b)(5)(ii) and (8), yet 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 Action 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 (US ACOE);
- New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP);
- New York State Department of Environmental Conservation (NYSDEC);
- Orange County Department of Planning (OCDP);
- Orange County Department of Health (OCDH); and
- Town of Warwick Town Board; and
- Town of Warwick ZBA

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – sent 08/24/23

Comment #6: TW Building Department – 08/25/23 overgrown property and dwelling in disrepair

Comment #7: NYS Parks, Recreation, and Historic Preservation letter

Comment #8: The Open Space notes on the Sketch Cluster Subdivision Plan indicate that the open space will be part of Lot #14, which also includes the “Barn Lot”. Not having a residential unit on Lot 14 requires a ZBA variance to have an accessory structure without a primary structure.

James Ramos: Ok.

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

Mr. Astorino: We have a site visit scheduled for Tuesday, October 10, 2023 at 5:30 p.m.

Mr. McConnell: Right.

James Ramos: Yes.

Comment #10: Applicant to clarify status of the existing dwelling in disrepair that will be located on Proposed Lot 13.

Comment #11: Clarify status of opting into the AP-O Overlay District with the Warwick Town Board.

Mr. Astorino: That is something you would need to clarify.

James Ramos: Yes.

Mr. Astorino: We will list Comment #12 through Comment #45 for the record.

James Ramos. Ok. Thank you.

Comment #12: The Yield Plan indicates that 13 lots can be constructed on this property; the Cluster Plan shows 14 lots. Applicant to clarify number of lots proposed.

Comment #13: A note shall be added to the plan stating that there will be no future subdivision of any lot included within this subdivision.

Comment #14: The Site Context Plan does not appear to show woodlands over ½ acre in area, utility easements and rights of way, public land, and land protected under conservation easements.

Comment #15: The Context Plan shows the contour lines, but the contour elevation numbers should be shown.

Comment #16: The Context Plan should indicate the 100-year floodplain or add a note stating that there is not one on this property.

Comment #17: The Existing Resources Plan does not appear to show slopes between 15 and 25%, existing vegetative cover, vegetative types described by plant community, relative age, and condition, viewshed analysis, geologic formations, historically significant sites or structures, and all easements/encumbrances.

Comment #18: On the Existing Resources Plan, there is a rectangle to the northwest of the existing dwelling and what appears to be septic system to the west of the existing dwelling. Please label these two features.

Comment #19: The Four-Step Process, Step 1: The vegetation types by community, views to and from the site, and steep slopes between 15 and 15% should be shown.

Comment #20: The Four-Step Process, Step 1C: The sketch indicates that the plan will use two existing driveway entrances, but there appears to be only one existing driveway entrance to Ball Road. Applicant to clarify.

Comment #21: The Four-Step Process, Step 3: Applicant to clarify why two cul-de-sacs are proposed instead of one looped road.

Comment #22: §164-41.1.G(4) states that the land used for agricultural purposes shall be buffered from residential uses with a 100 to 200-ft setback. If this buffer is not wooded, the planning board may require vegetative screening be provided.

Applicant to clarify.

Comment #23: §164-41.1.G(5) states that no parcel of open space shall be less than one acre. Applicant to clarify.

Comment #24: Applicant to clarify that proposed Sketch Cluster layout complies with §164-41.1H(2). New dwelling setbacks.

Comment #25: Applicant to confirm that project confirms to §164-41.1.H(6) proposed wells must be at least 100- ft from active agricultural lands.

Comment #26: To comply with §164-46.H(7)(a)[8], please show the areas with slopes of 15% or greater on the drawings, so that it can be confirmed that these areas are avoided.

Comment #27: §164-46H(7)(a)[9] requires the subdivision to avoid the habitats of any threatened or endangered species. Please confirm if any of these locations are present.

Comment #28: The metes and bounds for all lot lines must be shown on the drawings.

Comment #29: The type of roadway being proposed should be clarified (e.g., common driveway, private road, etc.).

Comment #30: Applicant to provide right-of-way and cross-section for the proposed roadway(s).

Comment #31: Applicant to provide proposed roadway profiles.

Comment #32: Potential street trees may be required per §137-19.B(5).

Comment #33: Applicant to add notes to the plan to clarify the proposed owner of the new roadway(s), stormwater management practices, etc.

Comment #34: Applicant to provide Aquifer impact assessment performed by a qualified professional.

Comment #35: All well and septic location to be approved by the Orange County Department of Health (OCDOH). OCDOH to witness soil testing, as well.

Comment #36: 911 addresses must be obtained from the Building Department and shown on the plan.

Comment #37: Applicant to include appropriate Stormwater management items, details, SWPPP, etc.

Comment #38: Applicant to clarify the owner of the open space, as well as the entity that will maintain the open space area.

Comment #39: Sight distance triangle descriptions and maintenance requirements must be shown on the plans.

Comment #40: 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.” Sketch Cluster Plan, Note 12

Comment #41: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #42: A metes and bounds description shall be provided for the proposed open space.

Comment #43: The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.

Comment #44: Payment in lieu of parkland for 13 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #45: Payment of all fees.

Other Considerations:

1. **Warwick Isle Corp. Subdivision Section I** – Letter from Kirk Rother, dated 9/25/23 addressed to the Planning Board in regards to the Warwick Isle Subdivision for Section I – requesting 6-Month Extension on 12th Re-Approval of conditional Final Approval for Section I (7-Lot Cluster Subdivision) including a Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster Subdivision in sections, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritt's Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval for Section 1 (7-Cluster Lots) granted on 4/6/11. *The Applicant has stated that the attorneys review has been satisfied and the rest of the conditions of final approval for Section I should be completed in coming weeks and final maps dropped off for the Planning Board Chairman's signature.* The 6-Month Extension on 12th Re-Approval of Final Approval for Section I becomes effective on 10/6/23.

Representing the Applicant: James Ramos from Kirk Rother Engineering.

Mr. McConnell makes a motion on the Warwick Isle Section I Subdivision application, granting 6th Month Extension on 12th Re-Approval of Final Approval for Section I (7-Lot Cluster Subdivision) including a Special Use Permit for the 1-Affordable Home, Lot 5 on Sectionalizing Plan for filing a 33-Lot Cluster subdivision into sections, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval for Section I (7-Lots) granted on 4/6/11.

The 6th Month Extension on 12th Re-Approval of Final Approval for Section I (7-Lots) becomes effective on 10/6/23; subject to the conditions of Final Approval granted on 4/6/11.

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

2. **Lands of Rother** – Letter from Kirk Rother, dated 9/25/23 addressed to the Planning Board in regards to the Rother Subdivision – requesting 11th through 15th Re-Approval of conditional Final Approval of a proposed 2-lot Cluster subdivision, situated on tax parcel SBL #42-1-110.4; parcels located on the western side of County Route 1, 1885 feet north of Waterbury Road (209 Co. Hwy 1), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The Applicant has stated with the onset of the recession that became unachievable but has now resolved, requests that the 11th-15th Re-Approvals be granted.* The 15th Re-Approval of Final Approval becomes effective on 7/16/23 with conditions of final approval granted on 7/16/08.

Mr. McConnell makes a motion on the Lands of Rother application, granting 11th through 15th Re-Approval of conditional Final Approval for a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 7/16/08. (See attached).

The 11th Re-Approval of Final Approval becomes effective on 7/16/19, 12th Re-Approval becomes effective on 7/16/20, 13th Re-Approval becomes effective on 7/16/21, 14th Re-Approval becomes effective on 7/16/22, and 15th Re-Approval becomes effective on 7/16/23, subject to the conditions of final approval granted on 7/16/08.

3. Planning Board Minutes of 9/20/23 for PB Approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 9/20/23.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record.

Dan Castricone: I am a board member of the Tuxedo Union Free School District. The proposed Old Forge School that was on your agenda earlier lies within the Tuxedo Union Free School District. I want to make a request that we would be an Involved Agency. I will have that sent to you in writing.

Mr. Astorino: Liz, could we add the Tuxedo Union Free School District?

Lize Axelson: We are located at 1 Tornado Drive, Tuxedo, NY 10987.

Mr. Astorino: Please provide that address to our Planner. She will write that down.

Dan Castricone: I don't know if this is not the time and place for our concerns. We have a lot of concerns. I appreciate you giving me the opportunity.

Mr. Astorino: Ok. Have a good evening.

Mr. McConnell makes a motion to adjourn the October 4, 2023 Planning Board meeting.

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