

TOWN OF WARWICK PLANNING BOARD

May 1, 2024

Members present: Chairman, Benjamin Astorino  
Dennis McConnell, Bo Kennedy,  
Rich Purcell, Vickki Garby, Alternate  
Laura Barca, HDR Engineering  
Temi Alao, HDR Assistant 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, May 1, 2024 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: Before we get started, we have a new Familiar face on the Board. Temi Alao works for HDR. She works with Laura Barca our Town Planning Board Engineer. She would be filling in for Laura when she is not here. Welcome Temi to the Planning Board.

**PUBLIC HEARING OF Nuradin Giljic**

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 S 72 B 3 L 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, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a Type 2 Action. It is not subject to SEQRA.

Comment #2: Applicant to discuss project.

Brian Friedler: There is an existing one-bedroom dwelling single-story dwelling located a few feet off Jersey Ave. The dwelling was hit by a car. The Applicant would like to take down the house. He would like to move it off the road approximately 6 feet. He proposes to add another story. He would keep it as a one-bedroom dwelling. He mainly wants it pulled off the road a little bit and increase the size.

Comment #3: Conservation Board – no comments received.

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

Comment #5: OC Planning Department – 02/13/24 advisory comment for erosion control.

Comment #6: TW Building Department – 02/12/24 septic pump out receipt to be submitted. No Further Action.

Comment #7: ZBA – per Planning Board Attorney, ZBA is not needed for reconstruction of a structure.

Comment #8: NYSDOT – driveway access must be reviewed and approved by NYSDOT; post approval action; work permit needed.

Mr. Astorino: Do we have that?

Brian Friedler: We don't have the permit yet. We did receive comments from NYSDOT.

Laura Barca: They are good with comments. The work permit they would obtain when they are ready to do the work.

Mr. Astorino: Ok. We are fine with the comment. Is that correct?

Laura Barca: Yes. They would give that to the Building Department.

Comment #9: Planning Board to determine if a site inspection is necessary; completed on 03/11/24.

Mr. Astorino: We had done a site inspection. Do any Board members or Professionals have any comments about the site visit? I think we were fine with it. There is no comment from the Board. We could strike Comment #9.

Comment #10: Soil Erosion Control Note #3 will be updated to say that disturbed areas shall be seeded with temporary seeding if there is no additional disturbance within 7 days.

Brian Friedler: Ok.

Comment #11: 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.).

Brian Friedler: Ok.

Comment #12: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Ok.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: We ask the Board to waive the certification of iron rods since most of it is located on Jersey Ave.?

Mr. Astorino: The Board would make a decision on that. I don't see a need to resurvey it. The house is being rebuilt in the same location.

Brian Friedler: There is another spot that the property corner is located which is in the water.

Laura Barca: Right.

Mr. Astorino: That would be a tough place to set a pin in the water.

Comment #14: Payment of all fees.

Brian Friedler: Ok.

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

Mr. McConnell: Regarding Comment #11 about backfill coming in without identification of the source of the backfill. Would that be something simple enough to add on to the requirements?

Mr. Astorino: Do you mean to certify the backfill? That should come from a certified quarry. You are not backfilling with the material that you would be getting off Facebook.

Mr. McConnell: Facebook would not be an adequate place.

Mr. Astorino: Exactly. If you need backfill especially in a designated protection area, it should come from a quarry that certifies backfill.

Brian Friedler: Yes.

Mr. Astorino: We could put a note on the plan to that effect.

Mr. McConnell: It needs to be made clearer that sourcing of the backfill is an important requirement.

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

Steven Swartz: I live at 530 Jersey Ave. I wish nothing but the best for him and his family in what he is endeavoring to do. I have lived next door to the property for 50 years. I have a real history of what goes on there. The house is very close to the road as you had mentioned. I believe Danny and that is how I know him. He had said that it would entail moving the structure approximately 6 feet towards the lake.

Brian Friedler: Yes.

Steven Swartz: Ok. I have brought pictures. I don't know who has seen what.

Mr. Astorino: We were out there. We had done a site visit.

Steven Swartz: It is a piece of concrete. There is no arable land on it.

Mr. Astorino: Yes.

Steven Swartz: My only concern is whatever he does is conforming to whatever your rules or codes are.

Mr. Astorino: Absolutely.

Steven Swartz: Is it ok for him to move the building 6 feet?

Mr. Astorino: Yes. That is why he is before the Planning Board.

Steven Swartz: I understand. I just wanted to be clear as to what is happening and what is everybody's expectations are. I would like to point out a couple of things for your consideration. What does a Designated Protection Area mean?

Mr. Astorino: It is Greenwood Lake. It is a protected area by the lake. If you are within 100 feet of the lake, you would have to come before the Planning Board. That is why this application is here. Even if you do any work where you live, you would need to come before the Planning Board.

Steven Swartz: I understand that part. The Planning Board would sign off on what is to be done. You would give it a seal of approval for Warwick.

Mr. Astorino: Yes. We are the Town of Warwick Planning Board. What we say goes onto a plan. That plan has to be adhered to. It would then be followed by the Building Department to make sure it is carried out as such.

Steven Swartz: Do you know why it is a Designated Protection Area?

Mr. Astorino: Because it is a waterbody that has to be protected. The Town wants to protect it.

Steven Swartz presents photos of a spillway to the Planning Board which is a state culvert.

Mr. Astorino: That is a state culvert. We had seen that. It goes directly under the house.

Steven Swartz: Yes. It is under the house. How would that be dealt with so that it is protected?

Mr. Astorino: It has to be protected. It is a state culvert.

Steven Swartz: Is there a plan for that? There is an exposed canal underneath the building. It brings water down the mountain.

Mr. Astorino: It goes under a state road.

Steven Swartz: What is underneath the building is a cemented canal.

Mr. Astorino: It is a cemented culvert that has to stay in place.

Steven Swartz: Is there a procedure or a protocol for dealing with that? It is a very important thing. If that doesn't operate properly and it gets clogged and compromised, there would be problems. There is a tremendous amount of water that comes off the mountain. There is a tremendous amount of water that is supposed to go into that drain. If it clogs, you would get a lake.

Mr. Astorino: Looking at the photo, this is a NYSDOT basin.

Steven Swartz: I know that.

Mr. Astorino: Brian, is that NYSDOT basin shown on the plan?

Brian Friedler: Yes.

Mr. Astorino: It is shown on the plan. It has to remain.

Steven Swartz: Ok. I am concerned that if he builds up, he would hit the wires from the utility pole. If he plans to move this structure back, I don't know how close he could or not be to the utility wires.

Mr. Astorino: You would have to be at least 10 feet away from any utility wires.

Steven Swartz: I don't believe that is going to happen.

Mr. Astorino: That would be on their contractor when they build that. That would be with O&R Utilities.

Steven Swartz: How about fire hydrants?

Mr. Astorino: The fire hydrant is with the Town's Water Department.

Steven Swartz: What about if they park next to a fire hydrant? I know I can't park next to one. There are parking spots next to it.

Mr. Astorino: Yes. They could park there. It is as long as they don't block it.

Steven Swartz: Ok. I have another photo to show you that when it rains heavenly his walls are very low compared to mine. We had a storm about a month or two ago. That was when the wave action happened. Where I live there are many motor boats. Huge waves happen. That could only influence what is down there. I mean that as a presentation to the Board to do the right thing. I have 50 years of knowledge as to what goes on here. I have seen that house smashed multiple times from both directions. It is a rough piece of property. I just wanted to make sure that things are done with every consideration in mind and done with respect to the property and to that waterway that has to come through.

Mr. Astorino: Absolutely.

Steven Swartz: That is all I have to say.

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

Saralee Tuckfelt: I have lived there with Steven permanently for 11 years at 530 Jersey Ave. Since that time, my car was almost demolished and his car was hit. The house has been hit 2 times. A previous owner with dogs, it went right through the house. Where it is located and what you had seen, there is a tenant there. Thank God she was not there at the time. She would have been dead. It is located right on the road. Jersey Avenue is a joke. It is the drivers that are just crazy there. We have experienced many crashes there. I was there the night of the last crash that happened. My husband was done in Florida at that time. It was scary. We have a triangle on our property that goes into the lake.

Steven Swartz: It is a bulkhead. It runs to Lake Shore Road. It then cuts at a 90 degree. Everything from that corner comes right to us.

Saralee Tuckfelt: There has been suds on numerous occasions. The suds have been present only when people are living there. There has been nobody there thus there are no more suds in that triangle in the lake.

Mr. Astorino: Are you talking about the house that we are dealing with now?

Saralee Tuckfelt: I am talking about our house.

Mr. Astorino: I understand that.

Steven Swartz: What she is talking about is the suds are coming out of the spillway.

Mr. Astorino: That could be across the street for all you know. Regarding this project, there would be testing done on their septic system. It would have to meet the standards.

Laura Barca: They propose to install a brand-new septic system.

Mr. Astorino: A brand-new septic system will be going in.

Saralee Tuckfelt: We just want to make sure everything is to code and we are protected. Our garage is right next to it. We just wanted to make sure it would be done the proper way. Thank you.

Steven Swartz: What type of septic system is proposed?

Laura Barca: Brian, is it an Eljen system?

Brian Friedler: Yes. It is an Eljen system. It is an aerobic tank. It is approved by Orange County Department of Health.

Steven Swartz: Ok. The property was purchased as a one-bedroom. He wants to make it into a two-bedroom. How would that work?

Brian Friedler: No. It would not be a two-bedroom. It would be staying as a one-bedroom dwelling. They have approval for a one-bedroom septic system.

Saralee Tuckfelt: It was a studio.

Laura Barca: A one-bedroom and a studio are considered the same thing by the Health Department.

Steven Swartz: Ok.

Mr. Astorino: Is there anyone else wishing to address the Giljic Site Plan application? Let the record show no further public comment. Do any Board members or Professionals have any comments?

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

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

Mr. McConnell makes a motion to waive Surveyor to certify that iron rods have been set at all property corners.

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

Mr. Purcell makes a motion on the Nuradin Giljic application, granting conditional 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 S 72 B 3 L 19; parcel 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, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on February 21, 2024. Approval is granted subject to the following conditions:

1. NYSDOT – driveway access must be reviewed and approved by NYSDOT; post approval action; work permit needed.
2. Soil Erosion Control Note #3 will be updated to say that disturbed areas shall be seeded with temporary seeding if there is no additional disturbance within 7 days.
3. 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.).
4. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
5. Surveyor to certify that iron rods have been set at all property corners. (Waived)
6. Payment of all fees.

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



**Review of Submitted Maps:*****James & Lauren Yodice***

Application Site Plan Approval and Special Use Permit for the conversion of an existing single-family dwelling to two-family dwelling, situated on tax parcel SBL #63-2-12.42; parcel located on the western side of Conklin Road 1,750 feet east of C.R. 21 (28 Conklin Rd.), in the MT zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering. James Yodice, Applicant

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Type of Action. This is a Type II Action under SEQR based on NYCRR 617.5 (c)(11), "expansion of a single-family...residence on an approved lot ...." The Planning Board may enter this determination into the record by simple motion and vote. No further SEQR Action is required.

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

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

Comment #2: Applicant to discuss project.

Brian Friedler: It is an existing house. For the past 20 years there has been a cottage on the property. It is separate from the main dwelling. We are proposing to connect them with a breezeway to make it a two-family house. It would be used for personal use for family use. The owners of the property have parents that live down in Florida. They come up every so often to visit. They would be staying there. It would be for personal use. They would not be renting it out to anybody. They would not Airbnb it. The owners want to do right by making it a multi-family house.

Mr. Astorino: Would that be a condition on the plan?

Brian Friedler: We could do that.

Mr. McConnell: It seems that some of the comments that we had seen had some concerns about it.

Mr. Astorino: I know that this application has to go to the ZBA. But that should be that if this owner is what he wants to do then that would be fine. If the property gets sold you would then come back.

Brian Friedler: Ok.

Mr. Astorino: Bob, we could do that. Is that correct?

Bob Krahulik: I don't know the condition. Is it a condition that prohibits short-term rentals or limited to family members?

Mr. Astorino: It is for both. That is what Brian had just said. Brian, is that correct?

Brian Friedler: Yes. James, would you be ok with that?

James Yodice: Yes. It would be just for family use.

Mr. Astorino: You would not have any short-term rentals or Airbnb. Is that correct?

James Yodice: It would be for family use only.

Mr. Astorino: As long as you live there. If you sold it is what I am trying to protect. Once the approval is granted or given if or when, then it would be open ended. If you put a note on the plan that states it can't be, then the new owner would have to come to the Planning Board.

Mr. McConnell: Mr. Chairman with that provision is there even a need to change this to a two-family house? If it is going to be limited to where there are no short-term rentals and it would be used for family members only, I don't know why they would have to go through the Planning Board process.

Bob Krahulik: It is detached right now. It has separate cooking facilities and bathrooms. There are 2 houses on the property.

Mr. McConnell: Somebody has been using it in whatever manner they have been using it. Is that correct?

Bob Krahulik: They have been using it without permits.

Mr. Astorino: It's been illegally. This Applicant has bought the property. They want to make it legal.

Mr. McConnell: I am just trying to figure whether if we need to go through the exercise if it would be nothing more than a mother-daughter situation.

Bob Krahulik: There are pending Code violations. That's the big problem. Back to the conditions, we have two conditions and a sunset provision which is set upon the sale of the property the approval goes away.

Mr. Astorino: I am not saying that. The approval could be there if you just want to keep it for family use. This Applicant has stated that it would be used just for

family. If you put it without a stipulation on the plan and if they decide to sell it in 2 years, it could become a problem.

Mr. McConnell: It would be to put the buyer on notice.

Bob Krahulik: I would recommend that a declaration be recorded with the County Clerk.

Mr. McConnell: Yes.

Bob Krahulik: There are buyers that don't review site plans.

Mr. Astorino: Ok.

Bob Krahulik: We will add that as a condition.

Mr. Astorino: Does that work for you?

Brian Friedler: Yes.

Comment #3: Conservation Board – no comments received.

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

Comment #5: OC Planning Department – pending response

Comment #6: TW Building Department – interior inspection conducted on 04/17/24 to confirm that accessory building is not being used for overnight accommodations.

Comment #7: ZBA – variance needed for lot area.

Mr. Astorino: They would also need a variance for the square-footage of the cottage. Is that correct?

Laura Barca: We are not sure. We don't know what the square-footage is. I added a comment that asked what the square-footage is.

Brian Friedler: The square-footage is 636 feet.

Bob Krahulik: It is supposed to be 1200 square feet. You would need to add that to the list of variances.

Brian Friedler: But we are connecting it.

Mr. Astorino: You are going for a two-family dwelling. Is that correct?

Bob Krahulik: Each unit of a two-family has to be 1200 square feet.

Mr. Astorino: Yes. You would need a variance for that. Bob, while we are on the topic of variances for this application, we are going to refer them to the ZBA. Could you draw up a memo from the Planning Board specifically what variances are going to be required?

Bob Krahulik: Yes.

Mr. Astorino: Thank you.

Comment #8: Planning Board to determine if a site inspection is necessary; site Visit conducted on 04/29/24.

Mr. Astorino: Laura and I went to the site on April 29<sup>th</sup>. There are two decks between the properties. One deck is a little lower. The other deck is a little higher. They are in a little rough shape as the Applicant had told us at the Work Session. Putting in a breezeway with a roof connecting them together makes sense to me. Laura, do you have anything to add to the site visit?

Bob Krahulik: We don't want to create a precedent where everybody could come storming in here and saying that they are going to build a breezeway.

Mr. Astorino: Absolutely not.

Bob Krahulik: I would like to flush out the facts that are unique to this particular piece of property so that you could demonstrate that your breezeway was unique in these particular circumstances compared to everybody else.

Mr. Astorino: On that same note, we take these on a case-by-case basis. With this application, we are talking about putting on a note and filing it with the Orange County Clerk's office with what this Applicant would like to do there. It would be made very specific as goes what you would say with a breezeway. I would agree with that.

Bob Krahulik: Brian, could you elaborate on some of the issues that we talked about at the Workshop that would make an enclosed breezeway impractical? We talked about topography, existing deck, etc....

Brian Friedler: There is a 3-step difference on the deck. Then there is the roofline.

Mr. Astorino: When we had seen it, one roof goes one way and the other roof comes down. It is very unique on how they would have to attach it. These applications are done on a case-by-case basis. If the Board wants to go out and see it, we could. The Applicant is going to the ZBA. I don't think going out to the site is necessary. There is not much to see. Laura took pictures of the site. We have pictures. It makes sense what they propose.

Mr. McConnell: Could they build a ramp instead of steps?

Brian Friedler: It would be too steep to build a ramp. It is a 22-foot span.

Mr. McConnell: Ok.

Comment #9: FEMA floodplain map must be submitted.

Brian Friedler: Ok.

Comment #10: Please clarify the scale shown on Sheet 1.

Brian Friedler: Ok.

Comment #11: Applicant to clarify the size of each family unit.

Brian Friedler: I just noticed that the cottage is 736 square feet. James, what is the square footage of the main dwelling?

James Yodice: I believe it is approximately 1850 square feet.

Mr. Astorino: Ok. You will need to show that.

Brian Friedler: Yes. I will show that.

Comment #12: The location of the septic system must be shown on the plan.

Brian Friedler: Ok.

Comment #13: The septic system must be confirmed by a New York Professional Engineer's that it is designed for a four-bedroom home. A septic certification letter will be required.

Brian Friedler: Ok.

Comment #14: A note stating that all new utilities must be installed underground.

Brian Friedler: Ok.

Comment #15: Proper erosion control measures, details, and notes must be added to the plan.

Brian Friedler: Ok.

Comment #16: Driveway sight distance must be shown on the plan.

Brian Friedler: Ok.

Comment #17: Surveyor to confirm that driveway is on own property or conform that there is an existing common driveway easement.

Brian Friedler: Ok.

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

Brian Friedler: Ok.

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

Brian Friedler: Ok.

Comment #20: Payment of all fees.

Brian Friedler: Ok.

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

Brian Friedler: We ask to be set for a public hearing?

Mr. Astorino: I don't have a problem with that. Does the Board want to make a motion to set the Yodice application for a public hearing at the next available agenda?

**Mr. McConnell makes a motion to Set the James & Lauren Yodice 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 and 0-Absent.

Brian Friedler: Thank you.

***Richard & Diane Jacobs***

Application for Sketch Plat Review and Final Approval of a proposed lot line change with no construction or improvements proposed, situated on tax parcels S 76 B 2 L 4.12 (24 West Cove Road) S 76 B 1 L 55 (2 Sanders Lane); parcels located on the northern side of Sanders Lane 0 feet east of West Cove Rd., in the SM zone, of the Town of Warwick, County of Orange, State of New York. Previously discussed at the Planning Board Meeting of 10/4/23.

Representing the Applicant: Richard and Diane Jacobs, Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Type of Action. This is a Type II Action per 6 NYCRR 617.5(c)(16) "granting of individual setback and lot line variances and adjustments." 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. Kennedy. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Comment #2: Applicant to discuss project.

Mr. Astorino: Basically, you are just moving a lot line.

Richard Jacobs: Yes.

Diane Jacobs: We are just doing a lot line change. There would be no building proposed.

Laura Barca: There is a peninsula that goes out into Greenwood Lake. You cross the private road then there is a garage that is on the same property as a house. This lot line change would put the garage onto the property that goes out onto the peninsula of the lake.

Richard Jacobs: Correct.

Mr. Astorino: The lot line change would clean it up.

Richard Jacobs: Yes.

Comment #3: Conservation Board – no comments received.

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

Comment #5: OC Planning Department – PB secretary: not needed.

Comment #6: TW Building Department - The shed on 76-2-4.12 needs a building permit.

Mr. Astorino: That would be something you would need to check with the Building Department.

Richard Jacobs: There is no shed. The shed has been removed.

Mr. Astorino: You would need to tell the Building Department that it was removed.

Diane Jacobs: It was removed.

Laura Barca: Give a call to the Building Department. They would send a Building Inspector out to verify that it was removed.

Richard Jacobs: Ok.

Mr. Astorino: We will keep Comment #6.

Comment #7: ZBA: Applicant received ZBA variances on 02/26/24. Lot area, lot width, side yard setback, both side yard setbacks, and §164-41(a)(4) to allow one or more garages within the front yard setback where a 30' setback is required. The complete ZBA language must be added to the plans.

Mr. Astorino: Your Surveyor would need to add the ZBA language to the plans.

Connie Sardo: I have emailed the ZBA Determination Resolution to your surveyor. I have told him that it needed to be added to the plans.

Richard Jacobs: Ok.

Mr. Astorino: Have your surveyor get in touch with the Planning office.

Richard Jacobs: Ok.

Comment #8: The home on the adjacent parcel 76-1-56 encroaches on parcel 76-1-55. The existing sheds on parcel 76-1-53.2 encroach on parcel 76-2-4.12.

Mr. Astorino: Comment #8 is noted for the record.

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

Diane Jacobs: We had it done by DHL.



Mr. Astorino: That has to be provided to us.

Diane Jacobs: When they gave me the receipt for both properties, they had said it goes to the Town.

Laura Barca: This is not just for the septic pump out. This is about an Engineer that has to go out to your property and take a look at your septic system to make sure it actually working.

Mr. Astorino: Let your Surveyor know that. He would need to get an Engineer involved for that.

Comment #10: The Town of Warwick standard note for lighting must be added to the plan; please update the notes on the plan.

Mr. Astorino: Is there an issue with the lighting or is it just a note that we put on the plans?

Laura Barca: It would be a note on the plans.

Comment #11: The liber and page for the deed referencing the changes made to the lot lines must be added to the plan.

Laura Barca: That is to show the change in your deed.

Bob Krahulik: I will take care of that for them.

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

Mr. Astorino: Your Surveyor would do that.

Richard Jacobs: Yes.

Comment #13: Payment of all fees.

Richard Jacobs: Ok.

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

Bob Krahulik: At the Work Session, we talked about waiving the public Hearing. There is no construction proposed.

Mr. Astorino: Yes.

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

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

Mr. Purcell makes a motion on the Richard and Diane Jacobs application, granting conditional Final Approval of a proposed lot line change with no construction or improvements proposed, situated on tax parcels S 76 B 2 L 4.12 (24 West Cove Road) S 76 B 1 Lot 55 (2 Sanders Lane); parcels located on the norther side of Sanders Lane 0 feet east of West Cove Road, in the SM zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on May 1, 2024. Approval is granted subject to the following conditions:

1. TW Building Department - The shed on 76-2-4.12 needs a building permit.
2. ZBA: Applicant received ZBA variances on 02/26/24. Lot area, lot width, side yard setback, both side yard setbacks, and §164-41(a)(4) to allow one or more garages within the front yard setback where a 30' setback is required. The complete ZBA language must be added to the plans.
3. The home on the adjacent parcel 76-1-56 encroaches on parcel 76-1-55. The existing sheds on parcel 76-1-53.2 encroach on parcel 76-2-4.12.
4. Each septic system will require a New York Professional Engineer's certification that it is functioning properly.
5. The Town of Warwick standard note for lighting must be added to the plan; please update the notes on the plan.
6. The liber and page for the deed referencing the changes made to the lot lines must be added to the plan.
7. Surveyor to certify that iron rods have been set at all property corners.
8. Payment of all fees.

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

Richard Jacobs: Thank you.

***Round Hill 6-Lot Cluster Subdivision + Lot Line Change***

Application for Sketch Plat Review of a proposed 6-Lot Cluster subdivision + 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. Previously discussed at the Planning Board Meeting of 3/20/24.

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.

Max Stach: Stated below is my SEQRA comment for this application:

1. Type of Action. This is an Unlisted Action. The applicant has submitted a Short Environmental Assessment Form Part I.
2. We previously prepared and transmitted (with our February 2024 memo) a Lead Agency Notice of Intent for the Planning Board to commence coordinated review with NYS DEC.
3. We previously prepared and transmitted (with our February 2024 memo) a Short Environmental Assessment Form, Part II identifying the following potential impacts. We recommend the Planning Board have the applicant address these potential impacts:
  - a. Impacts to natural resources – project sponsor should address potential impacts to wetlands, DEC-regulated streams, and Northern Harrier.
  - b. Impacts to erosion, flooding and drainage – project sponsor should address potential impacts to on-site 1% flood zones.
4. We have not yet received a draft Part 3 from the applicant addressing potential impacts, so have no further comments at this time.

Max Stach: If the Planning Board agrees with our recommendations, it could adopt the short Part 2 EAF and instruct the Applicant to prepare a Part 3 EAF addressing the potential impacts.

Dan Getz: I haven't seen that yet. It sounds reasonable. The Part 3 EAF is basically a Narrative describing how we would address each of the potential impacts.

Max Stach: Yes. I understand that you have been working on this for quite some time. Some of these studies have already been provided and are in the record. I want it repackaged nicely to say no impacts to the Northern Harrier because this is what we

had done. It should say no impacts to wetlands because this is what we had done. No impacts to DEC regulated streams because this is what we had done. Put all of the studies and things that you have done over the years and package it up. Put it into a document called the Draft Part 3 EAF. Once that has been done, then the Planning Board would consider adopting that. Then after that would be the Negative Declaration.

Dan Getz: Ok. No problem.

Max Stach: In the past previously just for the Board's notice this is something that is typically the person in my role previously would have done. We figured it would make more sense for the Applicant to do it. That way you are controlling the cost. We are just reviewing it as in your interest to get it done timely to get it approved. It would be more efficient this way.

Mr. Astorino: We need a motion to adopt the Part 2 EAF for the Round Hill 6-Lot Cluster Subdivision + Lot Line Change.

Mr. McConnell makes a motion to adopt the Part 2 EAF.

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

Mr. Astorino: Ok. Dan, you Will be preparing the Part 3 EAF.

Dan Getz: Ok.

Comment #2: Applicant to discuss project.

Dan Getz: The application is for a proposed 6-Lot residential subdivision. I wanted to note that there is not a separate agricultural lot. We had discussed that before. The agricultural area would be part of Lot 2.

Mr. Astorino: Ok. We would want to change that in the agenda blurb.

Dan Getz: Yes. The plans were revised based on the Planning Board's comments and the OC Planning comments. We had provided a Yield Plan for the original 19-Lot subdivision along with the Four-Step Plan and a comparison of what we are proposing now. What we are proposing now has less disturbance than what had been approved at that time.

Mr. Astorino: You would need to send to Connie a revised application form that shows 6-Lot Cluster subdivision + Lot Line Change.

Dan Getz: Ok.

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: Applicant to provide legend for hatching shown on Sheet C-101.

Dan Getz: Will do.

Comment #8: Applicant to provide match lines between Sheets C-102 to C-104.

Dan Getz: Yes. Will do.

Comment #9: Applicant to include eNOI, supporting calculations, soil maps etc.

Dan Getz: Yes. Will do.

Comment #10: On Sheet C-301, Typical MSE Retaining Wall detail, Note #4 shall be revised to specifically state that the design must be prepared by a New York State Professional Engineer.

Dan Getz: Will do.

Comment #11: Applicant to demonstrate that all driveways comply with §79-3 Construction Specifications.

Dan Getz: Will do. At the Work Session, we discussed the design for each of these. They would be at 10% or less slopes. We are going to propose the same driveway rules as per the Town Code where the first 25 feet minimum be paved or if they were to build it with greater than 10% slopes, they would need to pave the whole thing.

Comment #12: Language for the Cluster Open Space Area(s) must be prepared and submitted for review.

Dan Getz: Will do.

Comment #13: Applicant to clarify status of easements that are proposed to be extinguished.

Dan Getz: Those easements were shown on the filed map for Section I of the previous Sectionalized subdivision. As far as we know, there were no deeds filed.

Mr. Astorino: It was just on the map itself.

Dan Getz: Right. It was just on the maps. We were thinking of showing it on these maps. Is there a different way that we should handle that?

Bob Krahulik: I would have to look into that.

Dan Getz: The final map showing the easement for Section I was filed in the year 2020. We intend to not have that easement anymore.

Bob Krahulik: I would have to take a look at the map.

Comment #14: Applicant to provide any required Performance Bond and Site Inspection Fee. Applicant to provide any required three-year Landscape Bond and site inspection fee.

James Mezzetti: Yes.

Bob Krahulik: You had talked about the black dirt area about doing something with it in the future. I just wanted to bring to your attention that you have a note that states no further subdivision of any lot. You would not be able to subdivide that.

Dan Getz: Right. It has been our understanding in the Town of Warwick that a lot line change that does not create new lots has not been considered for further subdivision. The current plan is not to subdivide it nor do a lot line change. The plan is to have it part of Lot #2.

Bob Krahulik: Ok. Is Lot #2 a flag lot?

Dan Getz: We didn't call it as a flag lot by the code. We used the minimum Cluster standards for this subdivision.

Laura Barca: Right. Because this is a Cluster subdivision.

Mr. Astorino: A Cluster subdivision, you cannot do any further subdivision regardless.

Bob Krahulik: Right.

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

Dan Getz: Yes.

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

James Mezzetti: Yes.

Comment #17: Payment of all fees.

James Mezzetti: Yes.

Dan Getz: We ask the Planning Board if we could be set for a public hearing?

Mr. Astorino: I don't see a problem with that. Do any Board members or Professionals have any comments or concerns?

Max Stach: I just wanted to note that this is a subdivision. You must adopt a Negative Declaration before you could close a public hearing. If the Part 3 EAF is not done, you would need to continue the public hearing.

Mr. Astorino: We would not have a public hearing until the Part 3 EAF is done.

Max Stach: Ok.

**Mr. McConnell makes a motion to Set the Round Hill 6-Lot Cluster Subdivision + Lot Line Change for a Preliminary Public Hearing at the next available agenda.**

Seconded by Ms. Garby. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Dan Getz: Thank you.

James Mezzetti: Thank you.

**Other Considerations:**

1. Planning Board Minutes of 4/3/24 for PB Approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 4/3/24.

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

2. Planning Board to discuss canceling the 5/6/24-W.S. & 5/15/24-PB Meeting.

Mr. Kennedy Makes a motion to cancel the 5/6/24-W.S. & 5/15/24-PB Meeting.

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

**Correspondences:**

1. Email Letter from Gerard Freisinger, dated 4/25/24 addressed to the Planning Board in regards to Randig 103 Iron Mt. Rd., Site Plan application.
2. Letter from Bob & Dona Hohmann, dated 5/1/24 addressed to the Planning Board in regards to Yodice 28 Conklin Rd., Site Plan application.

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

**Privilege Of The Floor For Agenda Items!!**

Mr. Astorino: If there is anyone in the audience wishing to address any 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 Planning Board Meeting of May 1, 2024.**

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



