

TOWN OF WARWICK PLANNING BOARD
December 6, 2023

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
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, December 6,, 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.

Mr. Astorino: This will be our last meeting of the year for us as a Board. John Bollenbach our Planning Board Attorney will be retiring at the end of this year. John, for the sheer fact not only as a friend but as a professional that has been with this Board for countless years. The knowledge and the professionalism that you had possessed and gave to this Board is greatly appreciated. You have always been there. You have always been a steadfast person that we could rely on. We wish you all the best and hope you enjoy retirement to the fullest. I will probably call you known and then asking for advice. Thank you, John. We truly appreciate everything you had done.

PUBLIC HEARING OF Bernadette Sutton & Thomas Magee, Jr.

Application for Site Plan Approval for the construction and use of the removal of an existing 2-bedroom dwelling and construction of a new 2-bedroom dwelling, located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcels S 76 B 1 L54; parcel located on the northern side of Sanders Lane 130 feet east of West Cove Road (4 Sanders Lane), in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Sutton-Magee public hearing.

Mr. Astorino: Thank you.

The following Comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

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

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

Seconded by Mr. MacDonald. The following Resolution was carried 4-Ayes and 0-Nays.

617.6

State Environmental Quality Review (SEQR)

Resolution

Type II Action

Name of Action: Sutton Magee 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 removal of an existing dwelling and construction of a new single-family dwelling submitted on behalf of Bernadette Sutton and Thomas MaGee. The existing 410 square foot (SF) dwelling would be removed, and a new dwelling (greater than 1,000 SF) would be constructed on a 5,367 SF parcel of land (tax parcel identification numbers 76-1-54), located at 4 Sanders Lane, Town of Warwick, Orange County, New York; and

Whereas, since the dwelling is located in a Designated Protection Area, associated with Greenwood Lake, as defined in the Code of the Town of Warwick, Chapter 164 Zoning section 164-22, the proposed expansion requires “approval of plans and authorization by the Planning Board”, according to section 164-46;

Whereas, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Site Plan, 4 Sanders Lane, prepared by Brian Friedler, PE, Friedler Engineering, PLLC, based on a Survey by John A. McGloin, PLS, showing the site, existing and proposed residence, well, sewage disposal absorption field, and driveway; and with the project description in the submitted Short EAF indicating the property is within 100 feet of Greenwood Lake; 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)(11), (16) and (17), regarding construction of a residence, setback variances and an area variance for a residence, respectively; 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.

Brian Friedler: Currently the applicants have a house that is approximately 400 s.f. in size. It is a 2-bedroom house. They plan on removing it. They plan on rebuilding a bigger 2-bedroom home. There would be no changes in the bedroom count.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/13/23 advisory comments for stormwater and endangered species (rattle snakes & northern long-eared bats).

Mr. Bollenbach: Put a note on plans to that effect.

Comment #6: TW Building Department – expired permit 23551 for wood stove and footings under dwelling and expired permit 17316 for shed and deck; septic pump out receipt is overdue

Brian Friedler: The Applicant is working on that with the Building Department.

Comment #7: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Ok.

Comment #8: 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.” Map Note on Sheet 1 of 2

Brian Friedler: Ok.

Comment #9: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: We would like to ask the Board for a waiver of iron rods?

Mr. Astorino: We don't have a problem with that.

Comment #10: Payment of all fees.

Brian Friedler: Ok.

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

Mr. Purcell makes a motion to waive the certification of iron rods.

Seconded by Mr. Showalter. Motion carried; 4-Ayes and 0-Nays.

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

Seconded by Mr. MacDonald. Motion carried; 4-Ayes and 0-Nays.

Mr. Purcell makes a motion on the Bernadette Sutton & Thomas Magee, Jr., application, granting conditional Site Plan Approval for the construction and use of the removal of an existing 2-bedroom dwelling and construction of a new 2-bedroom dwelling, located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 76 B 1 L 54; parcel located on the northern side of Sanders Lane 130 feet east of West Cove Road (4 Sanders Lane), in the SM zone, of the Town of Warwick, County of Orange, state of New York. A SEQRA Type 2 Action was adopted on December 6, 2023. Approval is granted subject to the following conditions:

1. OC Planning Department – 09/13/23 advisory comments for stormwater and endangered species (rattle snakes). Provide Map Note. Declaration not required.
2. TW Building Department – expired permit 23551 for wood stove and footings under dwelling and expired permit 17316 for shed and deck; septic pump out receipt is overdue
3. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
4. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Map Note on Sheet 1 of 2
5. Surveyor to certify that iron rods have been set at all property corners. (WAIVED)
6. Payment of all fees.

Seconded by Mr. MacDonald. Motion carried; 4-Ayes and 0-Nays.

Brian Friedler: Thank you.

PUBLIC HEARING OF M&T/Ted Edwards

Application for Preliminary Approval of a proposed 4-Lot (Major) Subdivision, situated on tax parcels S 26 B 1 L 118 and L117; parcels located on the eastern side of Amity Road 350 feet south of Feagles Road (77 Amity Road and 88 Newport Bridge Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Ted Edwards subdivision.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I do have a few comments in the SEQRA review memorandum to show some of the natural resources on few of the plan sheets. The SEQRA Memo is dated 12/6/23 and stated as follows:

MEMORANDUM

Date: For December 6, 2023

To: Chairman Ben Astorino and Town of Warwick Planning Board

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

RE: M&T Edwards Subdivision
77 Amity Road
Warwick, NY 10990
Section 26, Block 1, Lots 118
Project: R23.00030.08

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; SEQR forms and online mapping resources. Based on our review we offer the following comments:

General Comments:

1. The proposed action is the subdivision of a 22.9-acre site into 4 lots with access via a fifty-foot (50') wide access easement over adjacent lots that have frontage on Newport Bridge Road. The Applicant previously obtained variance from section 280-a of the Town Law of the State of New York by decision by Town of Warwick Zoning Board of Appeals on October 24, 2022. The proposal would result in:
 - a. a lot for an existing home on one of the resulting lots; and

- b. 3 lots for proposed residential development.
2. This property is located within the following Town of Warwick Zoning districts and Overlay Zoning Districts:
 - a. Rural (RU) district, zoning sections 164-30 and 164-31, B.;
 - b. Agricultural Protection Overlay (AP-O) district, section 164-30 and 164-31, M.; and
 - c. Biodiversity Conservation Overlay (BC-O) on the northeastern portion of the site, sections 164-30 and 164-31, P., 164-34 and 164-47.9.
3. We defer to the Planning Board's Engineer regarding code review.
4. A submittal should be prepared to address the remaining comments herein.

SEQR Comments:

5. At the Planning Board meeting of June 15 2022, the Planning Board adopted a resolution establishing lead agency in identifying the proposed project as an Unlisted action.
6. Please refer to the Plan Comments below that relate to the identification of the site's natural resources, areas of potential environmental impact and corresponding recommended development practices and mitigation.

Short Environmental Assessment Form Comments:

7. Prior comments requested that narrative be provided about the areas of the site intended for preservation. However, the submitted plans generally show the specific preservation and/or mitigation measures proposed. Additional Plan Comments, below, remain to be addressed.

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.

8. The plans were revised so that the hash-marked area in the western-northwestern area of the site is now labeled as "Wetlands as flagged by ERS Consultants (08/21/23)". Address the following comments
 - a. Revise the plans to show the NYSDEC required buffer of 300 feet from potential Bog Turtle habitat, e.g., a buffer around the wetland on Sheet 3 Subdivision Plat and Sheet 4 Grading & Utility Plan. The 300' buffer is already shown on Sheet 1 Subdivision Plan.
 - b. Show and label the required wetland buffer area (NYSDEC 100' buffer) on Sheet 3 Subdivision Plat and Sheet 4 Grading & Utility Plan. The 100' buffer is already shown on Sheet 1 Subdivision Plan.
9. In response to prior comments, a NYSDEC Class C stream has been shown and labeled on most of the sheets in the plan set. The Class C stream should be shown and labeled on Sheet 3 Subdivision Plat.
10. Later in the review process, revise the plan set to finalize the Town of Warwick Standard Map Notes (fill in the blanks), already shown, corresponding to the Biodiversity Conservation Notes, as site is in the BC-O (Biodiversity Conservation Overlay) Zoning District.
11. Prior comments about the Town of Warwick Standard Map notes for the Agricultural Protection Overlay (AP-O) district were addressed. Correct the revised AP-O introductory paragraph in the second line to correct the word "with" to say "within".

12. As per prior comments, delineate the extent of the BD-O district on all pertinent sheets of the plan set, existing conditions and proposed development, where pertinent.
13. Previously shown soil boundary lines and soil type initials were omitted from the current plan set and must be added back.
14. On sheet 4, Grading & Utility Plan, there is a callout for a "Proposed 10-way distribution box" that does not appear to be pointing to anything.

Please provide a response letter to the comments herein.

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

Materials Reviewed:

- Supplemental submittal of: M & T Wetland Delineation letter prepared by David Griggs, Sr Wetland Scientist, ERS Consultants, Inc., dated November 29, 2023;
- Cover letter and responses to prior comments by Brian Friedler, PE, Friedler Engineering, PLLC, dated September 25, 2023;
- Short EAF prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated November 14, 2023;
- Town of Warwick Planning Board 911 Addressing Procedure, not dated;
- Plan sheet entitled "Grading & Utility Plan" from the set entitled "Subdivision Plan M&T Subdivision", prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated May 16, 2023, last revised November 14, 2023;
- Plan set entitled Subdivision Plan M&T Subdivision, prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated May 16, 2023, last revised November 14, 2023, including the following plan sheets:
 - Subdivision Plan;
 - Existing Conditions;
 - Subdivision Plat;
 - Grading & Utility Plan;
 - Details – 1; and
 - Details – 2.

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Materials Previously Reviewed:

- Cover letter and responses to prior engineering comments by Brian Friedler, PE, Friedler Engineering, PLLC, dated September 25, 2023, with attached copy of:
 - Responses to prior Engineering comments of 6/7/23;
 - Town of Warwick Planning Board 911 addressing procedure form with attached map;
 - ERS Consultants Inc Threatened and Endangered Species Investigation for the Edwards Subdivision by letter dated August 25 2023;
 - New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP or SHPO) letter of September 12, 2023 regarding no additional investigation and no impact;
- Plan set entitled Subdivision Plan M&T Subdivision, prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated May 16, 2023, revised 9/25/23, including the following plan sheets:
 - Subdivision Plan;
 - Subdivision Plat;
 - Grading & Utility Plan;
 - Details – 1; and
 - Details – 2.

Materials Previously Reviewed:

- Cover letter and responses to prior comments by Brian Friedler, PE, Friedler Engineering, PLLC, dated May 16, 2023, with attached copy of:
 - prior Engineering comments of 6/15/22;
 - ZBA decision regarding 280-a regarding access of 10/24/22, including SEQR documents;
- Short EAF prepared by Brian Friedler, PE, Friedler Engineering, PLLC, date May 23, 2023, with attached location map;
- Plan set entitled Subdivision Plan M&T Subdivision, prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated May 16, 2023, including the following plan sheets:
 - Subdivision Plan;
 - Subdivision Plat;
 - Grading & Utility Plan;
 - Details – 1; and
 - Details – 2.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 4-lot subdivision. We are creating 3-new lots coming off Newport Bridge Road. They are coming through a property that would be a shared driveway. The 3 new proposed lots would have access off that shared driveway.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06/13/22 advisory comments for removing property from the Orange County Agricultural District #2 if farming is no longer proposed on a portion of the lot, Indiana bats habitat, and steep slope construction

Mr. Astorino: Comment #5 would need to be addressed.

Brian Friedler: Ok.

Comment #6: TW Building Department – 05/31/22 barn with living area for caretaker needs to provide a yearly farm worker affidavit to the Building Department.

Ted Edwards: That has been done.

Comment #7: State Historic Preservation Office (SHPO) letter needed due to the proposed land disturbance associated with this subdivision. 09/12/23 No further study needed

Mr. Astorino: We have that.

Comment #8: ZBA: Town Law §280(a) for access for the 3-lot subdivision by a shared driveway; §164.41C(4)(f) allowing a 6-ft fence in the front yard setback whereas a 4-ft fence is allowed. Fence must be earth-tone color. 10/24/22 ZBA variances granted

Brian Friedler: Yes.

Comment #9: Applicant to clarify that the property is in compliance with §153-1 (not more than one abandoned or unlicensed non-farm vehicle can be on property). Building Department to confirm.

Brian Friedler: Yes.

Comment #10: 911 addresses must be obtained from the Building Department and then shown on the plan.

Brian Friedler: We have the 911 addresses.

Comment #11: 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-1, Note 10

Brian Friedler: Yes.

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

Brian Friedler: Ok.

Comment #13: The liber and page for the Agricultural and Biodiversity notes, as well as the Shared Driveway Agreement must be added to the plan.

Brian Friedler: Will do.

Comment #14: A cost estimate and bond for the shared driveway that must be paved in its entirety must be submitted.

Brian Friedler: Ok.

Comment #15: The shared driveway bond, landscape bond, and site inspection fees must be submitted prior to the maps being signed.

Brian Friedler: Ok.

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

Brian Friedler: Ok.

Comment #17: Payment of all fees.

Brian Friedler: Ok.

Mr. Astorino: We received an email letter dated today, 12/6/23 regarding this application from Keith Woodruff. The letter is stated for the record as follows:

Dear Chairman and Board Members:

I have reviewed the submitted plans as prepared by Friedler Engineering LLC, last revised 11/14/23, to be presented at tonight's Planning Board scheduled meeting and Public Hearing for the above listed project and offer the following comments:

Stormwater:

1. This project, and the proceeding subdivisions of the same property meet the criteria of a "Larger Common Plan of Development or Sale" as defined within the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001), which is defined as the following:

Larger Common Plan of Development or Sale - means a contiguous area where multiple separate and distinct construction activities are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot

stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. For discrete construction projects that are located within a larger common plan of development or sale that are at least 1/4 mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

The preceding subdivision for the property, listed as the "Subdivision & Lot Line Change for Ted E Edwards Property" filed in the Orange County Clerk's office as filed map 300-10, filed on 08-02-2010, listed the proposed total earth disturbance of 1.69± acres. As proposed, the current application will disturb approximately 3.7± acres providing a total of 5.39± acres of earth disturbance for the construction of multiple single-family dwellings. As detailed in Table 2 in

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Appendix B of the NYSDEC General Permit, a construction activity that requires the preparation of a SWPPP, that includes post-construction stormwater management practices include: *Single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single-family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land.*

Additionally, this total area of earth disturbance of 5.39± acres does not account for the disturbances associated with the construction of the following two (2) single family dwellings, also performed by the project applicant:

- Section 26 Block 1 Lot 119, which was subdivided by the same applicant on 09-28-2004 as filed map 718-04, identified as 100 Newport Bridge Road, or
- The parent parcel of the current application, Section 26 Block 1 Lot 118, identified as 94 Newport Bridge Road.

Water:

1. The Grading & Utility Plan, sheet 4 of 6, of the plan set has identified two (2) existing wells within the property identified as Section 26 Block 1 Lot 117. The plan further details the existing well within the proposed driveway easement has been abandoned. Was this well abandoned in accordance with the AWWA A100-20, latest revision, or current New York State Department of Health (NYSDOH) guidelines?

a. As defined by the NYSDOH: "Drinking water wells and other types of wells that are no longer in use can pose safety hazards, especially to small children and pets. These abandoned wells can also serve as pathways for contamination to enter groundwater. Abandoned wells should be properly decommissioned to eliminate these potential hazards." Additionally, the NYSDOH strongly recommends the abandonment be performed by a NYSDEC registered well driller, and not the homeowner.

Septic:

1. The plans provide sufficient soils testing information on the plan entitled Details-2, sheet 6 of 6, of the plan set, however the field locations of these test pits and percolation tests are not shown on the plans.

2. Were any of the six (6) test pits or six (6) percolation tests performed, witnessed by the Town of Warwick Planning Board Engineer?

3. The location of the septic system to serve proposed Lot #3, shown on the Grading & Utility Plan, does not meet the 50' subdivision boundary separation requirement as defined by the Orange County Department of Health. Please refer to Orange County Department of Health Appendix 75-A.4 (b) 7, last revised July 2023.

4. The lowest sewerable elevation (LSE) for each of the three (3) lots should be provided.

5. A surface swale or curtain drain should be proposed for each proposed septic system to divert surface stormwater flows away from the proposed systems.

6. The location of the roof drains and footing drains for each proposed dwelling should be added

to the plans to ensure they discharge away from the proposed septic areas.

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Wetlands:

1. Has the wetland delineation shown on the plans, performed by ERS Consultants, been reviewed, and approved, by the US Department of Army Corps of Engineers (ACOE) and the New York State Department of Environmental Conservation (NYSDEC)?
2. General Note #13 provided on the Subdivision Plan, sheet 1 of 6, states the NYSDEC wetland locations were derived from the Orange County Water Authority. This note should be revised to correspond with the wetland delineation performed.

Common Driveway:

1. A design profile should be provided for the proposed common driveway to ensure the minimum and maximum design slope requirements, as defined by the Town of Warwick, are adhered to.
2. The location of the existing utility pole along Newport Bridge Road in the vicinity of the proposed common driveway is not shown on the plans. It appears this utility pole may need to be relocated as part of this application.
3. The proposed 16' wide paved common driveway should be cited within the center of the proposed driveway easement.
4. The Grading & Utility Plan, sheet 4 of 6, identifies the existence of a buried propane tank, of an unknown size, within the property Section 26 Block 1 Lot 117. Table 6104.3 from the 2020 Fire Code of New York requires that underground liquid propane tanks of 2,000 gallons or less, provide a minimum separation distance of 10 feet from "buildings, public ways, or lot lines of adjoining property that can be built upon"
5. Section 511.2.2 of the 2020 Fire Code of New York requires driveways in excess of 500' provide a suitable turnaround for use by fire apparatus vehicles. As shown on the plans, only emergency pull-offs have been provided.
6. A construction detail for the pavement section of the proposed common driveway should be added to the plans.
7. A designated parking area should be provided at the intersection of the proposed common driveway and Newport Bridge Road to provide sufficient space for the placement of mailboxes, garbage and recycling containers, and provide a safe location for children to wait for the school bus.

Erosion Control:

1. Silt fencing should be provided on the down gradient side of all areas of proposed earth disturbance. The beginning 400' of the paved common driveway does not show the installation of silt fence on the down gradient side.
2. The location of the proposed stabilized construction entrances for the proposed common driveway, and for each of the three (3) lots, should be shown on the plans.
3. Due to the severity of the proposed grading for Lot #4, a slope stabilization practice should be utilized to prevent soil erosion during construction.
4. A construction detail for a concrete washout facility, as defined on the Grading & Utility Plan, should be added to the plan set.

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General Plan Comments:

1. The meets and bounds for the proposed property lines and easements should be added to the plans.
2. The names of the now or formally owners, and the section block and lot information of the adjoining properties should be added to the plans for clarity.
3. The General Notes on the Subdivision Plan do not list the property Section 26 Block 1 Lot 117, or its current owner, as an applicant to this development plan. As the proposed development is contingent to the proposed driveway easement located on a separate parcel, this property owner should be included as an applicant.

4. The chart entitled "Property Owners Located within 300 ft", provided on the Subdivision Plat, sheet 3 of 6, has incomplete or out of date information. Attached hereto is an updated 300 foot list of adjoining properties to compare. Was this list utilized for the public hearing notices?

5. The Zoning Data chart provided on the Grading & Drainage Plan should be updated to add the parcel Section 26 Block 1 Lot 117 to verify the provided lot coverage complies with the zoning requirements, to account for the additional impervious surfaces of the paved common driveway.

6. The proposed 6' high vinyl fence to be installed along parcel Section 26 Block 1 Lot 30.2 is required to be an earth tone color in accordance with the Zoning Board of Appeals October 24, 2022 approval.

7. A construction detail for the proposed 6' high vinyl fence should be provided on the plans.

8. A construction detail for the pavement section of the proposed driveways to serve each of the three (3) proposed lots should be added to the plans.

9. The NYSDEC EAF Mapper has identified the project site being in close proximity to the federally endangered Indiana Bat, therefore a note should be added to the plans to limit the cutting or removal of all trees from October 1st through March 31st.

As detailed above, there is a considerable amount of information missing from the current application presented to the Planning Board, which should be provided prior to the closing of the Public Hearing or completing the SEQR process. Thank you for your consideration.

Sincerely,

Keith Woodruff, CPESC, CPSWQ

60 Newport Bridge Road

Warwick, NY 10990

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

Carole Linton: I have some questions and concerns regarding the M&T Subdivision to distribute to the Planning Board. The questions are stated as follows:

1. Fence located on parcel 26-1-117.
 - Please clarify the location as to where the 6' fence will start (how far off the front property line).
 - At what phase will the installation of the fence begin?
 - Verify fence color. Earthtone?

Carole Linton: I did realize that you had stated that the color was going to be earthtone.

Mr. Astorino: Yes.

2. Property owners located within 300 feet on page 3 of 6.
 - current property owner names are not correct.
 - many parcels within 300' are missing from this list.

Carole Linton: Not all were notified.

3. Please verify that no through access to neighboring properties via common driveway would be allowed (ex. lot 26-1-67.21). Limit 3 lots on proposed common driveway.

Carole Linton: I realize that there would be 3 lots proposed. I know there is vacant land behind the 3 lots. I just wanted to make sure that would not either cause an easement or on that particular parcel that they could come through and use that common driveway.

Mr. Astorino: That is a good question. That common driveway, this is the extent of that common driveway. Is that correct?

Brian Friedler: That is the way we are showing it. The answer would be yes.

Mr. Astorino: You would need to put a note on the plan to that effect that there would be no more.

Brian Friedler: Yes.

4. Utility pole on Newport Bridge Road - located inside the 50' driveway easement access is missing from map.

-Will large emergency/construction vehicles be able to access the common driveway?

-Will the utility pole need to be moved?

5. Well (abandonment proposed) located in common driveway easement.

-Has this been completed or when will this be completed?

-What are the requirements to abandon a well?

6. Underground propane tank located in common driveway easement.

-Unknown distance from proposed common driveway.

-Will this tank be relocated or will bollards be installed for vehicle impact protection?

Carole Linton: We are concerned about that. We had a house explode not too far from us. We would like those issues to be addressed.

Mr. Astorino: Yes. Ok.

Carole Linton: Thank you.

Mr. Astorino: Is there anyone else wishing to address the Ted Edwards application?

Keith Woodruff: I live at 60 Newport Bridge Road. I am not going to go through my comments. The Planning Board has the letter that I submitted. One of the key components that wasn't in the letter is the lot that the access is being granted through was a substandard lot that was created prior as an existing carryover for the 2-acre minimum lot area as part of the AP-O district. With the creation of the easement cutting through this property is now creating even more a non-conforming lot as it is going to allocate space that the property owner in perpetuity would never be able to develop. That 50-foot-wide easement is now precluding them from putting in a well, septic system or any other improvements within that lot. Initially the driveway easement that is called out on the plans don't necessarily give the rights to that common driveway to that specific property owner. Would that property owner ever have the legal rights to utilize that driveway since they are not included in that maintenance agreement?

Mr. Astorino: That is something we could take a look at.

Keith Woodruff: If in the event that common driveway ever gets deemed as a Town road, now it is because of the configuration of that lot then you could file for a natural subdivision also creating another substandard lot of that small square piece in that rear portion of the adjoining property. Understandingly it would never be buildable, but unfortunately that common driveway ever gets deemed as a Town road if it is ever brought up to the specifications and dedicated, it could be filed as a natural subdivision through the Town. Besides from that, you have my letter.

Mr. Astorino: We have your letter for the record. There are a few things in the letter that would be addressed. I recommend to the Board to adjourn this application to address those issues. We could adjourn the public hearing to a date. Connie, I believe you said our next Planning Board meeting would be January 17, 2024? Is that correct?

Connie Sardo: Yes.

Mr. Astorino: Is there anyone else wishing to address the Ted Edwards application? Let the record show no further public comment. Ok. If the Board is ok with that, could I have a motion to adjourn the public hearing to January 17, 2024?

Mr. MacDonald makes a motion to adjourn the M&T/Ted Edwards Subdivision Preliminary Public Hearing to the January 17, 2024 Planning Board meeting?

Seconded by Mr. Purcell. Motion carried; 3-Ayes and 1-Nay (Mr. Showalter).

Mr. Astorino: There were some issues brought up this evening that would need to be addressed by this Board and our Professionals.

Mr. Bollenbach: SEQRA cannot be completed until those issues have been addressed.

Mr. Showalter: I understand that. I thought we had it all addressed.

Mr. Astorino: A letter was sent to the Planning Board. There were public comments with concerns. This Board, as we had done in the past, reviews everything and gets corrected. We did have discussions at the Work Session. This is why we have public hearings. There were valid concerns brought up to the Planning Board this evening that will need to be addressed. To the residents that came out this evening, there would be no further notice of mailings. This public hearing has been adjourned to the January 17, 2024 Planning Board meeting. The only thing that we will do is check that property Adjoiners list. If there were other people that were not noticed, they will be noticed.

Brian Friedler: Ok. We will check the property Adjoiners list. Thank you.

Review of Submitted Maps:***Thomas & Amy Sibilla Subdivision***

Application for Final Approval of a proposed 4-Lot (Minor) subdivision, situated on tax parcel S 27 B 1 L 116; parcel located on the right side of Skysail Lane 1000 feet south of Amity Road (7 Skysail La.), in the RU zone, of the Town of Warwick. Previously discussed at the 10/20/21 Planning Board Meeting.

Representing the Applicant: Brian Friedler from Friedler Engineering. John Cappello, Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: There are a couple of comments in my memorandum that requires some more information about environmental resources. One in particular is to make sure that we have all of the copies that were submitted to the State Historic Preservation office. I wanted to make sure the Planning Board has all of those. They are the ones making the SEQRA decision. They need those for the record even though you have a sign-off.

Brian Friedler: Ok.

The SEQRA Memorandum from CPL is dated 12/6/23 and stated as follows for the record:

MEMORANDUM

Date: For December 6, 2023 Planning Board Meeting

To: Chairman Ben Astorino and Town of Warwick Planning Board

From: Liz Axelson, AICP, Senior Planner
Meagen Zapatoski, Planner

RE: Sibilla Subdivision
7 Skysail Lane
Warwick, NY 10990
Section 27, Block 1, Lot 116
Project: R23.00030.16

I 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; SEQR forms and online mapping resources. Based on our review I offer the following comments:

General Comments:

15. The proposed action is the conventional subdivision of a 35.76-acre site into 4 lots with access via a common driveway to Skysail Lane, a private road. The Applicant previously obtained a renewal of a variance from section 280-a of the Town Law of the

State of New York by decision of the Town of Warwick Zoning Board of Appeals on May 22, 2023. The proposal would result in:

- a. a lot for an existing home on proposed Lot 1; and
 - b. 3 lots for proposed residential development.
16. This property is located within the Town of Warwick Zoning districts and Overlay Zoning Districts listed below. The corresponding Biodiversity Overlay and Agricultural Protection plan notation are included on the plans:
- a. Rural (RU) district, zoning sections 164-30 and 164-31, B.;
 - b. Agricultural Protection Overlay (AP-O) district, section 164-30 and 164-31, M.;
 - and
 - c. Biodiversity Conservation Overlay (BC-O) on the northeastern portion of the site, sections 164-30 and 164-31, P., 164-34 and 164-47.9.
17. I defer to the Planning Board's Engineer regarding code review.
18. A revised submittal should be prepared to address the comments herein.

SEQR Comments:

19. A Draft SEQR Resolution and Notice for Determination of Non-Significance, with attached Short EAF Parts 2 and 3 have been prepared for the Planning Board's consideration.

Short Environmental Assessment Form Comments:

20. Prior comments noted that the response to Short EAF question 12. b., indicates the site is sensitive for archaeological sites. Consultation with the New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP or SHPO) occurred and a SHPO letter dated January 7, 2021 was submitted, which indicated "that there are no historic or prehistoric properties that will be impacted by the subdivision". This is also noted in a March 17, 2021 email by Ted Fink, GreenPlan.
21. Please provide copies of all materials submitted to the SHPO via the CRIS to the Planning Board for the record of the Board's SEQR review.

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.

22. The general comments above noted the Applicant previously obtained a renewal of a variance from section 280-a of the Town Law of the State of New York by decision of the Town of Warwick Zoning Board of Appeals on May 22, 2023. Per the minutes of the October 20, 2021 and March 17, 2021 Planning Board meetings, it was noted that proposed lot 1 (the existing home) has a front yard setback of 50' when 75' is required. The zoning data table on the Subdivision Plan, sheet 1 of 6, indicates that the setback is 86'. The grading and utility plan, sheet 3 of 6 shows the setback envelope on each lot including Lot 1, presuming the front lot line is 75 feet as required, the house juts into the Lot 1 front yard setback, so the setback would be less than 75'. Address the following;
- a. Show and label the actual proposed front, side and rear setbacks on the plans for each lot;
 - b. Revise the zoning data table accordingly; and
 - c. Add a footnote as needed to indicate whether a variance is needed and when, if needed, it was obtained. The May 22, 2023 minutes make no mention of any setback variance. The May 24, 2021 minutes were not found.

23. The proposed development plan sheets should show whether and where existing natural features (wooded areas, large trees, rock outcrops, meadow areas, etc.) would be disturbed, removed or retained and preserved.
24. Later in the review process, revise the plan set to finalize the Town of Warwick Standard Map Notes (fill in the blanks), already shown, corresponding to the Biodiversity Conservation Notes, and the Agricultural Protection Notes.
25. Delineate the extent of the BC-O and the AP-O districts on all pertinent sheets of the plan set, where pertinent.
26. **Please provide a response letter with the next submittal.**

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

Materials Reviewed:

- Cover letter and responses to PB Engineer comments by Brian Friedler, PE, Friedler Engineering, PLLC, dated November 10, 2023;
- Open-Development Area Road Preliminary Layout, prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated September 25, 2023, including the following plan sheets:
 - Open-Development Area Road/ Preliminary Cluster Subdivision Layout
 - Driveway Section -1
 - Driveway Section - 2
- Plan set entitled Subdivision Plan Sibilla Subdivision, prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated July 17, 2023, last revised November 10, 2023, including the following plan sheets:
 - Subdivision Plan;
 - Subdivision Plat;
 - Grading & Utility Plan – Lots 2 & 3;
 - Grading & Utility Plan – Lot 4;
 - Details; and
 - Determination of the Zoning Board of Appeals & Soil Test Results;

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 4-Lot subdivision located off Skysail Lane. The proposed plans show a Private Road coming into a common driveway. From that common driveway, we plan on doing a 4-Lot subdivision with 3 new proposed homes and one existing dwelling would remain. Two of the new lots would have 4 acres. The other lot would have approximately 12 acres. The remaining property would go to the existing house which is approximately 15.7 acres.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 03/10/21 no advisory comments

Comment #6: TW Building Department – 01/28/21 permit 16303 for shed/fence has expired; permit 17584 for pool has expired; permit required for hot tub. Permit 16303 has been closed.

Mr. Astorino: Have these permits been addressed?

Brian Friedler: I believe he is in the process of addressing those permits.

Mr. Astorino: Ok.

Comment #7: A site inspection will be held of the Pine Island Fire Chief.

Mr. Astorino: There was discussion about this at the Work Session. We met tonight with the Fire Chief at the site. We took him up through the site. We showed him the plans. The Fire Chief is going to render a letter to the Planning Board on his observations and his recommendations. We don't have that yet. We will be waiting for that letter from the Fire Chief.

Comment #8: A shared common driveway agreement for all existing lot and the proposed new lots must be prepared and submitted.

Brian Friedler: Yes.

Comment #9: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: Yes.

Comment #10: The liber and page for the Agricultural and Biodiversity notes (Indiana Bat), as well as the Shared Driveway Agreement must be added to the plan.

Brian Friedler: Yes.

Comment #11: A performance bond and site inspection fees for the driveway improvements must be submitted.

Brian Friedler: Yes.

Comment #12: Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Brian Friedler: Ok.

Comment #13: Payment of all fees.

Brian Friedler: Ok.

Mr. Astorino: We had discussed the common driveway at the Work Session about the modification in the Code for the common driveway. That has to be prepared by the Applicant to prove to this Board the safety, the environmental impacts, etc... John, is that correct?

Mr. Bollenbach: There is specific criteria for the open area development road specifications. There are provisions for modifications. You would have to go through all of those different steps to justify granting a modification to reduce pavement width.

Mr. Astorino: Ok. As I had stated before, we are waiting for a recommendation from the Pine Island Fire Chief. I spoke to him today. They are going to provide us with their biggest apparatus and their expertise. I thought that it was a very good visit with him. I thought that he was very forthcoming with what he had said. I thought that it was good that he was there. Do any Board members or Professionals have any comments or concerns?

Brian Friedler: I would like to ask the Board if we could be set for a public hearing?

Mr. Astorino: I would have no problem with that. We would need all of the information into us before we would have a public hearing.

Brian Friedler: Yes.

Mr. Showalter makes a motion to set the Thomas & Amy Sibilla Subdivision application for a Final Public Hearing at the next available agenda.

Seconded by Mr. MacDonald. Motion carried; 4-Ayes and 0-Nays.

Brian Friedler: Thank you.

69 Chancellor Lane Sol Source Solar Project

Application for Site Plan Approval and Special Use Permit for the construction and use of a 3.0 MW AC ground mounted commercial-scale solar energy installation, Use # 65, 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. Previously discussed at the 7/19/23 Planning Board Meeting.

Representing the Applicant: Steve Long from Sol Source. Travis Rosencranse, PE., from Crighton Manning.

Travis Rosencranse: I have one question. Was that an exhausted review of all materials submitted? I see that there is a bunch of material that is not listed with different dates.

Laura Barca: Yes.

Travis Rosencranse: Ok. Those dates that were submitted were the old material.

Laura Barca: Yes.

Travis Rosencranse: The only reason why I note that is there are some things that have been taken care of on the plans but has been noted as incomplete.

Mr. Astorino: It is a process. We will get there.

Travis Rosencranse: Ok.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: We have quite a few more things to be done and put on the plans. There has been progress made on the Visual Assessment. It was a very robust submittal. We still need more information before the Board could take action on SEQRA.

Comment #2: Applicant to discuss project.

Travis Rosencranse: Since the last time we were here, we did formalize the alternative location as opposed to going across the existing bridge. This particular location gives advantages to both the array, Orange & Rockland, and the owner. It gives it a dual access. It would be little less intrusive as far as tree removal and clearing. It will utilize John Hicks Blvd., as an existing paved access that is already several hundred feet long. We are in the process of formalizing 5 separate easements with GTI and their attorneys. Those would be forth coming once those have been formalized. We would be crossing O&R's easement and accessing from the eastern side of the array. It worked out to the benefit of every party involved. There would be less tree clearing and disturbance, less stormwater, shorter road, etc...

Mr. Astorino: We had done the site visit out there. It makes sense. You would not be going over the bridge that is there.

Steve Long: I spoke to O&R Utilities yesterday. They are ok with it. GTI and Bob Schluter are also ok with it.

Mr. Astorino: Do you have any comments that were issued? Most of these comments are technical in nature as we go through the process. I know that Liz had provided some comments to you. If you want to touch on the Visual that you had done, I know you have done the line-of-sight. Is that correct?

Steve Long: I haven't seen Liz's comments.

Mr. Astorino: Have you guys done the line-of-sight?

Travis Rosencranse: Yes.

Liz Axelson: I had a couple of minor comments. Having done the line-of-sight analysis the way you had done it presenting the methodology and the details and showing the mapping with areas of visibility was comprehensive. I don't feel there is a need to go to the next level of the visual assessment.

Mr. Astorino: Ok.

Travis Rosencranse: Is there any opportunity to discuss the need for the visual screening?

Mr. Astorino: We will get to that. I am not going to make that comment tonight.

Travis Rosencranse: Ok.

Laura Barca: There is one thing I would like to mention regarding the new access. Where it comes off the cul-de-sac and goes through GTI's property, the version that I thought had it lined up with a property line that is no longer there.

Travis Rosencranse: We went out and had done an additional survey. We had grabbed a topo and 100-foot swath all along the existing property.

Laura Barca: As long that it is ok where it is. There is no lot line. GTI is one big giant property line.

Travis Rosencranse: Yes. Correct.

Laura Barca: Ok. I just wanted to make sure you knew that.

Travis Rosencranse: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns? Let the record show no comments and/or concerns from the Board and Professionals. We will list HDR's Comments 1 through 62 for the record. We will also list CPL's Memorandum dated 12/6/23 for the record.

Travis Rosencranse: Thank you.

Steve Long: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/28/23 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: Service capacity letters must be submitted.

Comment #8: Sheet C-3 appears to call out the 100-ft wetland buffer and 500-yr flood plain as being the same line. Applicant to clarify.

Comment #9: Sheet C-3, the jurisdiction of each wetland should be called out, as well the date and who completed the wetland delineation.

Comment #10: Sheet C-3, Applicant to provide documentation that crossing the O&R easement has been approved by O&R. Any requirements of this crossing must be shown on the plans.

Comment #11: Sheet C-4, 100-ft setback from wetlands is required by §164-40.N. Table of Bulk Requirements, Note 8. Applicant to show this setback on Sheet C-4.

Comment #12: §164-46.J(53) requires compliance with the Town of Warwick Design Standards.

Comment #13: The Performance Standards state that no glare is allowed from any surface (§164-48.C(8)). Also, §164-42.G(4) also has a glare/reflection requirement for solar panels. Applicant to confirm compliance.

Comment #14: Applicant to show on drawings that existing trees surrounding the solar panels are proposed to remain.

Comment #15: The Glare Report prepared by Barrett, page 4, indicates that the panels will be 20' tall; applicant to clarify the height of the panels.

Comment #16: The Glare Report prepared by Barrett, Appendix A, Glare Modeling Results, page 1 of 12 should clarify if the trees were modeled as a solid obstruction. Light can filter through a tree line.

Comment #17: Per §164-46.J(97) additional screening is required; Applicant to update plans to show compliance. Planning Board to determine, based on site inspection and visual assessment.

Comment #18: 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 #19: Applicant to clarify location of new access from John Hicks Drive; there is no lot line where the easement is being proposed. Sight distance should be shown.

Comment #20: 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 #21: Callout labeled “Existing Gravel Drive Widening” on Sheet C-7 should reference Sheet C-15, Detail 1.

Comment #22: 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 #23: Applicant to provide the electrical one-line diagram.

Comment #24: Applicant to provide the electrical drawings showing the quantity and location of inverters and transformers.

Comment #25: Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.

Comment #26: 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 #27: Applicant to confirm the requirements for the depth of removal. Please provide information on the plan. Applicant to add "...In accordance with New York State Agricultural and Markets Solar Energy Guidelines." This document requires full removal so that land can be reused for agricultural purposes.

Comment #28: Inflation rate of 2.0% is too low based on recent historical averages. Applicant to update report.

Comment #29: Please clarify if the labor rates for a crew or individual. Most of the work activities require more than one person to complete. Work activities are over-simplified and require more effort than what is listed. The plan lacks detail regarding material handling time, loading time, cutting, and preparing materials.

Comment #30: Applicant to clarify if the estimate includes contractor indirect items such as mobilization, de-mobilization, supervision, temporary facilities, overhead and profit.

Comment #31: Applicant to clarify if the plan includes any contingencies.

Comment #32: Applicant to differentiate soil linetype from stream linetype. The bold stream linetype works on Sheet C-3 but becomes confusing on Sheet C-8. Callouts for the different linetypes might help with this confusion.

Comment #33: Applicant shall provide outlet protection for underdrain discharge off of access road. Applicant shall also confirm that there is no disturbance within the wetland buffer at the underdrain outlet and the stone dissipation outlet.

Comment #34: 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. Applicant to provide truck turning exhibits for both access road to confirm that a firetruck, with the following dimensions, can access the site in both locations.

Overall Length	47.542ft
Overall Width	8.250ft
Overall Body Height	10.592ft
Min Body Ground Clearance	1.023ft
Track Width	8.918ft
Lock-to-lock time	4.00s
Wall to Wall Turning Radius	45.666ft

Movement at Stations 2+00 to 5+00 and 10+50 to 12+00 shows the truck wheel beyond the gravel access road; Applicant to update drawings

Comment #35: On Sheet 1, under Applicable Codes and Standards, please add 2020 Fire Code of New York State.

Comment #36: The note; "It is a violation of law for any person..." shown on Sheet 1, must be shown on each drawing sheet in its entirety.

Comment #37: On Sheet 2, General Note 13 discussed the contingency plan for O&M should be provided as soon as possible for review.

Comment #38: On sheet 13. Applicant to clarify how project complies with 2020 Fire Code NYS 503.1.1 or clarify if an exemption has been granted of the Code Official. The entire solar panel area is a facility, per the Code and interior access for apparatus is required with a maximum 140' hose pull.

Comment #39: Applicant to provide structural Engineer of Record for the PV racking structure, for the foundation design, and for the geotechnical report.

Comment #40: Applicant to submit a preliminary "Basis of Design" that provides a summary description of the PV racking system, the type of foundations intended to be used for all electrical and PV equipment, the Risk Category that will be used, and the building code specified for wind, snow, ice, and seismic parameters.

Comment #41: 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 #42: Applicant to provide project geotechnical engineering report that was used to design all foundations for this project.

Comment #43: The submitted Geotechnical report must 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 #44: 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 #45: Applicant to provide Special Inspection Program including how the tracker piles will be inspected during construction.

Comment #46: 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 #47: 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." Sht C-1, General Note 3

Comment #48: The declaration information for the Agricultural, Aquifer, and Biodiversity Notes must be added to the plans.

Comment # 49: Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.

Comment #50: Surveyor to certify that iron rods have been set at all property corners.

Comment #51: Applicant to clarify if there is a power purchase agreement (PPA) with the utilities. Please provide the signed PPA from the utility company. Please provide document showing that this is not required for community solar projects.

Comment #52: 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 #53: 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 #54: Applicant to confirm who is responsible to file the Interconnection Application. Applicant to provide a copy of the signed Interconnection Service Agreement. Has been provided for a 2MW nameplate capacity Applicant to confirm size of the system.

Comment #55: 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 & 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 #56: Provide declaration information for the Agricultural Overlay, Aquifer Overlay, and Biodiversity notes.

Comment #57: Applicant to provide Landscape Bond cost estimate and three-year cash bond.

Comment #58: Applicant to provide Performance Bond for site inspection fees.

Comment #59: Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney. Applicant to verify if cost of monitoring during decommissioning has been included in the estimate.

Comment #60: Applicant to provide Decommissioning Bond to the satisfaction of the Planning Board Attorney/ Engineer. Applicant to add NYS Agricultural and Markets.

Exhibit 1: Stakeholders as they require contact prior to decommissioning process. Confirm Environmental monitoring cost is covered for decommissioning process in accordance with NYS Agricultural and Markets Solar Energy Guidelines.

Comment #61: The PILOT agreement must be submitted to and accepted by the Town Board.

Comment #62: Payment of all fees.

MEMORANDUM

Date: For December 6, 2023 Planning Board Meeting

To: Chairman Ben Astorino and Town of Warwick Planning Board

From: Liz Axelson, AICP, Senior Planner

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

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:

27. The proposed action is 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, an outbuilding, driveways and/or trails and a smaller solar array. The project would involve the disturbance of approximately 25 acres of agricultural land involving 6.18 acres of development in "Farmland of Statewide Importance" on an 18.35-acre fenced area of the site.
28. 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).

29. 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” due to the soil types in these areas. Refer to the Soils and Slopes Figure. Prior comments recommended that the layout of the proposed solar array be revised to avoid this agriculturally significant area and soil resources. Address the following:
 - i. The Soils and Slopes Figure should be incorporated as a sheet in the full plan set;
 - ii. The response refers to the New York State Agriculture and Markets (NYS Ag & Markets) notation on sheet C-1, which is acceptable; and
 - iii. Notation should specifically indicate the presence of “Farmland of Statewide Importance” on the project site.
 - b. As it pertains to environmental and planning review, plan elements, mapping and narrative were provided. to sufficiently demonstrate compliance with the four-step design process at zoning section 164-41.1, E., (3) the Four-step design process, noting that visual analysis is considered separately below.
 - c. Address the supplementary regulations in section 164-42, G. regarding large-scale solar energy installations, including zoning subsections referenced thereunder:
 - i. 164-42 G(3): the minimum lot width and depth should be completed in the zoning table; and
 - ii. 164-42 G (6), refer to comments regarding visual analysis below.
 - d. In response to prior comments a landscaping plan was added to the plan set, see, Sheet C-11. Please refer to comments below about the visual assessment. In order to ensure minimal visibility of the site, address the following:
 - i. Other plan sheets, for example, C-7 and C-8, include the legend item “Proposed Tree Line”, a darker scalloped line. It appears to indicate that the wooded area outside of the limits of disturbance and proposed fencing would be preserved. Please confirm. Then the adequacy of the proposed landscaping and screening can be evaluated as per zoning section 164-42, G., (5) regarding screening the project from off-site public views.
 - ii. If the above is confirmed, then the “Proposed Tree Line” plan item and delineated areas should be shown on other plan sheets such as C-11 Landscaping Plan and the Decommissioning Plan sheet when added back to the plan set. See comments below.
 - iii. There may be other landscaping plan comments.
30. Prior comments requested 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). Refer to the comments about the Visibility Assessment below. Please refer to the related Full Environmental Assessment Form (Full EAF) comments below.
31. Please also refer to the comments of the Orange County Department of Planning, dated June 2 and 26, 2023 regarding “Prime Agricultural Soils and Soils of Statewide Importance”. As per the comments above, the Soils and Slopes Figure should be part of the plan set and “Farmland of Statewide Importance” should be avoided.
32. 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:

33. 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.

34. Please refer to the Plan Comments below that relate to areas of potential environmental impact and corresponding recommended development practices and mitigation.
35. We reviewed the reports below as they pertain to the Full EAF and updated related comments below. We defer to the Planning Board's Engineer for coordinating detailed review of the following wetlands and habitat assessment reviews:
 - a. Phase I Bog Turtle Survey Report;
 - b. Wetland and Stream Delineation Report; and
 - c. Threatened and Endangered Species Habitat Report.

Full Environmental Assessment Form Comments:

36. Full EAF Part A. should refer to the Project Narrative.
37. The Project Narrative should be revised in the Archaeological Resources section to delete the last sentence about the "expected" Phase 1A/1B report as it was submitted. See comments below about Full EAF question E.3, e. and f.
38. 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." Prior comments indicated "Please submit copies of any responses to the Planning Board". The Applicant's response letter notes that a Jurisdictional Determination was requested yet no response has been received from the ACOE (aka US ACE). Revise the narrative and EAF to refer to any agency responses when received.
39. 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." Prior comments indicated "Please submit copies of any responses to the Planning Board". A November 14, 2023 USFWS letter was appended to the Bog Turtle Survey Report, indicating a "Biological Assessment is required". Revise the EAF to refer to the USFW letter, any related subsequent narrative, whether the Bog Turtle Report will be revised and submitted for further agency review.
40. 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.
41. 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. As noted above, a Phase 1A/1B report was previously submitted. At a prior Planning Board 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. The Project Narrative appears to indicate this step was taken. Address the following:
 - a. Please submit to the Planning Board copies of all information, additional reports, maps, etc., that have been submitted to the SHPO via the CRIS for their records.
 - b. Additionally, provide copies of any responses from the SHPO's CRIS. Provide copies of any responses from the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP or SHPO) via the Cultural Resource Information System (CRIS).

42. In our July 19, and September 20, 2023 review memorandum, based on a review of various online Orange County and other mapping platforms, nine (9) potential scenic and aesthetic resources were listed in the vicinity of the project (with an estimated approximate distance in miles [mi] from the project site). Without any visual analysis, the list presented potential scenic and aesthetic resources from which the proposed action might be visible. The prior 9/20/23 comments were primarily in response to and with comments about the previously submitted series of LOS (line of sight) illustrations without any context map or methodology. Based on our review of the recently submitted Visibility Assessment, it is likely that the project may be visible from the following 2 originally noted locations:
- a. Hickory Hill Golf Course (1.6 mi); and
 - b. Warwick Park (2.1 mi).
43. Prior comments also listed 7 other areas from which the proposed solar array might be visible. However, based on our review of the recently submitted Visibility Assessment, the project would be visible from 5 of these other areas and 1 more, including the following:
- a. the end of John Hicks Rd;
 - b. Wisner road;
 - c. Upper Wisner Road;
 - d. Lower Wisner Road;
 - e. Desanto Lane; and
 - f. Belcher Road.
44. The methodology, illustrations, and results of the recently submitted Visibility Assessment are clearly presented. We generally concur with the conclusions. However, we note the publicly accessible locations in the comments above including local roads, from which the proposed development could potentially be visible. In particular, we agree with the conclusion that “views will primarily be limited to portions of the Project partially screened or obscured by intervening vegetation or structures or concentrated in cleared fields south and east of the array in the vicinity of Wisner, Lower Wisner, and Upper Wisner Rd”.
45. We note that our prior comments did not request glare analysis related to any visual effects, noting that the Solar Glare Hazard Analysis Tool (SGHAT) is intended to address potential aviation sensitive receptors. The submitted Glare Study did specifically address potential glare effects on residences and motor vehicles indicating that no glare was produced on the receptors considered. The methodology, illustrations, and results of the recently submitted Glare Study are clearly presented. We concur with the conclusions.

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.

46. As noted above, the proposed project area should be reconsidered and redesigned to avoid disturbance in areas of “Farmland of Statewide Importance”, and wooded areas and specimen trees.
47. Prior comments requested that the plans show and label 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. On plan sheet C-8 there are arrows pointing through the array in directions apparently to show the “Drainage Direction, (Typ.)”. On the northern and western sides of the array there is a “Stormwater Swale with Check Dams” that wraps around this part of the array within the fenced area. However, there is no “Stormwater Swale with Check Dams” for the eastern and southern sides of the array. Please explain. This is a concern because this area of the array is adjacent to wetlands and NYSDEC wetland 100 foot adjacent areas.

48. Provide a legend on each plans sheet corresponding to line types, shaded and hash-marked areas shown thereon.
49. 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:
- Agricultural Notes, as the site is in the AP-O;
 - Aquifer Protection Notes, as the site is in the Aquifer Overlay (AQ-O); and
 - Biodiversity Conservation Notes, as site is in the BC-O.
50. A decommissioning plan sheet had previously been provided as part of the plan set. I defer to the Planning Board's Engineer about whether it was prepared in accordance with Code Section 164-42. G. (9). We note that the decommissioning plan sheet attached to the decommissioning plan report, with the estimate, is dated May 2023, so it may not be the most current version. The prior decommissioning plan sheet had been dated 8/16/2023. Since it is not clearly a current plan sheet, our prior comments are repeated. Please address the following comments:
- We note that the decommissioning plan sheet was not included in the site plan set in this submittal, and recommend it be added back;
 - Farmland protection and NYS Ag & Markets notation must be provided on the decommissioning plan sheet;
 - Decommissioning notes must be expanded to address soil restoration and decompaction;
 - Indicate any improvements to remain;
 - Delineate the limits of all related removal activities and/or disturbance;
 - Show measures for protection of wetlands, streams, habitat or wooded areas or other natural features during decommissioning activities;
 - Show the extent of site restoration and stabilization; and
 - Add all corresponding details, specifications, and notation, etc. ...
51. Also, in accordance with Code Section 164-42. G. (9) decommissioning estimate/plan document was submitted. However, the document was not dated, so it was not clear whether it was a revised document. 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.
52. 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.

Materials Reviewed:

- Cover Letter, listing 15 submittal items, prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated November 15, 2023;
- CPL Comment Response Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated November 15, 2023;
- HDR Comment Response Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated November 15, 2023; Project Narrative, revised November 15, 2023;
- Site plans entitled Chancellor Lane Solar Array, prepared by preparer not indicated, Creighton Manning Engineering, LLP, dated November 2023, including the following:
 - G-0 Cover, November 2023;
 - G-1 General Notes And Legend, dated 11/14/23;
 - C-2 ALTA/NSPS Land Title Survey, dated April 7, 2023 and April 14, 2023, unsigned;
 - C-3, Existing Conditions Plan, dated 11/14/23;
 - C-4, Overall Site Plan, dated 11/14/23;
 - C-5 Tree Clearing and Removal Plan, dated 11/14/23;
 - C-6, Phasing Plan, dated 11/14/23;
 - C-7, Layout and Materials Plan, dated 11/14/23;
 - C-8 Grading and Drainage Plan, dated 11/14/23;
 - G-9 Access Road Plan and Profile 1, dated 11/14/23;
 - C-10 Access Road Plan and Profile 2, dated 11/14/23;
 - C-11 Landscaping Plan, dated 11/14/23;
 - C-12 Erosion and Sediment Control Plan, dated 11/14/23;
 - G-13 Erosion and Sediment Control Details, dated 11/14/23;

- o C-14 - C-17, Miscellaneous Details-1 through 4, dated 11/14/23; and
- Full Environmental Assessment Form, prepared by Steve Long, Senior Civil Engineer, signed November 10, 2023; with attached:
 - o Project Site Coverage Data table, dated 11/7/23; and
 - o Map entitled CRIS Archaeological Inventory, undated; and
 - o NYSDEC letter regarding no records of rare or state-listed animals or plants, or significant natural communities at the site, date October 19, 2023;
- Stormwater Pollution Prevention Plan (SWPPP), prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated November 14, 2023;
- Chancellor Lane Solar Four Step Process Description, undated, prepare not indicated;
 - o Chancellor Lane Solar Array, Exhibit 1, Four Step Process, Figure 1, prepared by, preparer not indicated, Creighton Manning Engineering, LLP, dated November 2023;
 - o Chancellor Lane Solar Array, Exhibit 2, Soils and Slopes, Figure 2, prepared by, preparer not indicated, Creighton Manning Engineering, LLP, dated November 2023;
- Chancellor Lane Solar Array, Exhibit 3, Fire Truck Turn Figure, Figure 1, prepared by, preparer not indicated, Creighton Manning Engineering, LLP, dated November 2023;
- Visibility Assessment, Chancellor Lane Solar Project, Town of Warwick (**Warwick**), prepared for Chancellor Lane Solar, LLC, prepared by Search, dated November 2023;
- Appendix A, New York State Standardized Contract for Interconnection of New Distributed Generation Units with Capacity of 2 MW or Less Connected in Parallel with Utility Distribution Systems, Customer name: Lindsey McEntire, Utility Information: Orange and Rockland Utilities, 69 Chancellor Lane, Warwick NY 10990, dated 10/22/2022 and 10/13/2023;
- Barrett Energy Resources Group Technical Memorandum regarding Glare Study, Chancellor Lane Solar Photovoltaic Project, Warwick NY dated November 9, 2023;
- Solar Panel System Decommissioning Plan, preparer not indicated, Sol Source Power, not dated, including attached Decommissioning Plan, dated May 2023;
- Document entitled Screenshot - Update CRIS contacts - Chancellor Lane Solar, undated;
- New York State Department of Agriculture and Markets Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (revision 10/18/2019);
- Solar lease and easement agreement effective third day of March 2023, with Exhibits:
 - o Exhibit A Defined Terms;
 - o Exhibit B Description of Leased Premises (Parcel: 46-1-12); and
 - o Exhibit B-1, Depiction of Leased Premises, with aerial photographic image and site and solar array area outlined; and
- Cover Letter, listing 3 submittal items, prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated November 15, 2023;
- Phase I Bog Turtle Survey Report, Chancellor Lane Solar, prepared by preparer not indicated, LaBella Associates DPC, dated November 2023;
- Wetland and Stream Delineation Report, Chancellor Lane Solar, prepared by preparer not indicated, LaBella Associates DPC, dated November 2023;
- Threatened and Endangered Species Habitat Assessment Report, 69 Chancellor Lane, prepared by Claire Leonardi, Field Ecologist, LaBella Associates DPC, dated November 14, 2023;

Materials Previously Reviewed:

- Cover Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated August 17, 2023;
- Response Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated August 17, 2023;
- Project Narrative, revised August 16, 2023;
- Engineering, LLP, dated August 2023, including the following:
 - o G-0 Cover, August 2023;
 - o G-1 General Notes And Legend, dated 8/16/23;
 - o C-2 ALTA/NSPS Land Title Survey, dated April 7, 2023 and April 14, 2023, unsigned;
 - o C-3, Existing Conditions Plan, dated 8/16/23;
 - o C-4, Overall Site Plan, dated 8/16/23;
 - o C-5 Tree Clearing Plan, dated 8/16/23;
 - o C-6, Phasing Plan, dated 8/16/23;
 - o C-7, Layout and Materials Plan, dated 8/16/23;
 - o C-8 Grading and Drainage Plan, dated 8/16/23;
 - o G-9 Access Road Plan and Profile, dated 8/16/23;
 - o C-10 Landscaping Plan, dated 8/16/23;
 - o C-11 Erosion and Sediment Control Plan, dated 8/16/23;
 - o G-12 Erosion and Sediment Control Details, dated 8/16/23;
 - o C-13 & C-16, Miscellaneous Details-1 through 4, dated 8/16/23; and
 - o C-17 Decommissioning Plan, dated 8/16/23;
- Full Environmental Assessment Form, prepared by Steve Long, Senior Civil Engineer, signed August 14, 2023; with attached Project Site Coverage Data table;
- Series of annotated photographic illustrations identified as "Line of Sight Exhibit Sensitive Areas", with names of areas, preparer not indicated, undated;

- CESIR Report, prepared by Orange & Rockland Utilities, Inc. dated 5/1/23, revised 6/6/23;
- Decommissioning Estimate/Plan, preparer not indicated, NOT dated;
- Agricultural Data Statement, apparently signed by an applicant representative, signed May 17, 2023, with attached Tax Section 41 sheet, annotated and highlighted to show project site and adjoining properties, preparer not indicated, undated;
- Photographs of envelopes entitled "Agricultural Data Statement Mailing Confirmation", showing portions of letters dated August 4, 2023;
- Chancellor Lane Solar Four Step Process Description, preparer not indicated, Creighton Manning, dated 7/14/2023, including the following items:
 - Four Step Process Description;
 - Figure 1 Sensitive Area Figure:
 - Figure 2 Sensitive Area Figure:
 - Figure 3 Sensitive Area Figure:
 - Figure 4 Sensitive Area Figure:
- Electrical Diagram for Chancellor Solar, by Sol Source Power, undated;
- Phase I Archaeological Survey, Chancellor Lane Solar, authored by Justin Sabino, signed by Jordon Loucks, Principal Investigator, dated August 2023

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- 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.

Other Considerations:

1. Planning Board Minutes of 11/15/23 for PB approval.

Mr. MacDonald makes a motion to Approve the Planning Board Minutes of 11/15/23.

Seconded by Mr. Showalter. Motion carried; 4-Ayes and 0-Nays.

2. Planning Board to discuss cancelling the 12/11/23 W.S. & 12/20/23-PB Meeting.

Mr. Showalter makes a motion to cancel the 12/11/23 Work Session & 12/20/23 Planning Board Meeting.

Seconded by Mr. MacDonald. Motion carried; 4-Ayes and 0-Nays.

Correspondences:

1. Email Letter from Amy Lavine, Esq., dated 11/28/23 addressed to the Planning Board in regards to the Sibilla Subdivision.
2. Email letter from Keith Woodruff, dated 12/6/23 addressed to the Planning Board in regards to M&T/Ted Edwards Subdivision.

Mr. Astorino: We have those correspondences in our packets.

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.

Elizabeth Korchin: I live at 1 Skysail Lane. We are here in regards to the Sibilla Subdivision that was brought up tonight. Thank you for your time tonight. I have a couple of questions that was presented today. Is the sketch plan that you had review the same one that was provided to us in response to our FOIL request dated back in August or has there been a new one submitted?

Mr. Astorino: Connie, what was the date of the last submittal?

Connie Sardo: I believe it was 11/14/23.

Mr. Astorino: You do realize that this is an ongoing process. These plans can change.

Elizabeth Korchin: Ok.

Mr. Astorino: There has been nothing that has been approved. This is a process that things can change from meeting to meeting. The Planning Board held a public hearing on this application on 10/20/21. That public hearing was adjourned without date. There are more public hearings to come. They could change after that as you had seen earlier this evening on another application.

Elizabeth Korchin: Our concern is that we feel like we have ben ambushed by hearing notices or the lack there of for the first year.

Mr. Astorino: It is not a public hearing.

Elizabeth Korchin: Even with the public hearing, they were going to the prior owners at first. We were not getting those. We are constantly and I know that I speak for some of my neighbors checking the agendas. Even tonight's agenda said it was an application for final approval.

Mr. Astorino: It is an application for final approval. That is what they are going for. Did they receive final approval? The answer is no they did not. Would they get final approval? I cannot answer that tonight.

Elizabet Korchin: We completely understand that. We appreciate you educating us about the process. We just wanted to make sure that a ship doesn't sail without us being on board. I am very concerned about our family's safety.

Mr. Astorino: There is no ship sailing.

Elizabeth Korchin: Ok. We appreciate that. We just wanted to stay abreast of what is happening. We wanted to make sure we are given timely feedbacks.

Mr. Astorino: I could say this to you for the record. There is no end of the process until there is a public hearing. The Board makes the decision. We have a Code. We follow the Town Code. We would do that for this application and every application that comes before us. As you had seen earlier today, we had a public hearing on another application. That public hearing was adjourned. We as a Board did not feel it was ready.

Elizabeth Korchin: Completely understood. Our concern in part is that there is only 5 days' notice that has to be provided under the Code. We are trying to stay on top of it so that we don't get ambushed where all of a sudden something appears and we had not received any documents or information.

Connie Sardo: The public hearing will be Renoticed. It would also be posted on the Town's website.

Mr. Astorino: It has to follow the Code. This Board cannot change the Code. If you feel that is too short of a notice, you could go to the Town Board to let them know. We as a Planning Board follow the Code as it is presented. We do not change the Code.

Elizabeth Korchin: I completely understand.

Mr. Astorino: You could make phone calls to the Planning office.

Connie Sardo: I try to keep up with all of your emails that you send.

Elizabeth Korchin: I appreciate that. You have been very responsive. Is there any outside boundary as to how many times they could submit new documents or postpone?

Mr. Astorino: Absolutely not. This process could change 17 more times. There is a Code. As I had said this evening, we had met with the Fire Chief out at the site.

Elizabeth Korchin: We had seen that.

Mr. Astorino: Good. Then you had seen what was happening which is a good thing.

Elizabeth Korchin: I appreciate that.

Mr. Astorino: There was a discussion with this Board at the Work Session. We wanted that input. That is your biggest issue.

Mr. Showalter: It is for your safety.

Mr. Astorino: A police car is not going to have a problem going up there. We as a Board wanted it from the horse's mouth. The Fire Chief and the Volunteers in this community are second to none. It is not even a question. They would come out and do it. We are waiting to hear from them.

Elizabeth Korchin: We appreciate that. There is just one final thing. I wanted to make sure that a correspondence that we sent this evening was noted.

Mr. Astorino: Your correspondence came in after hours. The Board didn't have a chance to look at it yet. It will be noted and, in the record, the next time the application comes before us.

Elizabeth Korchin: Thank you.

Mr. Astorino: Is there anyone else wishing to address any of the agenda items? Let the record show no further public comment.

Mr. MacDonald makes a motion to adjourn the December 6, 2023 Planning Board Meeting.

Seconded by Mr. Showalter. Motion carried; 4-Ayes and 0-Nays.

Mr. Astorino: John Bollenbach before we go off for the record, we would like to thank you again for your service. Your professionalism as our Attorney has been greatly appreciated. We can't thank you enough. You will be missed.

Mr. Bollenbach: It has been my pleasure.