

TOWN OF WARWICK PLANNING BOARD  
February 21, 2024

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Bo Kennedy,  
Rich Purcell, Vickki Garby, Alternate  
Laura Barca, HDR Engineering  
Danielle Dreyer, NPV Planners  
Bob Krahulik, Planning Board Attorney  
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, July 19, 2023 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Mr. Astorino: Our first order of business, I would like to welcome Vikki Garby as our new Planning Board member. Welcome to the Board. We appreciate your service.

Ms. Garby: Thank you.

**PUBLIC HEARING OF Sol Source Power, LLC/Chancellor Lane Solar**

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, County of Orange, State of New York.

Representing the Applicant: Steve Long from Sol Source Power.

Mr. Astorino: Thank you. Before we get started, I would like to make a comment to the Board and to the public that are here tonight for this application. We realized there were some deficiencies in the plan. The Planning had done another site visit this morning at 9am. We noticed what they were. At this point, we let the Applicant know that the public hearing would take place. But it would be adjourned without a date. We are going to wait for some Visual Analysis and some visual simulations for a certain section of the property.

Connie Sardo: Do you have the certified mailings for the Chancellor Lane Solar project?

Steve Long: No. I do not. Tyler was supposed to bring the mailings. I told him not to come tonight.

Connie Sardo: Ok.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This application is a Type 1 Action. We have prepared a Full EAF Part 2 to identify a couple of large or moderate impacts. Those impacts are noted in our memorandum. We do want to recommend to the Planning Board to have the Applicant prepare a draft Part 3 EAF for us to review and to also address the issues that we had just discussed.

Steve Long: Ok.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Steve Long: The project is for a 3.0 MW AC solar project. It is located on Chancellor Lane. It is situated on a large parcel of 142 acres. I don't have the plans with me tonight. We were told that this would be brief.

Mr. Astorino: Yes.

Steve Long: It is located on a large 142-acre parcel. It is located in a section that is surrounded by wetlands and the 100-foot floodplain. It is located on the upland portion of the property which would be the best spot. The access of the site would be by the Industrial Park driveway. We are working on the easement to go through GTI's property which is at the end of the cul-de-sac. We would enter our property through there.

Mr. Astorino: Ok. Thank you.

Mr. McConnell: Where are you going to make your connection to the grid?

Steve Long: It is right on the property. The sub-station lines go across the property. It goes along the driveway that goes to the houses.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns? We will list Comment #3 through Comment #38 for the record. This is a public hearing. If there is anyone wishing to address the Chancellor Lane Solar application, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell: Mr. Chairman, would we adjourn the public and then have another opportunity for the public to comment?

Mr. Astorino: Yes. It would be adjourned without date. It would be Republished and Renoticed.

**Mr. McConnell makes a motion to adjourn the Sol Source Power/Chancellor Lane Solar Public Hearing without date.**

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

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 – 02/20/24 no violations

Comment #7: 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. The Applicant has reached out to O&R and will provide documentation when received.

Comment #8: §164-46.J(53) requires compliance with the Town of Warwick Design Standards.

Comment #9: 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. Provide analysis for no-leaf conditions without obstruction to verify winter compliance.

Comment #10: A site contingency plan should be added as notes on the plan for Fire Department review.

Comment #11: Applicant states that nine poles are required; applicant to clarify which poles are for use by the solar company and which are for use by O&R. The poles that are used by the solar company are able to be pad-mounted. Applicant is requested to update the plans.

Comment #12: Applicant to provide the electrical one-line diagram.

Comment #13: Applicant to provide the electrical drawings showing the quantity and location of inverters and transformers.

Comment #14: Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.

Comment #15: 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 #16: On Sheet 2, General Note 13 discussed the contingency plan for O&M should be provided as soon as possible for review.

Comment #17: Applicant to provide 20' cleared width on the inside of the fence and 10' cleared width on the outside of fence to comply with the intent of this code. The maintenance of these cleared area will be included in the O&M plan.

Comment #18: Applicant to provide structural Engineer of Record for the PV racking structure, for the foundation design, and for the geotechnical report.

Comment #19: 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 #20: 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 #21: Applicant to provide project geotechnical engineering report that was used to design all foundations for this project.

Comment #22: 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 #23: 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 #24: Applicant to provide Special Inspection Program including how the tracker piles will be inspected during construction.

Comment #25: 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 #26: 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 #27: The declaration information for the Agricultural, Aquifer, and Biodiversity Notes must be added to the plans.

Comment #28: Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.

Comment #29: Surveyor to certify that iron rods have been set at all property corners.

Comment #30: 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 #31: 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 #32: 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 #33: 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 #34: Applicant to provide Landscape Bond cost estimate and three-year cash bond.

Comment #35: Applicant to provide Performance Bond for site inspection fees.

Comment #36: The PILOT agreement must be submitted to and accepted by the Town Board.

Comment #37: Applicant to provide the liber and page for access easements and other applicable documents after they are filed in the Orange County Clerk’s Office.

Comment #38: Payment of all fees.

**PUBLIC HEARING OF John Sibilla Trustee, Thomas J. Sibilla & Amy Sibilla Family Trust**

Application for Final Approval of a proposed 4-Lot Conventional subdivision, situated on tax parcel S 27 B 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, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering.

Mr. Bob Krahulik, Planning Board Attorney recused himself from the Sibilla Subdivision application. Mr. Jeremy Havens will be representing the Sibilla Subdivision application as Planning Board Attorney.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Sibilla Subdivision application.

Mr. Astorino: Thank you. Before we get to the comments this evening. The Planning Board received numerous correspondences for this project. If the Planning Board has any comments or concerns, now is the time. We will list the correspondences that we received for the record as follows:

1. Email Letter from Elizabeth Korchin from 1 Skysail Lane, dated 1/2/24 through 2/14/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
2. Email Letter from Candice Darmstadter from 5 Skysail Lane, dated 2/18/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
3. Email Letter from Marianne & Brian Clotworthy from 3 Skysail Lane, dated 2/21/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
4. Fed Ex Letter from Elizabeth & Brian Korchin from 1 Skysail Lane, dated 2/20/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
5. Email Letter from Elizabeth Cassidy, Esq. representing Vicky & Roy Brachfeld 4 Skysail Lane addressed to the Planning Board in regards to the Sibilla Subdivision.
6. Letter from Marsha & Jonathan Talbot 7 Amity Road, dated 2/27/24 but Received today 2/21/24 addressed to the Planning Board in regards to the Sibilla Subdivision.

Mr. Astorino: That date of 2/27/24 on the letter was a typo. We received it today. The letter should be dated 2/21/24. The Planning Board has received all of those correspondences. We have read them. Do any Board members have any comments or concerns?

Mr. McConnell: Do we have those letters in our packets?

Mr. Astorino: Connie had printed them out. They are in our packets.

Mr. McConnell: Ok.

Mr. Astorino: We have Attorney Jeremy Havens that would be representing the Planning Board on this application. Mr. Bob Krahulik has recused himself from this application.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This application is an Unlisted Action. We have prepared an updated Draft Negative Declaration Resolution for the Planning Board's discretion if they wish to adopt.

Mr. Astorino: Thank you.

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 4-Lot conventional subdivision located off Skysail Lane. We are proposing 3 new lots and the one existing house being on its own lot. Two of the lots are approximately 4-acre lots. The other proposed lot is approximately 12 acres. The remaining property would go to the Sibilla's home which would be on 15.7 acres. We are proposing to widen the common driveway at the end of the private road, Skysail Lane. That will be widened to 18 feet paved. I have revised the plans to show that 18-foot paved section. We also show a proposed 20'x30' emergency turnaround. We also show a fire truck turnaround that is located on Lot #4.

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: The existing condition and width of Skysail Lane is not shown on the plan; Applicant to provide information. Skysail Lane will be required to be paved in its entirety. Sheet 1, map note.

Laura Barca: That is now shown on Sheet 1, map note.

Mr. Astorino: Ok. We could strike Comment #6.

Laura Barca: Correct. It has been done. It is just here for the record.

Mr. Astorino: Ok.

Comment #7: The upper portion of Skysail Lane must be improved to be an 18-ft wide common driveway; lower portion was previously improved as part of the Colburn-Kennedy Subdivision. Sheet PB-3.

Mr. Astorino: The Planning Board had done a site visit. The Planning Board recommended a 16-foot-wide driveway with the 1-foot shoulders.

Brian Friedler: Yes.

Mr. Astorino: We brought two Fire Chiefs to the site. One Fire Chief had retired and the other one took over this year. We wanted both of their opinions. I was out with both Chiefs and with our Engineer from HDR, Laura Barca. I showed them the map and road. The Chief recommended not to have stone shoulders and to pave the full 18-foot width. We discussed the turnarounds and the pull-offs to make sure it would work for emergency service vehicles. That is how we got to the 18-foot width. Do any Board members or Professionals have any comments or concerns?

Laura Barca: Comment #7 was changed to 18 feet paved width.

Mr. Astorino: Yes.

Comment #8: A site inspection will be held of the Pine Island Fire Chief, inspections completed on 12/06/23 & 01/26/24.

Mr. Astorino: That had been done. We could strike Comment #8. It was there for the record.

Comment #9: A shared common driveway agreement for all existing lot and the proposed new lots must be prepared and submitted.

Comment #10: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Map Note

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

Comment #12: 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.

Comment #13: A performance bond and site inspection fees for the driveway improvements must be submitted.

Comment #14: Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #15: Payment of all fees.

Brian Friedler: Ok. We are ok with Comment #9 through Comment #15 for the record.

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

Mr. McConnell: Comment #8 regarding the Fire Chief, Was that a formal response?

Mr. Astorino: Yes. It was a letter that was submitted.

Mr. McConnell: Ok. Thank you.

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

Jonathan Talbot: Would it be ok to read a statement to the Board?

Mr. Astorino: Yes.

Mr. Talbot read his statement to the Planning Board as follows:

*“Chairman Astorino and Members of the Town of Warwick Planning Boar... Thank you for giving me the opportunity to speak”.*

*“I am Jonathan Talbot. My wife Marsha and I are the owners and residents of 7 Amity Road, a property which has a common border with the property on which Skysail Lane has been built. I wish to express our opposition to the proposed widening of Skysail Lane to a width of thirty feet. We urge you to maintain the existing width of Skysail Lane.”*

*“The Town of Warwick has long been celebrated for its rural character and beauty. Many people have moved here because of that beauty. Like many other Warwick Residents, Marsha and I support PDE and voted for Warwick’s Preservation Tax to preserve the rural character and beauty.”*

*“When we moved here forty-eight years ago, Skysail Lane did not exist. There was a dirt track that Kenny Henderson used to access the fields behind and adjacent to our home where he planted and harvested corn but there were no homes or buildings in the lands now accessed by Skysail Lane. The lane itself, enclosed by two stone walls beginning at the rise behind our property, did exist. When it was built, I do not know, but it had been used as recently as the 1960s (when Huck Miller owned the farm) to guide the dairy cattle which lived in the large barn on our property to the proper meadow for grazing. By opening and closing the various gates on either side of the lane, the farmer could avoid two walks up and down the hill each day, instead only going up when it was necessary to change from one grazing meadow to another. But by the time we purchased the property in 1975, the barn had been gone (it had burned down a years before our purchase) and the lane had fallen into disuse.”*

*“As the years passed, the property changed hands and was repeatedly subdivided. First there was one house behind us, then there were two, then four. We could not see the new homes and they did not disturb us. We encountered no problems other than, when the road was paved, the standing water on our side of the road increased and its absorption decreased. As a result, we re concerned about our well, dug in 1910, which is just a few feet from the edge of Skysail Lane.”*



*“Now we understand that there has been a request to increase the width of the road to thirty feet. We oppose such an increase for the following reasons:*

*“1) Based on our experience, we believe that such widening of Skysail Lane will increase the standing water on our property following rainstorms. There is already a new paved driveway adjacent to the rear of our property with no provision for runoff and the requested widening of Skysail will further exacerbate the problem.”*

*“2) The distance between our property line and the existing utility pole and new underground electric service unit on the other side of Skysail Lane opposite our garden is considerably less than thirty feet. Since we will not agree to have the road built on our property or any closer to our well, we do not see how the road can be widened to thirty feet.”*

*“3) We believe that widening Skysail Lane to thirty feet would negatively impact the rural nature and beauty of the landscape of our area.”*

*“4) Based on the Federal Highway Administration’s 2015 report on Factors Influencing Operating Speeds and Safety on Rural and Suburban Roads, increasing the width of Skysail Lane to thirty feet would result in an increase in the average speed of vehicles using the lane of between 16.9 mph and 22.1 mph. This means that a vehicle now traveling 15 miles per hour would, should the lane be widened, travel between 31.9 and 37.1 miles per hour, increasing noise and decreasing safety for all who use the lane.”*

*“Thank you for your attention to our concerns. If you have any questions about the points I have raised, I will be happy to answer them.”*

Mr. Astorino: Thank you. Is there anyone else wishing to address the Sibilla application?

John Cappello: I am from J&G Law. I am the Applicant’s Attorney. I represent the Sibilla family. Mr. Talbot, thank you for the history. I know that there has been some questions and some confusion about what is exactly proposed. Your history was great. It helped respond to a couple of questions that had been raised in the correspondence. The Sibilla’s have no plan to build a 30-foot-wide road. What they had asked for was to build a common driveway off the existing private road, that would serve the 3 new houses that would be built. In addition, as part of the justification for the waiver of the requirement for 30 feet, we had to submit a plan to demonstrate the impact of a 30-foot-wide road from the end of the current private road to the lots. It was considered a road beyond the private road which already exists. We believe that we had demonstrated to the Board for all of the reasons that you had said regarding additional stormwater, additional removal of trees, additional erosion that it would be preferential to build a road as proposed now and as consistent with the existing private road at 18 feet. There are no plans to build at 30 feet. Mr. Talbot did give us a very good summation of where this property was in 1975. It was a lane that existed at 9 feet in width when the deeds were prepared for the Colburn’s where there was a note placed in the deed that said within the Right-Of-Way, existing stonewall, and existing trees that would be preserved to the extent practical within the

Right-Of-Way. Since that time in 1975; the year 2007, the Colburn's subdivision came before the Board and what was 9-foot width at which time the Sibilla's raised a comment to the Board about allowing development off a 9-foot road. It was then increased to 18 feet. We submitted a portion of the Colburn plan to the Board showing where the stonewalls were and that are not there anymore. The stone walls were already disturbed along with the trees. Also, since that time, what was shown as Lot #1 did build the addition access onto the road, which I believe was what Mr. Talbot had mentioned that new driveway off the road was causing some of the drainage problems. Also as related to safety, there is a property on the other side of the road that is used for equestrian purposes so where there are horse trailers and maintenance vehicles using that road. What the Sibilla's are proposing is off the end of that existing private road to improve what is currently a common driveway. It would continue to be a common driveway to serve 3 additional lots. That is what is before the Planning Board. I hope that clarifies that and we could have it in the record so there is no confusion.

Mr. Astorino: This Board has done a site visit a few times. Our Engineer was at these site inspections.. That is why we have our Professionals here. We as a Board have made that very clear. We went out to the site. We looked at it. We recommended 16 feet paved with 1-foot shoulders on both sides. We then said that we would get the Fire Chief involved. He recommended 18 feet paved. I said to our Engineer will the proposed common driveway provide adequate access. Laura, I will ask you that question. As the way Skysail Lane is proposed, is it adequate access

Laura Barca: the proposed construction is an 18' wide paved surface, which is consistent with many roads in the Town that carry much more traffic.

Mr. Astorino: Thank you. Do any Board members have any comments for our Engineer?

Mr. Kennedy: If it is adequate, one of the letters brought up concerns about the construction traffic and trucks. Is there any way to help control that? Even after the fact when it is built, are there speed bumps or something that could be put in place? Even if it is considered adequate, a legitimate concern being narrow with kids on the road. Is there something else that could be done?

Mr. Astorino: That is a good point. What we could do and we had done it in some subdivisions in the Town of Warwick, they are called speed tables. The road is being paved. They are plowable and permanent. They could be painted yellow. They last. I think it would be a very good idea. As far as you pointed out about the construction, condition and the maintenance of the roads, I think photos should be taken by the Planning Board's Engineer. We would have site inspection fees that would be required. If a road does get damaged by construction, it should be repaired in a timely manner. That would be my opinion.

Mr. Kennedy: Yes.

Mr. McConnell: Mr. Chairman with the concerns raised by Mr. Talbot and others if it was widened to 30 feet the increased average speed. I haven't read those studies that it suggests that it would increase. From a practical point of view, it is not a through street.

It is a dead end. It is not like people would be taking advantage of the road to go faster. They are coming from their homes. Whoever buys these homes would have the same concerns as we have in terms of safety. I am not personally concerned about the average speed going up. We are not going to 30 feet. The modification to the road is 18 feet.

Mr. Astorino: I do agree with Mr. Talbot. In my line of work, a wider road does increase the speed of traffic. I get your point that it is a dead end. But most of the complaints that I get are in subdivisions and neighborhoods. Hence the speed tables.

Mr. McConnell: I would suggest that those subdivisions that you're referring to weren't windy hilly roads?

Mr. Astorino: That is not necessarily true. I like Mr. Kennedy's idea. I think that would be something that could be incorporated into the plans.

Mr. McConnell: How many of them would be needed and where?

Mr. Astorino: That is why we have an Engineer.

Laura Barca: Right. We would have to go out and take a look at that.

Mr. Astorino: The speed tables would slow traffic now. They should be painted yellow. There should be signage. Is there anyone else wishing to address the Board on the Sibilla Subdivision application? Let the record show no further public comment. Mr. Talbot, I have a question regarding Huck Miller. Did he own that property?

Jonathan Talbot: Yes. Huck Miller who was the father of the Miller who lives at the end of Timlow Lane owned this property until some time in the 1960's. When we purchased the property, he came by without identifying himself to us and asked if we would like our hedges trimmed?

Mr. Astorino: The reason why I asked that question is that my father mentioned him so many times as a very good friend of his when they went to school. My father had always told me stories about Huck Miller. Your comment tonight made my night. Thank you for that.

Jonathan Talbot: You are welcome. Prior to that, the Rudy's had built the back half of the house in front of our house dates back to year 1827.

Mr. Astorino: Mr. McConnell, please make a motion on what our Attorney, Jeremy Havens has provided to the Board.

During its regularly scheduled meeting held on February 21, 2024, the Town of Warwick Planning Board considered your application for a proposed 4-Lot (Minor) conventional subdivision, situated on tax parcel S 27, B 1, L 116; parcel located on the Southwest side of Skysail Lane 1000 feet south of Amity Road (7 Skysail La.), in the RU zone, of the Town of Warwick, County of Orange, State of New York and made the following specific findings:

- 1- Following review of an alternative plan submitted by the applicant which shows the significant impacts that would result from, and the impracticability of, compliance with the traditional minimum road width requirements for Open-Development Area Roads as provided in Code §137-18(M) and §137 Appendix E, the Planning Board finds that compliance with Chapter 137 of the Code would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, and other physical features of the site, pursuant to Code § 137-30(A), Modifications.
  - a. Motion by Dennis McConnell 2<sup>nd</sup> Bo Kennedy
  - b. For 5 Against 0 Absent/Abstaining 0
  
- 2- In compliance with Code § 137-30(B), the Planning Board finds that such modifications or waivers may be granted because it would not have the effect of nullifying the intent and purpose of the Official Map, the Zoning Ordinance, the Master Plan, this chapter or state law.
  - a. Motion by Dennis McConnell 2<sup>nd</sup> Roger Showalter
  - b. For 5 Against 0 Absent/Abstaining 0
  
- 3- In compliance with Code § 137-32, the Planning Board finds that the conditions to be imposed as a condition of Final Approval are reasonable and adequate in these unique circumstances to secure substantially the objectives of the standards or requirements so varied or modified, and to provide reasonably safe access to the subject parcel for the ingress and egress of emergency motor vehicles and the residents of the proposed subdivision.
  - a. Motion by Dennis McConnell 2<sup>nd</sup> Bo Kennedy
  - b. For 5 Against 0 Absent/Abstaining 0
  
- 4- Given the unique conditions of topography, access, location, shape, size, and other physical features of the site, pursuant to Code §137-19(K) Street design, the Planning Board approves the subdivision and common driveway extension at the end of this dead-end permanent private road which is longer than would otherwise be permitted under the Code and an equally safe and convenient form of turning space for emergency vehicle access.
  - a. Motion by Dennis McConnell 2<sup>nd</sup> Richard Purcell
  - b. For 5 Against 0 Absent/Abstaining 0

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

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

Mr. Purcell Makes a motion for the Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Authorizing Filing of Negative Declaration

Name of Action: Sibilla Subdivision

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed subdivision of a 35.76 acre lot designated on the Town of Warwick Tax Map as Section 27, Block 1, Lot 116 located at 7 Skysail Lane, Town of Warwick, Orange County, New York into four lots with access via an 18' wide common driveway to Skysail Lane, with one lot containing the existing dwelling, one new single-family residence proposed on each of the other 3 lots; and

**Whereas**, the Planning Board classified the action as Unlisted and commenced uncoordinated review, and

**Whereas**, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) for the action including the Part 1 dated 7/27/23, against the Criteria For Determining Significance, and has considered such impacts as disclosed in the EAF.

**Now Therefore Be It Resolved**, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF Parts 2, 3 and Negative Declaration and authorizes the Chairman to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

**Be It Further Resolved**, that the Planning Board authorizes the Chairman to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action, including the filing of the Negative Declaration with other Involved Agencies.

Mr. Kennedy makes a motion on the John Sibilla Trustee, Thomas J. Sibilla and Amy B. Sibilla Family Trust application, granting conditional Final Approval for a proposed 4-Lot 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on February 21, 2024. Approval is granted subject to the following conditions:

1. The upper portion of Skysail Lane must be improved to be a 18-ft wide common driveway; lower portion was previously improved as part of the Colburn-Kennedy Subdivision. Sheet PB-3.
2. A shared common driveway agreement for all existing lot and the proposed new lots must be prepared and submitted.
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 permits are obtained.” Sheet 1, Map Note
4. Surveyor to certify that iron rods have been set at all property corners.
5. 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.
6. A number of Speed Tables and locations to be provided to the Town Engineer’s specifications.
7. A performance bond and site inspection fees for the driveway improvements must be submitted.
8. Payment in lieu of parkland for three lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
9. Payment of all fees.

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

Brian Friedler: Thank you.

**Review of Submitted Maps:*****Nuradin Giljic Site Plan***

Application for Site Plan Approval for the construction and use of the removal of an existing 1-bedroom dwelling and the construction of a new 1-bedroom dwelling, located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel SBL #72-3-19; project located on the eastern side of Jersey Ave., 920 feet north of Rocky Trail (536 Jersey Ave.), in the SM zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

Mr. Bob Krahulik, Planning Board Attorney joins the Planning Board meeting.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This application is a Type 2 Action. No further SEQRA action is required.

Comment #2: Applicant to discuss project.

Brian Friedler: There is an existing one-bedroom house located on Jersey Ave. It was hit by a car a few years ago. The Applicant proposes to take down the existing house and rebuild a new house with approximately the same dimensions. They want to locate the house a little more off Jersey Ave.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending

Comment #6: TW Building Department – 02/12/24 septic pump out receipt to be submitted

Brian Friedler: Ok.

Comment #7: Planning Board to determine if a site inspection is necessary. Driveway location should be confirmed.

Mr. Astorino: I believe the Planning Board should do a site inspection for this property.

Mr. McConnell. Yes.

The Planning Board and Professionals discuss scheduling a site visit for the Giljic property. The site visit has been scheduled for March 11, 2024 @ 6:00 p.m. We could park at the CVS in Greenwood Lake to carpool.

Mr. Astorino: We will list Comment #8 through Comment #20 for the record.

Brian Friedler: We ask the Board to be set for a public hearing.

Mr. Astorino: I don't have a problem with setting them for a public hearing. How does the rest of the Board feel?

**Mr. Showalter makes a motion to Set the Nuradin Giljic Site Plan Application for a Public Hearing at the next available agenda.**

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

Brian Friedler: Thank you.

Comment #8: The location of the well/water supply must be shown on the plan.

Comment #9: The septic system will require a New York Professional Engineer's certification that it is functioning properly.

Comment #10: Property owners within 300-ft of this property must be added to the plan.

Comment #11: The limits of disturbance must be shown on the plan, as well as the area of distance (in sf and acres).

Comment #12: Proper erosion control measures, details, and notes must be added to the plan.

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

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

Comment #15: Rattlesnake note should be updated to note used on previous applications.

Comment #16: Applicant to provide additional information for the backfill to be placed over existing stairs to create a parking area (e.g., specification for material, compaction for material placed, height of retaining wall, PE required for wall, etc.).

Comment #17: 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 1, Map Note

Comment #18: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Comment #19: Surveyor to certify that iron rods have been set at all property corners.

Comment #20: Payment of all fees.



***Ruby Randig Class II Home Occupation***

Application for Site Plan Approval and Special Use Permit for the construction and use of a Class 2 Home Occupation of a 36'9"x22'11" garage/office space. The office space will be approximately 325 s.f. for a massage therapy and skin care business, situated on tax parcel SBL #63-1-13.2; project located on the eastern side of Iron Mountain Road (103 Iron Mountain Rd.), in the MT zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This is a Type 2 Action. No further SEQRA action is required.

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicant is proposing to take their Class 1 Home Occupation out of her house and relocate it into a proposed garage. There was a typo on the application. I had put down that the garage/office space was 26'9". It should be 36'9". It is correct on the site plan. It is just not corrected on the site plan application.

Mr. Astorino: You would have to correct that.

Brian Friedler: Yes.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

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

Brian Friedler: Ok.

Comment #6: OC Planning Department – pending

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

Mr. Astorino: Does the Board and Professionals want to do a site visit for this property?

Mr. Showalter: I don't think we need to.

Mr. McConnell: We are not adding a home use for just moving it across the driveway.

Laura Barca: They will be adding a garage to put the home occupation in.

Mr. McConnell: The garage does not exist? Is that correct?

Laura Barca: Correct.

Mr. McConnell: We should do a site visit.

The Planning Board and Professionals discuss scheduling a site visit for the Randig property. The site visit has been scheduled for March 20, 2024 @ 6:00 p.m. We will list Comment # 8 through 21 for the record.

Brian Friedler: We ask the Board to be set for a public hearing.

Mr. Astorino: I don't have a problem with that. How does the rest of the Board feel?

**Mr. Showalter makes a motion to Set the Ruby Randig Site Plan & Special Use Permit application for a Public Hearing at the next available agenda.**

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

Brian Friedler: Thank you.

Comment #8: There are currently two Class 1 home occupations in this home: Iron Mountain Healing LLC and Iron Mountain Reiki Training. Iron Mountain Healing is now proposed as a Class 2 home occupation. A note shall be added to the plan stating that each home is allowed a maximum of two home occupations. In addition, Sheet 1, Notes 8 and 9 should be updated.

Comment #9: Applicant to demonstrate compliance with §164-43.5 (Class 2 home occupation) with responses to Items 1 through 12. As appropriate, items shall be added to the plan as additional notes.

Comment #10: Service capacity letters are required to be submitted to the Fire Department, Police Department, and DPW Commissioner.

Comment #11: Any existing and all proposed signage must be shown on the plan. Applicant is allowed a 2-sf sign (that is also in compliance with all other sign requirements). Applicant should add a sign detail or add a note for a future sign.

Comment #12: The proposed septic system for the new garage but have the soil tests witnessed by the office of the planning board engineer.

Comment #13: The 911 address(es) must be shown on the plan. This new home occupation will need a new 911 address from the building department. Please complete the form and submit the required information to obtain the number and then add that information to the plan.

Comment #14: Parking calculations must be provided for the existing home, existing Class 1 home occupation and the proposed Class 2 home occupation.

Comment #15: All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped.

Comment #16: §164-46.J(53) Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies to the extent possible for an existing building/property.

Comment #17: 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 1, Map Note

Comment #18: Please include applicable Town of Warwick standard notes on the plan (notes for all projects, projects with access to a Town Road, etc.).

Comment #19: Surveyor to certify that iron rods have been set at all property corners.

Comment #20: Surveyor to sign and seal drawing.

Comment #21: Payment of all fees.

***Round Hill Subdivision #2 + Lot Line Change***

Application for Sketch Plat Review of a proposed 7-Lot Cluster subdivision (2 Existing Lots with one lot to be used for agricultural purposes only + 6 Proposed Residential Lots) + Lot Line Change, situated on tax parcels SBL # 7-2-51.12 and SBL #7-4-13; parcels located on the northern side of Wheeler Road, 3000 feet west of Union Corners Road (490 Wheeler Rd.), in the RU zone, of the Town of Warwick.

Representing the Applicant: Dan Getz from Engineering Properties & Surveying. James Mezzetti, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This application is an Unlisted Action. We have prepared a Lead Agency Notice of Intent for the Planning Board to commence coordinated review with the NYSDEC. We have also prepared a Short EAF, Part 2 identifying the following potential impacts. Those impacts are to natural resources, erosion, flooding and drainage.

Mr. Astorino: Thank you.

Mr. Purcell makes a motion for the Intent to be Lead Agency.

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

**STATE ENVIRONMENTAL QUALITY REVIEW  
NOTICE OF INTENT TO BECOME LEAD AGENCY**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law

The Planning Board of the Town of Warwick hereby indicates its intent to assume Lead Agency status for the below-referenced project.

Involved Agencies objecting to the Town of Warwick Planning Board assuming Lead Agency status for this action must inform the Board in writing within 30 days at the address below:

**Contact Person:** Benjamin Astorino, Chairman  
Town Hall  
132 Kings Highway  
Warwick, New York 10990  
845-986-1124

**Title of Action:** Round Hill Subdivision and Lot Line Change

**Date:** February 21, 2024

**SEQR Status:** Unlisted

**Description of Action:**

The applicant proposes a cluster subdivision of the property to create 6 new residential lots and one additional lot for agricultural purposes only. The lot lines separating Tax Lots 7-2-51.12 and 7-4-13 will be deleted. 50% of the total acreage will be in deed-restricted conservation areas. Each residential lot will have a four-bedroom dwelling, a well, a subsurface sewage disposal system, and a driveway off of Wheeler Road.

**Location:** On the north side of Wheeler Road, 3,000 feet west of Union Corners Road: Listed on the Town of Warwick Tax Map as Section 7, Block 2 Lot 51.12 and Section 7 Block 4 Lot 13.

**Involved Agency Circulation:** This notice is being sent to the following Involved Agencies along with a full EAF Part I.

NYS Department of Environmental Conservation (Protection of Waters; Freshwaters Wetlands; Threatened or Endangered Species)

Comment #2: Applicant to discuss project.

Dan Getz: This was a property that was previously approved for a proposed 19-Lot subdivision. Two of those lots had been subdivided off under Section I of a Sectionalizing plan. One of those lots, Lot #13 would be merged back in. The proposal is to re-subdivide that. It would be different from what was last submitted. We are now proposing not to have a separate Agricultural lot. We would have that additional acreage part of Lot 2. There would still be 6 Residential new lots as part of the subdivision. This would be a Cluster subdivision. There would be less ground disturbance and less impervious area. The previous subdivision had been a realty subdivision. It is our understanding that this proposed subdivision is not due to the number of lots and lot sizes. We would be using the same septic areas that had been previously tested and witnessed by the Town Engineer and OC Department of Health.

Mr. Astorino: One thing that I heard and correct me if I am wrong, I believe your open space calculation for the cluster subdivision 50% was the old Code. I believe now it is at 60 or 65%. You would have to check in on that.

Dan Getz: I will check on that.

Mr. Astorino: I believe there are different ways to get to that calculation. You would need to do those things. You would need to check the Code on that. I don't believe it is 50% anymore.

Dan Getz: Ok. We will check that. We would adjust that as needed. We ask the Board to consider setting this application for a public hearing. We had submitted plans with details. We received the engineering comments.

Mr. Astorino: We would want to do a site visit first. I don't think that some of the Board members had seen this property yet.

James Mezzetti: Ok.

Mr. Astorino: We will discuss scheduling a site visit at our next Work Session on 3/11/24. We will list Comment #3 through Comment #30 for the record.

Dan Getz: Ok. Thank you.

James Mezzetti: Thank you.

Comment #3: Conservation Board: no comments received

Comment #4: Architectural Review Board: no comments received

Comment #5: OC Planning: pending

Comment #6: TW Building Department: 02/12/24 no violations

Comment #7: PB to determine if a desired site inspection is needed.

Comment #8: Provide service capacity letters for school, highway, police, ambulance, and fire department.

Comment #9: Applicant must submit documents to demonstrate compliance with the Town of Warwick cluster subdivision requirements found in §164.41.1 Cluster Subdivisions.

Comment #10: Applicant must submit a Yield Plan, Site Context Plan, and Existing Resources Drawings, as well as the Four Step Process.

Comment #11: §164-41.1.G(4) states that the land used for agricultural purposes shall be buffered from residential uses with a 100 to 200-ft setback. If this buffer is not wooded, the planning board may require vegetative screening be provided. Applicant to clarify.

Comment #12: Applicant to clarify if the three separate conservation areas can be combined into one contiguous lot/area.

Comment #13: The jurisdiction having authority over the wetlands shall be called out on the plans, as well as who delineated and the date of the delineation.

Comment #14: A detail for an effluent filter must be added to the plan for the proposed Eljen septic systems. A septic tank detail must also be added showing the effluent filter.

Comment #15: Applicant to provide appropriate stormwater management items, details, SWPPP, etc.

Comment #16: Sheets C-105 and C-106 should include the Lot numbers.

Comment #17: Sheet C-301 shows details for soil stockpile, concrete washout, orange construction fence, and tree protection; please indicate on the plan where these items are proposed to be located.

Comment #18: Lots 5 and 6 indicates that a retaining wall is required (Sheet C-104); Sheet C-301 shows a detail for the wall. Please show on Sheet C-104 the top/bottom of wall at three points along the wall, including the maximum height of the wall.

Comment #19: The profiles for all driveways must be shown or a note must be added to the plan stating that the driveway is less than 10%.

Comment #20: A note should be added to the plan stating that any driveways greater than 10% shall be paved in its entirety.

Comment #21: Please confirm that the driveway profile shown on Sheet C-201 is for Proposed Lot 4.

Comment #22: §164-46H(7)(a)[9] requires the subdivision to avoid the habitats of any threatened or endangered species. Please confirm if any of these locations are present.

Comment #23: Language for the Cluster Open Space Area(s) must be prepared and submitted for review.

Comment #24: The applicant to obtain the 9-1-1 addresses from the building department and place them on Sheet 1.

Comment #25: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #26: Applicant to clarify status of easements that are proposed to be extinguished.

Comment #27: Applicant to provide any required Performance Bond and Site Inspection Fee. Applicant to provide any required three-year Landscape Bond and site inspection fee.

Comment #28: Surveyor to certify that iron rods have been set at all property corners.

Comment #29: Payment of Recreational Fees for five lots.

Comment #30: Payment of all fees.

***Michael Brown 3-Lot Subdivision***

Application for Sketch Plat Review of a proposed 3-Lot conventional subdivision, situated on tax parcel SBL #53-1-8; parcel located on the eastern side of Cascade Road, 2100 feet south of Birdsall Lane, in the MT zone, of the Town of Warwick.

Representing the Applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This application is an Unlisted Action. We have prepared a short EAF Part 2 as well as a list for Intent To Be Lead Agency for a coordinated review with the NYSDEC if the Planning Board wishes to adopt. If the Planning Board agrees and commences uncoordinated review and may wish to adopt the Part 2 and request the Applicant submit a draft Part 3 EAF to address the following impacts; Aesthetic Resources, Adverse Changes to Natural Resources, and Potential for erosion and drainage problems.

Mr. Kennedy makes a motion for Intent To Become Lead Agency.

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

**STATE ENVIRONMENTAL QUALITY REVIEW  
NOTICE OF INTENT TO BECOME LEAD AGENCY**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law

The Planning Board of the Town of Warwick hereby indicates its intent to assume Lead Agency status for the below-referenced project.

Involved Agencies objecting to the Town of Warwick Planning Board assuming Lead Agency status for this action must inform the Board in writing within 30 days at the address below:

**Contact Person:** Benjamin Astorino, Chairman  
Town Hall  
132 Kings Highway



**Title of Action:** Brown Three Lot Subdivision

**Date:** February 21, 2024

**SEQR Status:** Unlisted

**Description of Action:**

The applicant is proposing a three-lot subdivision of approximately 104 acres of land situated on Cascade Road. The lots will have access to Cascade Road via separate driveways. Sewer and water will be by individual well and septic systems.

**Location:** On the east side of Cascade Road approximately 2,100 feet south of Birdsell Lane: Listed on the Town of Warwick Tax Map as Section 27, Block 1 Lot 116.

**Involved Agency Circulation:** This notice is being sent to the following Involved Agencies along with a short EAF Part I.

**Department of Environmental Conservation (Freshwater Wetlands)**

Comment #2: Applicant to discuss project.

Kirk Rother: The application is for a proposed 3-Lot subdivision. It is situated on approximately 104 acres of land. Parcel is located on Cascade Road, in the MT zone. I believe the Planning Board had seen this in a previous version called Cardiac Care Systems.

Mr. Astorino: Yes. That was years ago.

Kirk Rother: The Applicant would like to subdivide off two lots on Cascade Road with approximately 5 to 6 acres each. He would like to keep the balance of the property 92.7± acres for himself. We would be using the Town's flag lot provisions to meet the lot width requirements. Mr. Kraulik made the Applicant aware of there would be a "No Further Subdivision" stipulation associated with that.

Bob Kraulik: You would need to add a map note stating that.

Kirk Rother: Yes.

Mr. Astorino: The Planning Board would want to do a site visit.

Bob Kraulik: This property is located in the Ridgeline Overlay District. I don't know if the location of the houses would be an issue or not.

Kirk Rother: The entire property is located in the RL-O District.

Mr. Astorino: Is the property located in Ridgeline Overlay #2 or Ridgeline Overlay #2.

Bob Krahulik: The proposed location of the house on Lot 1 looks like it is located right on top.

Kirk Rother: It is on top of that ridge.

Mr. Astorino: Bob when we schedule a site visit, we will go up there.

Bob Krahulik: Right.

Connie Sardo: Do you want to discuss scheduling a site visit at the Work Session?

Mr. Astorino: Yes. We will talk about it at the Work Session.

Kirk Rother: I think all we wanted to do tonight was establish Lead Agency.

Mr. Astorino: We have done that. We will list Comment #1 through Comment #25 for the record. We will discuss scheduling a site visit at the 3/11/24 Work Session.

Kirk Rother: Ok. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending

Comment #6: TW Building Department – 02/12/24 no violations

Comment #7: State Historic Preservation Office (SHPO) letter needed due to the proposed land disturbance associated with this subdivision.

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

Comment #9: Due to the constraints of this lot, Applicant is proposing two flag lots; must comply with §137-21.K(2).

Comment #10: §137-21.K(2)(a)[1] Applicant to demonstrate safe emergency access for flag lots.

Comment #11: Applicant to demonstrate compliance with §137-21.K(2)(a)[2] (bulk requirements for the lots) on the plans and with a response in the cover letter.

Comment #12: §137-21.K(2)(a)[3] Applicant to provide profile for each flag lot driveway.

Comment #13: §137-21.K(2)(a)[4] Applicant to add a note that flag lots are permitted for single-family dwellings only.

Comment #14: Applicant to add a note that there are no further subdivisions of flag lots.

Comment #15: Different line types should be used for the existing and proposed property lines.

Comment #16: Town of Warwick Standard Notes must be added to the plan.

Comment #17: The jurisdiction and any appropriate buffers of the wetland must be shown on the plans.

Comment #18: Soil tests for all septic systems must be witnessed by the office of the planning board engineer.

Comment #19: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #20: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #21: Surveyor to certify that iron rods have been set at all property corners.

Comment #22: The liber and page for any applicable filed declarations must be shown on the plans.

Comment #23: Any required items must be bonded (performance bond, landscape bond, etc.).

Comment #24: Payment in lieu of parkland for two lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #25: Payment of all fees.

**Other Considerations:**

- 1) M&T/Ted Edwards Subdivision – Letter from Brian Friedler, Engineer, dated 1/31/24 requesting to be set for a Public Hearing for Site plan Approval & Special Use permit for the conversion of the caretaker living area to a guest house.

Mr. Astorino: We talked about that when they were here for a public hearing. They threw that at us at that time. They will have to provide us that information. I don't see a problem with setting them for a public hearing. They would have to get their information into us before we have it.

**Mr. McConnell makes a motion to Set the M&T/Ted Edwards Subdivision + Site Plan & Special Use Permit Public Hearing at the next available agenda.**

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

Bob Krahulik: Mr. Chairman, there is one thing that I would like to follow up on. I have asked the Applicant to submit an amended application. I don't know if they have done that yet.

Mr. Astorino: No. If they don't submit it, then they would not move forward.

Mr. McConnell: Does this qualify as a guest house?

Mr. Astorino: They would have to prove to us that it meets the requirement. I think they have the room. They would have to show it on the plan.

Mr. McConnell: They have room with reference, to which of the houses that are being proposed?

Mr. Astorino: It would have to be all of them. It can't just be one. It has to be the property. It has to show that it is a standalone lot. Is that correct?

Bob Krahulik: It is an existing structure. It is already there.

Mr. McConnell: It is a structure that is there, but what lot is it on?

Bob Krahulik: It is on the remaining farm lot.

Mr. McConnell: A guest house has to be on a piece of property that has a residence on it already or proposed to be built.

Laura Barca: It does have a residence on it.

Mr. McConnell: There are specifications as to whether it qualifies as a guest house for instance it has to be smaller than the primary house and meet zoning.

Mr. Astorino: They have to provide that information to us.

Mr. McConnell: Ok.

- 2) Planning Board Minutes of 1/17/24 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 1/17/24.

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

- 3) Planning Board to discuss canceling the 2/26/24-W.S. & 3/6/24-PB Meeting.

Mr. Showalter makes a motion to cancel the 2/26/24-W.S. & 3/6/24-PB Meeting.

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

- 4) Charles Brown 3-Lot Subdivision + Lot Line Change – Letter from Dan Getz, Engineering Properties & Surveying, dated 2/20/24 addressed to the Planning Board in regards to Charles Brown Subdivision + Lot Line Change application, requesting a 6-Month Extension on conditional Final Approval of a proposed 3-Lot Subdivision + Lot Line Change; situated on tax parcels SBL #33-1-4.4 & 4.51; parcels located on the eastern side of Belcher Road 700 feet north of Demarest Road (75 Belcher Rd.), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/19/23. *The Applicant has stated that they are working on to satisfy the conditions of approval.* The 6-Month Extension becomes effective on 1/19/24.

Mr. McConnell: Do we know which conditions of the approval?

Mr. Astorino: I believe he is getting close. I spoke to him personally. They are very close.

Mr. McConnell: Which condition are they very close on satisfying?

Laura Barca: They have submitted the plans that I am currently reviewing to see if they have satisfied all of the conditions? They have filed the declaration.

Mr. McConnell: Is it a driveway agreement?

Mr. Astorino: We don't know yet. The plans are in Laura's office being reviewed.

Mr. McConnell: Ok.

Dan Getz: I believe we have satisfied all of the conditions. We don't have confirmation of that. They were submitted about a week ago to Laura.

Laura Barca: The only condition of the approval that I am reviewing right now is Condition #3, stormwater review. All of the other conditions have been satisfied.

Mr. McConnell: Ok. Thank you.

Mr. Showalter makes a motion on the Charles Brown 3-Lot Subdivision + Lot Line Change application, granting a 6-Month Extension on conditional Final Approval of a proposed 3-Lot Subdivision + Lot Line Change, situated on tax parcels S 33 B 1 L 4.4 and 4.51; parcels located on the eastern side of Belcher Road 700± feet north of Demarest Road (75 Belcher Rd.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 7/19/23.

The 6-Month Extension becomes effective on 1/19/24.

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

### **Correspondences:**

1. Email Letter from Larry Cuccio dated 1/21/24 addressed to the Planning Board in regards to Serenity Ridge at Warwick Campground.
2. Email Letter from Michael Manzione, from Rabbit Run Farm dated 2/20/24 addressed to the Planning Board in regards to the Chancellor Lane/Sol Source Solar Project.
3. Email Letter from Elizabeth Korchin from 1 Skysail Lane, dated 1/2/24 through 2/14/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
4. Email Letter from Candice Darmstadter from 5 Skysail Lane, dated 2/18/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
5. Email Letter from Marianne & Brian Clotworthy from 3 Skysail Lane, dated 2/21/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
6. Fed Ex Letter from Elizabeth & Brian Korchin from 1 Skysail Lane, dated 2/20/24 addressed to the Planning Board in regards to the Sibilla Subdivision.
7. Email Letter from Elizabeth Cassidy, Esq. representing Vicky & Roy Brachfeld 4 Skysail Lane addressed to the Planning Board in regards to the Sibilla Subdivision.
8. Letter from Marsha & Jonathan Talbot 7 Amity Road, dated 2/27/24 but Received today 2/21/24 addressed to the Planning Board in regards to the Sibilla Subdivision.

Mr. Astorino: We received those correspondences # 1 through #8. They are 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. Let the record show no public comment.

**Mr. McConnell makes a motion to adjourn the February 21, 2024 Planning Board Meeting.**

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