

TOWN OF WARWICK PLANNING BOARD
August 16, 2023

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
John MacDonald, Rich Purcell, Alt.
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, August 16, 2023 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Keri Dawson, Linda & William Dawson Family Trust

Application for Final Approval of a proposed lot line change, situated on tax parcels S 7 B 2 L 75.2 and 75.3; parcels located on the western side of Union Corners Road, 2,600 feet north of Spanktown Road (557 & 537 Union Corners Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Shawn Brady from Engineering Properties & Surveying. Bill Dawson, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – does not require referral per planning board secretary
6. TW Building Department – pending
7. Planning Board to determine if a site inspection is necessary.
8. The two lots should be called out as Proposed Lot 1 (existing) and Proposed Lot 2.
9. The Agricultural Notes must be added to the plan.
10. The slope of the driveway shown on Proposed Lot 2 (future home) should be confirmed.
11. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permit have been obtained.” Sheet C-100, note 11
12. Surveyor to certify that iron rods have been set at all property corners.
13. Surveyor to sign and seal drawing.
14. The liber and page for the Agricultural notes must be added to the plan.
15. Payment of all fees.

The following comment submitted by the Conservation Board:

Keri Dawson, Linda & William Dawson Family Trust – None submitted.

The following comment submitted by the ARB:

Keri Dawson, Linda & William Dawson Family Trust – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: This application is for a proposed lot line revision. The application meets the thresholds as a Type 2 Action. SEQRA review would not be necessary. I have prepared a draft Type 2 Resolution for the Planning Board's consideration.

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

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

617.6

State Environmental Quality Review (SEQR)

Resolution

Type II Action

Name of Action: Dawson Lot Line Change Application

Whereas, the Town of Warwick Planning Board is in receipt of an application for review and approval of a Lot Line Change (Re-subdivision), which application pertains to a lot line change plan and application materials submitted on behalf of Keri Dawson; and Keri Dawson, Trustee, Linda Dawson Family Trust & William Dawson Family Trust, for a realignment of lot lines between: an existing 6.412-acre parcel of land, vacant Tax Parcel SBL: 7-2-75.2; and the adjacent Tax Parcel SBL: 7-2-75.3, an existing 5.267-acre parcel of land with an existing dwelling to: create a slightly larger 6.16-acre lot (7-2-75.3) and a slightly smaller 5.52-acre Tax Parcel SBL: 7-2-75.2 located at Union Corners Road, in the Town of Warwick, Orange County , New York; and

Whereas, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Lot Line Change Plan, Dawson Lot Line Change, prepared by Daved A Getz, PE, Engineering & Surveying Properties, dated June

28, 2023, based on a survey by Schmick Survey, showing the 2 lots, existing and proposed dwellings, lots, wells and other improvements, with the project description in the submitted Short EAF describing the transfer of 0.89 acres from parcel 7-2-75.2 to parcel 7-2-75.3. And the Planning Board is now considering the applicant's request for approval of the Lot Line Change;

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) and (16); and, therefore, SEQR does not apply.

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

Comment #2: Applicant to discuss project.

Shawn Brady: The proposed action would be to transfer approximately 0.89 acres of land from SBL # 7-2-75.3 to SBL #7-2-75.2 where the Dawson's residence is located. The proposed lot lines would create more logical boundaries between the two properties. It would be following the existing stonewall that is located on the property. There is no construction or ground disturbance proposed on the other lot.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

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

Comment #6: TW Building Department – pending

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

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

Shawn Brady: Yes.

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

Shawn Brady: Yes.

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

Shawn Brady: Yes. We will work with Laura on that.

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 permit have been obtained.” Sheet C-100, note 11

Shawn Brady: Ok.

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

Shawn Brady: Will do. Bob Schmick will be taking care of that.

Comment #13: Surveyor to sign and seal drawing.

Shawn Brady: Will do. Bob Schmick will be taking care of that.

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

Shawn Brady: Yes.

Comment #15: Payment of all fees.

Shawn Brady: Yes.

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 Dawson Lot Line Change application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Showalter makes a motion on the Keri Dawson, Linda & William Dawson Family Trust application, granting conditional Final Approval of a proposed lot line change, situated on tax parcels S 7 B 1 L 75.2 and 75.3; parcels located on the western side of Union Corners Road, 2,600 feet north of Spanktown Road (557 & 537 Union Corners Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on August 16, 2023. Approval is granted subject to the following conditions:

1. The two lots should be called out as Proposed Lot 1 (existing) and Proposed Lot 2.
2. The Agricultural Notes must be added to the plan.
3. The slope of the driveway shown on Proposed Lot 2 (future home) should be confirmed.
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 permit have been obtained." Sheet C-100, note 11
5. Surveyor to certify that iron rods have been set at all property corners.
6. Surveyor to sign and seal drawing.
7. The liber and page for the Agricultural notes must be added to the plan.
8. Payment of all fees.

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

Shawn Brady: Thank you.

Review of Submitted Maps:***David & Dorothea Masefield and Gregory & Frances Masefield Lot Line Change***

Application for Sketch and Final Approval of a proposed Lot Line Change, situated on tax parcels S 47 B 1 L 127 and L 128; parcels located on the eastern side of Bellvale Lakes Road 1600 feet south of Rabbit Hill Road (258 & 264 Bellvale Lakes Rd., in the MT zone, of the Town of Warwick.

Representing the Applicant: Shawn Brady from Engineering Properties & Surveying.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – does not require referral per planning board secretary
6. TW Building Department – 07/21/23 Parcel 47-1-127 has an open shed permit that has expired (19663)
7. Planning Board to determine if a site inspection is necessary.
8. The two lots should be called out as Proposed Lot 1 (existing) and Proposed Lot 2. Lots should be called out on Sheet C-103.
9. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permit have been obtained.” Sheet C-101, note 11
10. Applicant to clarify difference in driveway extents on Lot B as shown on sheets C-102 and C-103.
11. Surveyor to certify that iron rods have been set at all property corners.
12. Surveyor to sign and seal drawing.
13. The liber and page for the Agricultural, Aquifer, and Ridgeline notes must be added to the plan. Sheet C-101
14. Payment of all fees.

The following comment submitted by the Conservation Board:

David & Dorothea Masefield and Gegory & Frances Masefield Lot Line Change – None submitted.

The following comment submitted by the ARB:

David & Dorothea Masefield and Gregory & Frances Masefield Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: This application is for a proposed lot line change. The application meets the thresholds as a Type 2 Action. SEQRA review would not be necessary. I have prepared a draft Type 2 Resolution for the Planning Board’s consideration.

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

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

617.6

State Environmental Quality Review (SEQR)

Resolution

Type II Action

Name of Action: Masefield Lot Line Change Application

Whereas, the Town of Warwick Planning Board is in receipt of an application for review and approval of a Lot Line Change (resubdivision), which application pertains to a lot line change plan and application materials submitted on behalf of David and Dorothea Masefield; and Gregory C. and Frances B. Masefield, c/o Jane Gareiss, for a realignment of lot lines between: an existing 6.7-acre parcel of land, with an existing dwelling, Tax Parcel SBL: 47-1-127; and the adjacent Tax Parcel SBL: 47-1-128, an existing, vacant 90±-acre parcel of land to: create a larger 9.7-acre lot (47-1-127) and a slightly smaller 87-acre Tax Parcel SBL: 47-1-128 located at 258 and 264 Bellvale Lakes Road, respectively, in the Town of Warwick, Orange County, New York; and

Whereas, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Masefield Lot Line Change, prepared by David A Getz, PE, Engineering & Surveying Properties, dated July 18, 2023, based on a survey by Jon Robert Nelting Surveying and Mapping, PLLC, showing the 2 lots, one with an existing dwelling, well, shed and driveway; with the project description in the submitted Short EAF describing the transfer of 3 acres from parcel 47-1-128 to parcel 47-1-127. And the Planning Board is now considering the applicant's request for approval of the Lot Line Change;

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5 (c)(16); and, therefore, SEQR does not apply.

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

Comment #2: Applicant to discuss project.

Shawn Brady: The application is for a proposed lot line change with no construction and no ground disturbance proposed. It is approximately 90 acres of undeveloped property. The Applicant wants the hill to be included. It is important to the family's history. There would be no construction

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

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

Comment #6: TW Building Department – 07/21/23 Parcel 47-1-127 has an open shed permit that has expired (19663)

Shawn Brady: Ok.

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

Mr. Astorino: A site visit would not be necessary.

Mr. Bollenbach: We could strike Comment #7.

Comment #8: The two lots should be called out as Proposed Lot 1 (existing) and Proposed Lot 2. Lots should be called out on Sheet C-103.

Shawn Brady: We will make the changes.

Comment #9: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permit have been obtained.” Sheet C-101, note 11

Shawn Brady: Will do.

Comment #10: Applicant to clarify difference in driveway extents on Lot B as shown on sheets C-102 and C-103.

Shawn Brady: That has been completed.

Comment #11: Surveyor to certify that iron rods have been set at all property corners.

Shawn Brady: Yes.

Comment #12: Surveyor to sign and seal drawing.

Shawn Brady: Yes.

Comment #13: The liber and page for the Agricultural, Aquifer, and Ridgeline notes must be added to the plan. Sheet C-101

Shawn Brady: Will do.

Comment #14: Payment of all fees

Shawn Brady: Ok.

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

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

Shawn Brady: Yes.

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

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

Mr. Kennedy makes a motion on the David & Dorothea Masfield and Gregory & Frances Masfield Lot Line Change application, granting conditional Final Approval of a proposed Lot Line Change, situated on tax parcels S 47 B 1 L 127 and L 128; parcels located on the eastern side of Bellvale Lakes Road 1600 feet south of Rabbit Hill Road (258 & 264 Bellvale Lakes Rd.), in the MT zone, of the Town of Warwick, County of Orange State of New York. A SEQRA Type 2 Action was adopted on August 16, 2023. Approval is granted subject to the following conditions:

1. TW Building Department – 07/21/23 Parcel 47-1-127 has an open shed permit that has expired (19663)
2. The two lots should be called out as Proposed Lot 1 (existing) and Proposed Lot 2. Lots should be called out on Sheet C-103.
3. 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 permit have been obtained.” Sheet C-101, note 11
4. Applicant to clarify difference in driveway extents on Lot B as shown on sheets C-102 and C-103.
5. Surveyor to certify that iron rods have been set at all property corners.
6. Surveyor to sign and seal drawing.
7. The liber and page for the Agricultural, Aquifer, and Ridgeline notes must be added to the plan. Sheet C-101
8. Payment of all fees.

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

Shawn Brady: Thank you.

John, Thomas & Amy Sibilla Subdivision

Application for Final Approval of a proposed 4-Lot (Minor) Conventional 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.

Mr. Astorino: The Applicants had asked to be pulled off the agenda this evening. They are pulled off the agenda.

Bernadette Sutton & Thomas MaGee, Jr. Site Plan

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 parcel S 76 B 1 L 54; project 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.

Representing the Applicant: Brian Friedler from Friedler Engineering, PLLC.

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – no comments received
6. TW Building Department – expired permit 23551 for wood stove and footings under dwelling; septic pump out receipt is overdue
7. ZBA – proposed action increases the existing, non-conforming one side setback, both side setbacks, and development coverage at the project site.
8. Planning Board to determine if a site inspection is necessary.
9. USACE wetland map must be submitted.
10. FEMA floodplain map must be submitted.
11. The septic system will require a New York Professional Engineer’s certification that it is functioning properly.
12. A note stating that all new utilities must be installed underground.
13. Environmental information to be reviewed to confirm if any biodiversity notes are required for this project.
14. Driveway sight distance must be shown on the plan.
15. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
16. 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.”
17. Applicant to clarify and indicate on plans what site features are to remain or are modified (i.e. porch, deck, driveway, etc.).
18. Surveyor to certify that iron rods have been set at all property corners.
19. Payment of all fees.

The following comment submitted by the Conservation Board:

Bernadette Sutton & Thomas MaGee, Jr. Site Plan – None submitted.

The following comment submitted by the ARB:

Bernadette Sutton & Thomas MaGee, Jr. Site Plan – None Submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: This application meets the thresholds as a Type 2 Action. It is a construction of a residence. The Applicant would need to go to the ZBA for setback and area variances for a residence. There is no other SEQRA review required. I have prepared a draft Type 2 Resolution for the Planning Board's consideration.

Mr. Showalter makes the motion for the Type 2 Action.

Seconded by Mr. McConnell. The following Resolution was carried 5-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 (SBL: 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 Edward Castaldo, PE & LS, 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 that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Brian Friedler: Your Planner, Liz Axelson had said it all.

Mr. Astorino: Good job Liz.

Liz Axelson: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – no comments received

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

Brian Friedler: Ok.

Comment #7: ZBA – proposed action increases the existing, non-conforming one side setback, both side setbacks, and development coverage at the project site.

Mr. Astorino: You will need to go to the ZBA.

Brian Friedler: Yes.

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

Mr. Astorino: Yes. The Board would want to do a site visit. We will schedule a site visit. We will be in touch with you on scheduling a site visit.

Brian Friedler: Ok.

Comment #9: USACE wetland map must be submitted.

Brian Friedler: Ok.

Comment #10: FEMA floodplain map must be submitted.

Brian Friedler: Ok.

Comment #11: The septic system will require a New York Professional Engineer's certification that it is functioning properly.

Brian Friedler: Ok.

Comment #12: A note stating that all new utilities must be installed underground.

Brian Friedler: Right.

Comment #13: Environmental information to be reviewed to confirm if any biodiversity notes are required for this project.

Brian Friedler: Ok.

Comment #14: Driveway sight distance must be shown on the plan.

Brian Friedler: Ok.

Comment #15: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Ok.

Comment #16: 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."

Brian Friedler: Ok.

Comment #17: Applicant to clarify and indicate on plans what site features are to remain or are modified (i.e. porch, deck, driveway, etc.).

Brian Friedler: Ok.

Comment #18: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: Ok.

Comment #19: Payment of all fees.

Brian Friedler: Ok.

Mr. Astorino: You are off to the ZBA. Do any Board members or Professionals have any comments?

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

Brian Friedler: Yes.

Mr. McConnell makes a motion to set the Sutton-MaGee Site Plan application for a Public Hearing at the next available agenda.

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

Mr. Astorino: After you get back from the ZBA, we will schedule you for a site visit.

Brian Friedler: Ok. Thank you.

Other Considerations:

1. Planning Board to discuss canceling the 8/28/23-W.S. & 9/6/23-PB Meeting.

Mr. McConnell: This runs into what I was suggesting at the Work Session with regards to the solar installation. We had made a commitment that we would not cancel any meetings.

Mr. Astorino: I spoke to Jackie today.

Mr. McConnell: If you are ok with it, I am just trying to remind you.

Mr. Astorino: I spoke to Jackie today. She is very aggressive to move ahead. I spoke to Laura about it today. The comments are forthcoming. Jackie has some work to do to get there. As I had pointed out at the Work Session and this Board needs to make a decision at that Work Session. The Work Session on September 11th would be that time. I would like to get our Professionals together before that Work Session and have a discussion about that. That was brought up to me by her today. I told her that I am one member. It is not my call. We do want to make sure we are headed in the right direction. Dennis, I did take that into consideration.

Mr. McConnell: Ok.

Mr. McConnell makes a motion to cancel the 8/28/23-Work Session & 9/6/23-PB Meeting.

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

2. Planning Board to discuss Memo to Town Board from Planning Board, dated 7/26/23 in regards to Battery Storage Moratorium.

Mr. Astorino: We are giving a recommendation to the Town Board that we agree with the Moratorium.

Mr. MacDonald: What is the timeline on the moratorium?

Mr. Astorino: It would be a 6-month moratorium. We will sign the memo to the Town Board. We will give it to them tomorrow.

3. Planning Board Minutes of 7/19/23 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 7/19/23.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the August 16, 2023 Planning Board Meeting.

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