

TOWN OF WARWICK PLANNING BOARD
March 20, 2024

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Rich Purcell,
Vickki Garby, Alternate
Laura Barca, HDR Engineering
Max Stach & 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.

PUBLIC HEARING OF M&T/ Ted Edwards

Application for Preliminary Approval of a proposed 4-Lot (Major) Subdivision + Site Plan Approval and Special Use Permit for the conversion of an existing living area for a caretaker to a guest house, situated on tax parcels S 26 B 1 L118 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, Engineer. Ted Edwards, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Ted Edwards public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application was previously recommended a Negative Declaration on the basis that all of the studies have been completed as proposed by the previous Planner. At that time, the issue of the farm house and guest house came up. This does not affect SEQRA. That is a matter that has to do with the occupancy of the structure. It is not the use or the type of structure. We continue to recommend on the basis of the previous Planner's comments have been addressed and all SEQRA comments have been adequately addressed. We have provided the Board with a Short EAF, Parts 2 and 3, as well as a Resolution authorizing the filing of a Negative Declaration.

Comment #2: Applicant to discuss project.

Brian Friedler: Since the last meeting, we changed the caretaker house to a guest house. We had done soil tests yesterday with the Town Engineer. We sent out service capacity letters illustrating that the caretaker house would now be a guest house. That is about it since the last meeting.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06/13/12 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: We have that.

Comment #6: 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 #7: 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.

Comment #8: A detail for the proposed fence should be added to the plan, including construction details.

Comment #9: The names of all adjacent properties must be added to the plans.

Mr. Astorino: You would need to add that to the plans.

Brian Friedler: Ok.

Comment #10: Applicant to provide a profile for the proposed common driveway.

Brian Friedler: Ok.

Comment #11: Applicant to provide a turnaround area sufficient for a firetruck to turnaround.

Brian Friedler: Ok.

Comment #12: A cross section for the common driveway must be added to the plan.

Brian Friedler: Ok.

Comment #13: A cross section for the individual driveways must be added to the plan.

Brian Friedler: Ok.

Comment #14: The lowest-sewerable elevation should be added to the plan; however, it is understood that this elevation could be different when the architectural plans are submitted to the building department for a building permit.

Brian Friedler: Ok.

Comment #15: Drawings should indicate that surface stormwater is directed around the proposed septic system locations.

Brian Friedler: Ok.

Comment #16: Roof and footing drain locations should be shown on the drawing.

Brian Friedler: Ok.

Comment #17: Applicant to add a note to the plan stating that the existing buried propane tank must comply with the code for separation distance. If the code requirements cannot be achieved, the buried tank must be relocated.

Brian Friedler: Ok.

Comment #18: Applicant to submit revised stormwater notes and details.

Brian Friedler: Ok.

Comment #19: 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: Ok.

Comment #20: The metes and bounds must be added to the plan.

Brian Friedler: Ok.

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

Brian Friedler: Ok.

Comment #22: The Agricultural and Biodiversity notes, as well as the Shared Driveway Agreement, must be added to the plan. The liber and page for all declarations must be added to the plans.

Brian Friedler: Ok.

Comment #23: A cost estimate and bond for the shared driveway that must be paved in its entirety must be submitted.

Brian Friedler: Ok.

Comment #24: The shared driveway bond, landscape bond, and site inspection fees must be submitted prior to the maps being signed.

Brian Friedler: Ok.

Comment #25: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Brian Friedler: Ok.

Comment #26: Payment of all fees.

Brian Friedler: Ok.

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

Laura Barca: Regarding Comment #24, it states shared driveway bond, landscape bond and site inspection fees. I don't believe there is any landscaping proposed.

Brian Friedler: No.

Laura Barca: There is a fence proposed.

Mr. Astorino: Yes.

Laura Barca: Do you want the cost of the fence bonded?

Mr. Astorino: Yes. We do that.

Laura Barca: Ok.

Ted Edwards: I agreed to put in a 6-foot fence.

Mr. Astorino: The ZBA had granted a variance for the 6-foot fence. What we would need is a cost estimate for the fence being installed.

Mr. McConnell: I have a question that was raised by one of the many letters we received about this. The question is one of the wells has to be abandoned. Is that correct? Is that in process?

Brian Friedler: That is in process. Turnbull Well Drilling will be sending in the appropriate paperwork.

Mr. McConnell: Ok. Thank you.

Brian Friedler: Right now, there is only one well active.

Ted Edwards: Why do I have to get rid of that other well? I am not using it.

Mr. Astorino: Is that a requirement from the Health Department that it has to be abandoned?

Laura Barca: Yes. It is too close to the property line. It is in the road.

Brian Friedler: It is off to the side.

Ted Edwards: It is in the easement.

Mr. Astorino: You are in the process of abandoning it. Is that correct?

Ted Edwards: As far as I am concerned, it is abandoned. I am not using it.

Mr. Astorino: For it to be abandoned, you would have to follow the Code. You would have to go through the process. If Turnbull is doing it, you would have to file a report. We will put a comment to that effect. That would be one before the maps are signed.

Brian Friedler: Ok.

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

Laura Barca: There is also an open permit for a shed.

Ted Edwards: I have paid for a permit for the shed. The Building Department denied it. They had said the survey wasn't correct. I have a survey from Bob Schmick.

Mr. Astorino: You would need to clarify that with the Building Department. We will put a comment to that effect. This is a public hearing. If there is anyone in the audience wishing to address the Ted Edwards Subdivision application, please rise and state your name for the record.

Keith Woodruff: I live at 60 Newport Bridge Road. I have sent in a letter to the Planning Board. I don't know if you had a chance to review it. Do you have any questions to some of the things that I've outlined? I believe that Laura has already incorporated a bunch of the comments into her recent comment letter. There are a couple of things I would like to bring up. The first item is in regards to stormwater. Under §164-47.10 of the Zoning Code, it requires a complete Stormwater Prevention Plan (SWPPP) as defined by the Zoning Code any time there is a contiguous creation of happening for mor of impervious surfaces. It appears that there is about 0.8± of an acre thus requiring a complete SWPPP to be provided for this development. The other issue is regarding the common driveway has been relocated. It is now 3 feet off from the existing property line of the adjoining property. There is not going to be sufficient room to install a 6-foot-high fence and install a 16-foot-wide paving common driveway and still have enough room to grade that out without having to put in a retaining wall or something back because of the severity of that it would require a cut. Typically, when you install something within an easement, it is usually down the center unless there is a significant reason as to why you are holding it from one side to the other.

Mr. Astorino: It is a 50-foot-wide easement. Is that correct? If there is an issue with that, you would have to let us know. As of right now, there is nothing in the Code that prohibits it.

Keith Woodruff: Yes.

Mr. Astorino: If they have an issue, they would not come back to the Board. It would be a change that would have to be reviewed.

Keith Woodruff: Ok.

Mr. Astorino: If they come in for a building permit, as per the plans that is what they would have to build. They would have to building according to the plans.

Keith Woodruff: Could there be a note added to the plans regarding inspections to the common driveway?

Mr. Astorino: There are inspections already. There would be a site inspection fee put into place.

Keith Woodruff: Yes.

Mr. Astorino: There would be inspections on this project.

Keith Woodruff: There would be certification to the construction of the common driveway.

Mr. Astorino: The common driveway would be inspected.

Laura Barca: What do you mean by certification?

Keith Woodruff: There are no details on the plans that say what the cross section of the actual paving is going to be.

Laura Barca: There will be.

Keith Woodruff: There will be. Right now, there is not. Whomever would be inspecting it, should be verifying that the base course meets the criteria.

Mr. Astorino: Absolutely. That would be part of the site inspection fees.

Keith Woodruff: If you are going to be performing the inspection there should be someone certifying and verifying that the road has been built in conformance with the approved plans.

Mr. Astorino: HDR Engineering does all of our inspections.

Keith Woodruff: An inspection and a certification are two totally different things.

Mr. Astorino: Yes. That is what we have done in the past. I am very confident in their abilities to certify and inspect.

Keith Woodruff: Ok.

Mr. Astorino: We have done 2 miles of public roads. I am very happy with their inspections. I work with them intensely. They do a fine job.

Keith Woodruff: Ok.

Mr. Astorino: Do you have anything else?

Keith Woodruff: No. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Ted Edwards Subdivision application? Let the record show no further public comment. Do any Board members or Professionals have any comments or concerns? Let the record show no further comment from the Board or Professionals.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Purcell. The following Resolution was carried 4-Ayes and 0-Nays and 1-Absent.

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Authorizing Filing of Negative Declaration

Name of Action: M&T/Ted Edwards Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed subdivision of a 22.9 acre lot designated on the Town of Warwick Tax Map as Section 26, Block 1, Lot 118 into four lots with access via a 50' wide access easement (the lot having previously received a Town Law 280-a variance), one lot containing two existing residential structures (single family detached home and barn with a caretaker guest house) and three new vacant lots, on a parcel of land located at 77 Amity Road, Town of Warwick, Orange County, New York; 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 11/14/23, against the Criteria For Determining Significance, and has considered such impacts as disclosed in the EAF, and

Whereas, the Planning Board has considered the late project change to one of the existing structures from a farm residence to a guest house, and finds that it does not materially change the impacts considered during the course of Subdivision SEQR review, and

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. Purcell makes a motion to close the Public Hearing.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Mr. Purcell makes a motion on the M&T/Ted Edwards Subdivision application, granting Preliminary Approval of a proposed 4-Lot (MAJOR) subdivision + Site Plan Approval and Special Use Permit for the conversion of an existing living area for a caretaker to a guest house, situated on tax parcels S 26 B 1 L 118 & L 117; 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. A SEQRA Negative Declaration was adopted on March 20, 2024.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Brian Friedler: We ask the Board to waive the Final Public Hearing.

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

Seconded by Mr. Purcell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Ms. Garby makes a motion the M&T/Ted Edwards Subdivision application, granting Conditional Final Approval of a proposed 4-Lot (MAJOR) subdivision + Site Plan Approval and Special Use Permit for the conversion of an existing living area for a caretaker to a guest house, situated on tax parcels S 26 B 1 L 118 & L 117; 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. A SEQRA Negative Declaration was adopted on March 20, 2024. Approval is granted subject to the following conditions:

1. TW Building Department - open permit for shed, 12/11/23, Application #20231212 and open permit for well, 12/11/23, Application #20211213.
2. Proof of submittal of NYSDEC Water, well abandonment and decommissioning report must be submitted to the Building Department.
3. 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.

4. A detail for the proposed fence should be added to the plan, including construction details.
5. The names of all adjacent property owners must be added to the plans.
6. Applicant to provide a profile for the proposed common driveway.
7. Applicant to provide a turnaround area sufficient for a firetruck to turnaround.
8. A cross section for the common driveway must be added to the plan.
9. A cross section for the individual driveways must be added to the plan.
10. The lowest-sewerable elevation should be added to the plan; however it is understood that this elevation could be different when the architectural plans are submitted to the building department for a building permit.
11. Drawings should indicate that surface stormwater is directed around the proposed septic system locations.
12. Roof and footing drain locations should be shown on the drawing.
13. Applicant to add a note to the plan stating that the existing buried propane tank must comply with the code for separation distance. If the code requirements cannot be achieved, the buried tank must be relocated.
14. Applicant to submit revised stormwater notes and details.
15. 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
16. The metes and bounds must be added to the plan.
17. Surveyor to certify that iron rods have been set at all property corners.
18. The Agricultural and Biodiversity notes, as well as the Shared Driveway Agreement, must be added to the plan. The liber and page for all declarations must be added to the plans.
19. A cost estimate and bond for the shared driveway that must be paved in its entirety must be submitted.
20. The shared driveway bond, landscape bond for fence, and site inspection fees must be submitted prior to the maps being signed.
21. Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
22. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Mr. Astorino: The bottom line is that you have the conditions. You know the drill. Nothing will get signed unless all of the conditions of final approval have been met.

Brian Friedler: Yes. Thank you.

Review of Submitted Maps:***Ruby Randig & Mateo Prendergast***

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. Previously discussed at the Planning Board Meeting of 2/21/24.

Representing the Applicant: Brian Friedler, Engineer.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a Type II Action based on NYCRR 617.5(c)(9) construction or expansion of an accessory, nonresidential structure involving less than 4,000 square feet of gross floor area and/or (11) expansion of a single-family residence on an approved lot. The Planning Board may moralize that this is a Type II Action by a simple motion and vote.

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

Seconded by Mr. Purcell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicants propose to do a Class 2 Home Occupation in a proposed accessory structure. Right now, they have a Class 1 Home Occupation that is inside their main dwelling.

Mr. Astorino: Do they have a building permit for their Class 1 Home Occupation?

Brian Friedler: Yes.

Mr. Astorino: We had done a site visit this evening. It is not changing. They want to put up this building to move it from their home to the building. Nothing is changing as far as traffic, and intensity of use.

Brian Friedler: No. They are just switching it to an outside building.

Mr. Astorino: Did the Board get the same gist as I did at the site visit?

Mr. McConnell: Yes.

Mr. Astorino: Ok. That is where we are. We did receive numerous letters. What has been happening there since the year 2018 has been going on continuously. That speaks for itself. There have been no issues.

Brian Friedler: Yes.

Mr. McConnell: What I have read in the letters that we received was a concern that traffic was going to increase. I am not convinced at this point that it would increase. You cannot change the nature of the road. It is what it is. It has been that way since people have moved there. I understand their concern. I was not concerned when we were at the site visit.

Mr. Astorino: My point being is that the Class 1 Home Occupation is a building permit from the Building Department. It is not at the Planning Board level. It is moving from the physical house to this building that is outside of the home. That is why it is before us. The Applicants are doing the right thing by following the Code. This has been going on since the year 2018. Other than that, we do have other comments. The size of the proposed garage has to go to the Zoning Board of Appeals (ZBA). The Planning Board would refer you to the ZBA for a variance for the size of the structure. Once that has been obtained, you will be back to us.

Brian Friedler: Ok.

Mr. Astorino: We will list Comment #3 through Comment #17 for the record. You are off to the ZBA. You were previously set for a public hearing at a previous meeting. Once you get back from the ZBA, we will put you on for a public hearing.

Brian Friedler: 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: Planning Board to determine if a site inspection is necessary. Scheduled for 03/20/24.

Comment #7: 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 #8: The proposed septic system for the new garage but have the soil tests witnessed by the office of the planning board engineer.

Comment #9: 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 #10: All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped. Applicant to provide a detail for the proposed parking space striping.

Comment #11: §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 #12: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Map Note

Comment #13: Please include Ridgeline Overlay Notes to the drawing set.

Comment #14: The declaration information for the Ridgeline Overlay Notes must be added to the plans.

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

Comment #16: Surveyor to sign and seal drawing.

Comment #17: Payment of all fees.

Matthew Zabawa Lot Line Change

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change, situated on tax parcels SBL #18-1-3.14 & 3.15; parcels located on the eastern side of Old Ridge Road 0 feet corner of Old Ridge Road and Ridgeway Loop (4 Ridgeway Loop), in the RU zone, of the Town of Warwick.

Representing the Applicant: Kirk Rother, Engineer. John Shafran, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Pursuant to 6 NYCRR 617.5(c)(16) the granting of individual setback and lot line variances or adjustments is a Type II Action. The Planning Board may enter the determination into the record by motion and vote. No further SEQRA action is required.

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

Seconded by Mr. Purcell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Comment #2: Applicant to discuss project.

Kirk Rother: This application is for a proposed lot line change between 2 lots that was created as part of the Ridgeway Loop subdivision filed map in the late 1960's or early 1970's. Mr. Zabawa's parents bought 2 lots. The one lot that has frontage on Old Ridge Road. It has a steep embankment by Old Ridge Road that rises up about 10 feet. It looks to be rock. When they built their house on that lot, they chose to put the driveway out to Ridgeway Loop instead of trying to cut into Old Ridge Road. Fast forward to 50ish years, Matt Zabawa the son has the properties. He is looking to sell them. John is looking to buy the one vacant lot that was never built on. We are trying to clean up the driveway encroachment across the two lots. John McGloin prepared the lot line change map. He configured it in such away that there is no net change in lot acreage to the two lots so that we are not making an existing non-conforming worse.

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 – 03/06/24 no violations

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

Mr. Astorino: I don't believe so. There is no construction proposed.

Laura Barca: There is construction proposed. John is going to build a house.

Mr. Astorino: Ok. That is a lot that has been previously approved.

Laura Barca: Correct.

Mr. Astorino: We are not approving construction. We are looking to approve a lot line change.

Comment #8: The metes and bounds must be provided for the proposed lots must be provided.

Kirk Rother: Yes.

Comment #9: Applicant to show square rule §137-21.K(1).

Kirk Rother: Ok.

Comment #10: The proposed driveway for lot 18-1-3.15 must be shown.

Kirk Rother: We will add that.

Comment #11: Applicant to add Agricultural and Ridgeline Overlay to the plan, as well as the liber and page

Kirk Rother: Ok.

Bob Krahulik: Mr. Chairman, just to clarify the issuance of a public hearing. The application does not seek approval to build a house. It is just for the lot line change. That is why they are here tonight.

Mr. Astorino: Ok. Thank you.

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

Kirk Rother: Yes.

Comment #13: Surveyor to sign and seal drawing.

Kirk Rother: Yes.

Comment #14: Payment of all fees.

Kirk Rother: Yes. We would ask the Board to consider waiving the Final Public Hearing.

Mr. Astorino: There is no construction proposed. I don't see why not.

Mr. McConnell makes a motion on the Matthew Zabawa Lot Line application to waive the Final Public Hearing.

Seconded by Mr. Purcell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Ms. Garby makes a motion on the Matthew Zabawa Lot Line Change application, granting conditional Final Approval of a proposed Lot Line Change, situated on tax parcels SBL #18-1-3.14 & 3.15; parcels located on the eastern side of Old Ridge Road 0 feet corner of Old Ridge Road and Ridgeway Loop (4Ridgeway Loop), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on March 20, 2024. A SEQRA Type 2 Action was adopted on March 20, 2024. Approval is granted subject to the following conditions:

1. The metes and bounds must be provided for the proposed lots must be provided.
2. Applicant to show square rule §137-21.K(1).
3. The proposed driveway for lot 18-1-3.15 must be shown.
4. Applicant to add Agricultural and Ridgeline Overlay to the plan, as well as the liber and page
5. Record a New Deed reflection lot description to the Planning Board Attorney's specifications.
6. Surveyor to certify that iron rods have been set at all property corners.
7. Surveyor to sign and seal drawing.
8. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Kirk Rother: Thank you.

Serenity Ridge At Warwick Campground

Application for Site Plan Approval and Special Use Permit for the expanded construction and use, Use # 75 of a previously approved campground's use and operation from 74 permitted campsites formally known as Black Bear Campground to 130 campsites, along with various other typical modern campground amenities. The amenities include, but are not limited to, roadway improvements, an entrance gate, pavilion, playground, recreation areas, and wading pool, situated on tax parcel S 8 B 2 L 27.14; project located on the eastern side of Wheeler Road 1400 feet south of Dussenbury Drive (197 Wheeler Rd.), in the RU zone, of the Town of Warwick. Previously discussed at the 1/17/24-Planning Board Meeting.

Representing the Applicant: Juan DeJesus from MJS Engineering, Thomas Vega & Rick Ferruggia, Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: There was supposed to be attached to our memo a Full EAF Part 1. We do go over the items in the Full EAF Part II that were checked off as significant large impacts and that we are recommending that the Planning Board adopts tonight. The items are as follows:

- a. Impact on Land – Potential for construction of steep slopes, construction taking place for more than one year or in multiple phases.
- b. Impact on Surface Water – Potential for degradation of waterbodies within or downstream of proposed action.
- c. Impact on Groundwater – Potential for impact for new water supply wells, or to create additional demand on supplies from existing water supply wells.
- d. Impact on Plants and Animals – Potential for reduction or degradation of any habitat used by any rare, threatened, or endangered species, as listed by NYS or the federal government (Upland Sandpiper).
- e. Impact on Aesthetic Resources – Action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.
- f. Impact on Traffic – Projected traffic increase may exceed capacity of existing road network at the project site entrance, and at Bridge Street/Glenmere Ave and South Main Street.

Mr. McConnell makes a motion to adopt the Full EAF Part II as prepared by the Town Planner and instruct the Applicant to prepare a Draft Part III Environmental Assessment Form.

Seconded by Mr. Purcell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Mr. Astorino: That is where you are at. Does the Applicant have any comments or concerns on the EAF?

Juan DeJesus: No. We are good on the EAF.

Comment #2: Applicant to discuss project.

Mr. Astorino: I am not going to go through all of these comments. We would have to schedule a site visit. Let's have the Applicant to discuss project. Is there anything you want to add?

Juan DeJesus: We want to set a date for a site visit. We also want to set a date for a public hearing.

Mr. Astorino: We can't set a date for a public hearing. We could set a public hearing for the next available agenda. That means you would get all of your stuff into us. Then we would have a Work Session to make sure we have everything and it's ready for a public hearing. Then we would be able to have a public hearing. Does the Board want to set the application for a public hearing at the next available agenda?

Mr. McConnell makes a motion to set Serenity Ridge At Warwick Campground Site Plan & Special Use Permit Application for a Public Hearing at the next available agenda.

Seconded by Mr. Purcell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Mr. Astorino: Once the majority of these comments have been addressed and the Board feels that the application would be ready for a Public Hearing, there would be a Work Session first. Then there would be a Public Hearing scheduled that would need to be noticed for the next regular meeting. We will list Comment #3 through Comment #31 for the record. Does the Applicant want to go over any of these comments tonight?

Juan DeJesus: We do want to see if we could get some of the comments completed tonight. Did we receive anything back from OCDPW?

Mr. Astorino: No. Comment #6, OCDPW states that it is pending.

Connie Sardo: We have not heard from OCDPW yet.

Laura Barca: Correct.

Juan DeJesus: Ok. The septic system was not being reviewed by OCDOH was discussed at the last Work Session. We are not modifying the system at all. Comment #11, could be marked off as completed.

Laura Barca: It probably will be done in the next review cycle.

Mr. Astorino: It would not be done right at this second. It would be done at the next review time.

Juan DeJesus: Regarding the Lease Agreement and the narrative of the gate, those had been submitted in February. Did the Board have the time to review them?

Mr. Astorino: That would be part of the approval.

Juan DeJesus: Ok.

Mr. Astorino: All of these comments would stay on here. They are on here as place keepers. We are not saying that it is not done. They would be conditions of the approval.

Juan DeJesus: Ok.

Mr. Astorino: Do you have any other questions?

Juan DeJesus: No.

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

Max Stach: Laura, regarding Comment #8, NYSDEC, are you doing a general permits request with the NYSDEC or is it sort of for the SWPPP particularly for the Upland Sandpiper?

Laura Barca: This is for the SPDES that is in Comment #8 is for the septic system. They have a SPDES permit for the septic system. I am just saying that they had done that. It is noted for the record.

Max Stach: Ok. Typically, in addressing the Part III EAF, you would want to reach out to the NYSDEC for a permit's review. It is a standard thing that they would come back and say if you do X, Y, and Z, you would need a Takens Permit for threatened or endangered species.

Juan DeJesus: Ok. We do have a report from an Environmental Consultant. They have stated that no species exists on the site and there is no habitat for that species. We would be submitting that report in our next submission.

Max Stach: Ok. Usually when you have the state involved you would still go and submit your plan for just a permit review with the NYSDEC.

Juan DeJesus: Ok.

Mr. Astorino: You would still need that sign off.

Juan DeJesus: Ok.

Rick Ferruggia: What about the traffic study?

Laura Barca: HDR's Traffic Engineers are reviewing that.

Rick Ferruggia: Ok. You would let us know if we should proceed with that. Is that correct?

Laura Barca: Correct.

Rick Ferruggia: Ok.

Mr. Astorino: When would the Planning Board and Professionals want to schedule a site visit?

The Planning Board and Professionals discussed scheduling a date for a site visit. The Planning Board site visit has been scheduled for Monday, March 25, 2024 at 5:30 p.m.

Rick Ferruggia: Ok.

Juan DeJesus: Regarding Comment #28, Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code. We had spoken to the Building Department about that. They had no idea about anything in that regard. I know that they had said that they might be able to do an inspection the same day that the Planning Board does their inspection of the site. Would that be collaborated?

Mr. Astorino: That would be your operating permit.

Laura Barca: That would be the same way that you would have to go annually to the Health Department to get a permit operating permit for the campground. You would have to do the same thing with the Building Department.

Juan DeJesus: We went to the Building Department. They said that they had no idea.

Laura Barca: The Planning Board will talk to the Building Department about that.

Mr. Astorino: You would have to file your reports of the residents' time that they are there staying at the campground. If you don't do that, then you would not get your permits renewed through the Building Department. We will talk to them about that matter.

Juan DeJesus: Ok. Thank you.

Mr. Astorino: We will see you at the site visit on Monday, March 25, 2024 at 5:30 p.m. We will meet at the gate at the bottom.

Rick Ferruggia: Ok. Thank you.

Comment #3: Conservation Board comments: no comments received

Comment #4: Architectural Review Board comments: no comments received

Comment #5: OC Planning: advisory comments dated 01/02/24: recommends a traffic study, describes the minimum driveway requirements, and interior roads should be designated no parking areas.

Comment #6: OCDPW: pending comments

Comment #7: OCDOH: Applicant to provide most recent OCDOH annual permit to operate a campground. Complete. 02/21/24 Permit 230259, expires 12/31/24

Comment #8: NYSDEC: Applicant should submit the most recent copy of 11/21/14 SPDES septic permit 3-3354-00662-00001, valid until 11/20/2024 Complete. 02/21/24 Submitted SPDES permit and the permit transfer documentation.

Comment #9: Building Department: 01/05/24 need permit for new sign at entrance to campground

Comment #10: Planning Board to determine if a site inspection is necessary (e.g., proposed new sites (including proposed retaining walls), proposed playground boulders around existing wells, boulder guide rail, internal roadway restoration, removal of propane, dumpster screening, sidewalk around two-story pavilion, card reader/key pad, etc.).

Comment #11: Applicant to confirm if OCDOH septic approvals must be modified to allow for proposed laundry facilities. Applicant to clarify if there will be any change to the existing septic system components (e.g., tanks, piping network, septic fields, etc.).

Comment #12: Applicant to confirm that the proposed location of the pickleball courts and playground with respect to existing well coverings are acceptable to OCDOH.

Comment #13: The new pool would require OCDOH review and approval.

Comment #14: Applicant to submit a sample of a lease agreement that will be used to confirm: no sub-leasing, short term rentals, number cars allowed per site, outside upkeep of park models, definition for “vertical” family members, etc.

Comment #15: Applicant to provide narrative to describe how the proposed gate mechanism will work to manage the use of each campsite (210-day maximum) and who is using each campsite (i.e. “vertical” family members).

Comment #16: Sheet 1, notes 7 and 11 indicate that there will be 124 campsites for 210 days in an 12 month period. Six additional campsites will be allowed for year-round occupancy. The previous plans included notes that these sites were for the owner and site manager use; Applicant to clarify the proposed use of these six campsites and where they will be located.

Comment #17: The grading for all new lots should be shown (e.g., lots 48 and 49 & lots 110 and 111), including the top and bottom of wall for the proposed retaining walls (for at least 3 locations along the wall, including the highest point). Applicant to include contour elevation labels for existing topography and to include the third elevation location. Please add a note to the plan stating that a structural professional engineer will need to prepare drawings for the retaining walls that are over 4-ft tall.

Comment #18: Applicant to review Note 21 on Sheet C-1. If pickleball courts will be lit, the required setback will need to be adjusted.

Comment #19: All items on the site plan and special use checklist must be submitted.

Comment #20: Details and/or notes must be added for proposed features (e.g., fire pit, pergola, guest parking areas, existing pool removal, barrier protection, pavilion near lot 59, individual campsite parking surface, etc.).

Comment #21: Additional information must be added to these details (e.g., surface covering, etc.): basketball court, pickleball court, new pool, jungle gym relocation (from where), etc.

Comment #22: Applicant to clarify use of proposed storage lockers in lower level at office store location.

Comment #23: Warwick Town Code §164-49.2.Y. requires a public phone to be available to campers 24 hours a day. Applicant to clarify the location of this phone on plan. PB to consider waiver.

Comment #24: Sheet C-8, Existing Campground Boundary Sign detail should clarify where these signs will be installed or if they have already been installed. Applicant to include callout on plan set showing locations of existing campground signs.

Comment #25: The previous Applicant provided a Barrier Protection Site Inspection Fee for the Planning Board Engineer to inspect the installation of barrier protection between campsites 50 to 59. Current Applicant to explain status of this bond.

Comment #26: A copy of all declarations cited on the drawings and/or part of the previous Site Plan shall be submitted (e.g., Ridgeline, Ag, Sheet 1, Note 31).

Comment #27: Applicant to confirm the limits of disturbance. If 5.91 acres will be disturbed, then please provide a phasing plan and limit the disturbance to 5 acres or less at any one time.

Comment #28: Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24.

Comment #29: Applicant to provide any Performance Bond or Landscaping Bond required by the planning board.

Comment #30: Applicant to clarify the status of the Site Inspection Fee for the Barrier Protection near campsites 51 through 59. The previous owner posted this bond; Applicant to clarify if this bond has been legally transferred to the new owner.

Comment #31: Payment of all fees.

Other Considerations:

- 1) **Michael Brown 3-Lot Conventional Subdivision** – Planning Board to discuss scheduling as site visit. Project is located on the easternly side of Cascade Road 2100 feet south of Birdsall Lane, in the MT zone.

The Planning Board discusses scheduling a site visit for the Michael Brown Subdivision. The site visit has been scheduled for Wed., April 3, 2024 @ 6:00 p.m.

Mr. Astorino: Parking is kind of tough there. If you want to carpool, meet me at Town Hall parking lot at 5:30 p.m.

- 2) **Round Hill #2 (6-Lot Cluster + 1- Ag. Lot + Lot Line Change** – Planning Board to discuss scheduling as site visit. Project located on the northern side of Wheeler Road 3000 feet west of Union Corners Road (490 Wheeler Rd.), in the RU zone.

The Planning Board discusses scheduling a site visit for the Round Hill Subdivision. The site visit has been scheduled for Mon., March 25, 2024 @ 6:30 p.m.

- 3) Planning Board Minutes of 2/21/24 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 2/21/24.

Seconded by Mr. Purcell. Motion carried; 4-Ayes and 0-Nays and 1-Absent.

Correspondences:

1. Email Letter from a resident, John Jordan & Cassie Lewis, dated 2/27/24 addressed to the Planning Board in regards to Randig 103 Iron Mountain Road project.
2. Email Letters from Linda & Michael Laplace, dated 2/28/24 addressed to the Planning Board in regards to Capozza Four Corners Road Solar Project.
3. Email Letter from Gerry Freisinger, dated 3/11/24 addressed to the Planning Board in regards to Randig 103 Iron Mountain Road project.
4. Email Letter from a resident, Joe Berry, dated 3/14/24 addressed to the Planning Board in regards to Randig 103 Iron Mountain Road project.
5. Letter from a resident, William & Erika Moser, dated 3/11/24 addressed to the Planning Board in regards to Randig 103 Iron Mountain Road project.
6. Email Letter from resident, John Jordan & Cassie Lewis, dated 3/15/24 addressed to the Planning Board in regards to Randig 103 Iron Mountain Road project.
7. Email Letter from a resident, Dennis & Maria Buckley, dated 3/16/24 addressed to the Planning Board in regards to Randig 103 Iron Mountain Road project.

8. Email Letter from a resident, Keith Woodruff, dated 3/20/24 addressed to the Planning Board in regards to M&T/Ted Edwards Subdivision.
9. OCMPF Spring 2024 Planning & Land Use Course, dated 3/19/24 & emailed to PB.
10. Email Letter from a resident, Nancy Silfee, dated 3/20/24 in regards to M&T/Ted Edwards Subdivision.

Mr. Astorino: We have those correspondences #1 through #10 in our packets. Regarding OCMPF Spring 2024 Planning & Land Use Course, it would be a free course to all Board members. We have the Planning Federation back up and running. We should have more courses forthcoming.

Mr. McConnell: Is that the one that would be up in Middletown?

Mr. Astorino: The 911 Center is under construction. That is why we had to move it to Middletown.

Connie Sardo: The course is on April 29th. The Board members could sign themselves up for it.

Max Stach: Do you follow the NY Planning Federation?

Mr. Astorino: No. I am glad you mentioned that. There would be times that I would lean on my Professionals here, Max, Laura and Bob. I am now President of the OC Planning Federation. As courses get going, we look for speakers with knowledge. All three of you have knowledge. There was a lapse when Covid hit us. We got it up and running again in January. It would be good for you. We try to get interesting topics. If there are any Board members here that would like to get some topics discussed, let me know about it. We could get something going.

Max Stach: Speaking of traveling all over the place, if you are interested in the NY Planning Federation conference to be held on April 8th and April 9th in Saratoga, the last day to register for that would be March 24th.

Mr. Astorino: I have been there before. It is a beautiful place.

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 March 20, 2024 Planning Board Meeting.

Seconded by Ms. Garby. Motion carried; 4-Ayes and 0-Nays and 1-Absent

