

## TOWN OF WARWICK PLANNING BOARD

June 20, 2024

Members present: Chairman, Benjamin Astorino  
Dennis McConnell, Bo Kennedy,  
Rich Purcell, Vickki Garby, Alternate  
Laura Barca, HDR Engineering  
Temi Alao, 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, June 20, 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.

### **PUBLIC HEARING**

#### **Review of Submitted Maps:**

##### ***Capozza Four Corners Solar Project***

Application for Site Plan Approval and Special Use Permit for the construction and use of a commercial large-scale solar energy installation facility, Use #65 of 3.2 megawatt (MW AC), situated on tax parcel S 23 B 1 L 17; project located on the southern side of Ridge Road 900 feet east of Four Corners Road (200 Ridge Rd.), in the RU zone, of the Town of Warwick. \*\* Previously discussed at the 11/16/22-PB Meeting and the Planning Board declared its Intent To Be Lead Agency. \*\*On 11/17/22, PB circulated to other Involved/Interested Agencies (NYSDEC & ZBA). The project is proposed to be Type I Action. Planning needs to wait the (30)-Days before declaring itself Lead Agency and Type I. Previously discussed at the 1/18/23-PB Meeting. Planning Board had done a Site Visit on 1/21/23\*\*. \*\*Previously discussed at the 5/3/23\_Planning Board Meeting. \*\*At The 9/20/23-Planning Board Meeting the PB Adopted Positive Declaration and Scoping of DEIS. \*\*Public Scoping Session Held on 10/18/23 for Draft Scoping Document. Public Written Comment Period open until 10/30/23\*\* \*\*At The 11/15/23-Planning Board Meeting the PB adopted Final Scoping Document & Scoping of the DEIS\*\*.

Representing the Applicant: Olivia Feldman from Lightstar.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: The Applicant has submitted a Draft Environmental Impact Statement (DEIS). You went through the project history leading up to that. It is the Planning

Board's responsibility to within (45) days of receiving the DEIS to determine whether or not the DEIS adequately addresses all of the questions and subject matter required in the final scope. The Planning Board Engineer, Laura Barca and myself have been reviewing the document. It is well written but it is not complete. It is not adequate for public review. In my 20+ years as a Planner, I think I have only seen one DEIS get accepted the first go around. It is not a statement of quality. There are changes that we want you to make. There are substantial changes. There are some verbiage changes. We have provided a list for the Planning Board's consideration. I know that HDR has done the same. It is our recommendation that if you agree with our list of deficiencies that you adopt the Resolution prepared determining the Preliminary DEIS to be Incomplete/Inadequate commenced public review and agency review and to forward those lists of deficiencies to the Applicant so that they may address them and resubmit the DEIS to the Planning Board. The next time the Applicant submits the DEIS, we would have (30) days and we could only review that document against the list that we are providing to today. We are not allowed to find new matters to them.

Olivia Feldman: Understood.

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

Mr. McConnell makes a motion for Determining Preliminary DEIS to be Incomplete/Inadequate.

Seconded by Mr. Kennedy. The following Resolution was carried 5-Ayes and 1-Nay and 0-Absent.

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Determining Preliminary DEIS to be Incomplete/Inadequate

Name of Action: Four Corners Solar Project (Capozza)

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed commercial large-scale solar energy system on a 15.9-acre portion of a 39.5-acre lot designated on the Town of Warwick Tax Map as Section 23, Block 1, Lot 17 and located at 200 Ridge Road, Town of Warwick, Orange County, New York; and

**Whereas**, the Lead Agency classified the action as Type 1, commenced uncoordinated review on November 16, 2022 and adopted a Positive Declaration of Environmental Significance on September 20, 2023; and

**Whereas**, a Draft Scope was received on or about September 27, 2023, a Scoping Hearing held on October 18, 2023, and a Final Scope adopted by the Lead Agency on November 15, 2023; and

**Whereas**, on or around May 8, 2024, the Lead Agency received from the Project Sponsor a preliminary Draft Environmental Impact Statement (DEIS) for the Four Corners Solar Project dated May 2024; and

**Now Therefore Be It Resolved**, that the Planning Board acting as Lead Agency finds that the preliminary DEIS is inadequate to commence public and agency review, based on the listed deficiencies contained in a memo to this Planning Board dated June 20, 2024 by Maximilian Stach, AICP and a memo to this Board dated June 20, 2024 by Laura Barca, P.E.; and

**Be It Further Resolved**, that the Planning Board acting as Lead Agency directs the Planning Board Secretary to provide these lists of comments to the Project Sponsor in accordance with 6 NYCRR 617.9(a)(2)(i).

Comment #2: Applicant to discuss project.

Mr. Astorino: The Planning Board went out to the site this evening to take a look at some more visuals. We had stopped at the LaPlace residence. We looked at the visuals from there. Max, you had mentioned that there were some more spots that was given to the Applicant.

Max Stach: Correct. The Applicant would need to address that as well.

Mr. Astorino: Ok. Olivia, would you like to make a comment about the project?

Olivia Feldman: I have not had a chance to review all of the comments. I cannot comment on them yet. Thank you for providing them. I would like to mention that this proposed project use to be larger. It used to be 5 MW in size on 19 acres. Through careful coordination with the Town, it was reduced. Now of the 55.3-acre parcel, it is down to 15.9 acres and down to 3.2 MW AC. It has shrunk significantly due to some previous addressed items. In reviewing all of the materials after I took over this project, there are just a few things I would like to mention as positives of the project. Overall, it is an allowed use within the Town. There are no variances or waivers needed. The project complies with the Town's Farm Protection Plan. We had also provided a visual mitigation planting plan. We are avoiding forest cleaning to the best extent that we can. We would only be clearing 13 trees over 12" DBH. There are no mineral slow groups 1 through 4. It is not just a clear-cut of a forest and solid panels and no other benefit to the community. There is also a 2016 Renewable Energy goal of the town. Overall, it is a community solar project. We are trying to make a project that benefits the environment as a whole. We all know there is a big issue with climate change happening at the moment. I used to work on much larger projects which were not as beneficial to communities. That is something I enjoy working with Lightstar on. I did appreciate the

opportunity to look at the viewshed from an opponent's property today. With their permission, I took some photos. From a visual look at it, I would say around 10% or so around there approximately of their viewshed is what would be seen of the solar project. While there are some visual impacts, I think that Lightstar in the past has done a very good job as to keeping them minimized to the extent that we can. We would take all of the comments that we had received today into consideration. We would make the changes as required. We look forward to making a project that is beneficial for the community as well as the environment as a whole and as well to the people in the town. Thank you.

Mr. Astorino: Thank you. We would list HDR Engineering Comment #3 through Comment #49 for the Record. We would also list NPV Planner's Memo/Comments for the record. I just wanted to say Thank you to Olivia Feldman from Lightstar. I wanted to say Thank you to LaPlace for letting us enter your property and looking at the pictures. We hope we could resolve some of these issues. Do any Board members or Professionals have any comments or concerns?

Mr. McConnell: I would like to state our appreciation for the landowners that allowed us to go onto their property to be able to see what the impact might be. I would also like to acknowledge what Olivia had said; that we do recognize there has been a reduction in the overall size of the project. I think that is something that need to be said that we were not unaware of that.

Olivia Feldman: Ok. Thank you.

Comment #3: Conservation Board – no comments received.

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

Comment #5: OC Planning Department – 11/15/22 advisory comments for herbicides, agricultural integration plan, emergency services, sediment and erosion control, and decommissioning.

Comment #6: TW Building Department – 11/08/22 no violations.

Comment #7: It is noted that the USACE Jurisdictional Determination Letter will expire on 01/24/25.

Comment #8: The USFWS Information for Planning and Conservation (IPaC) consultation letter in the DEIS is dated 6/13/22. The letter cites "the accuracy of the species list should be verified after 90 days". Recommend that the Applicant obtain an updated IPaC file search to verify species listings. As examples the tricolored bat was proposed for listing as endangered on 9/13/22 and the Northern long-eared bat has been re-classified as endangered By USFWS.

Comment #9: Applicant has conducted site studies to verify that there is no habitat/no potential for impact for the five species initially listed by USFWS.

Comment #10: Applicant has verified (via letter from NYSDEC Region 3) that neither a Protection of Waters Permit nor Freshwater Wetlands Permit are required for the project as proposed.

Comment #11: Applicant to submit documentation (drawings, separate reports, etc.) to comply with §164-42G Large-scale solar energy installations: (8a) Fencing as required by NEC. Please identify where the grounding is located on the fencing, as well as the offset distance for electrical safety. Please clarify how the fencing meets the NEC requirements on the plan set. (8b) Waterproof signage to show location of DC disconnect. (8c) Notification, with a location map, sent to Fire District.

Comment #12: Applicant to confirm whether they intend to use any chemical means to control vegetation or pests (e.g., use of herbicides/pesticides). It is recommended that only physical means of control be utilized to manage vegetation and pests. It is understood that the Applicant is planning to use sheep grazing for vegetation management.

Comment #13: Applicant to clarify how the compaction of agricultural soils during the construction, operation, and decommissioning of the project will be addressed.

Comment #14: The applicant should confirm that they will develop and adhere to a spill prevention and cleanup plan for the fuels, lubricants, hydraulic fluid, and other chemicals used in the operations and maintenance of the machinery used during construction and decommissioning. Applicant to also have spill containment materials onsite during construction.

Comment #15: If dewatering activities of excavations is required, applicant should confirm that all actions will be compliant with SWPPP.

Comment #16: Glare report: Please confirm glare for people in upper floors of residence.

Comment #17: Revise analysis to consider the topography and grade of the site with respect to nearby houses. In some locations, the array is installed at a lower elevation than residences. Glare must be shown to not exist for any upper/lower occupants of any nearby residences.

Comment #18: Forgesolar Glare Analysis, page 4 of 16, Under Route Receptors: Modify height per previous comment.

Comment #19: The report has not been modified from June 2023. The receptor height shows 0 ft in the Forge Solar report while the narrative table lists 5.45 ft.

Comment #20: The Full Contingency Plan must be submitted prior to the Chairman's signature on these plans.

Comment #21: Applicant to verify if the plans have been submitted to and/or if a site inspection hastaken place with the Fire Department. Fire Chief's comments are pending response from Applicant.

Comment #22: The Existing Power Over Head (POH) is shown on the drawings, but it needs to be identified as an easement or right-of-way, the beneficiary, etc. Applicant will add when new survey has been completed.

Comment #23: Applicant to clarify the number of utility poles to be used and if underground connections can be made. Similar previous solar applications have made this connection underground, as the Town of Warwick requires all new utilities to be underground. Applicant is requested to update plans.

Comment #24: Applicant to provide the electrical one-line diagram.

Comment #25: Applicant to update the drawings to show the number of inverters and transformers referenced in the decommission plan cost analysis.

Comment #26: Applicant to provide detailed electrical drawings for review. Drawing set does not include electrical plans.

Comment #27: Terracon Geotechnical report has been provided showing soil testing locations and results; panel installation was not included in this report and needs to be provided.

Comment #28: The paved apron should be included in the narrative when noting the proposed impervious area. If the apron is included, this changes the proposed impervious acreage in the NOI, which will need to be edited. Applicant to provide a detail for the pervious haul access road to verify that it is permeable. Applicant to review this detail. The definition of Impervious Areas is noted in the General Permit as "[...] all impermeable surfaces that cannot effectively infiltrate rainfall. This includes paved, concrete and gravel surfaces (i.e. parking lots, driveways, roads, runways, and

sidewalks); building rooftops and miscellaneous impermeable structures such as patios, pools, and sheds”.

Comment #29: The proposed grading for the access roads must be shown; steeper areas (areas of approximately 10% grade or greater) should have a profile prepared. The maximum slope shown is 7.41%; this text is overlapped and difficult to read. Please relocate text to avoid overlap.

Comment #30: Emergency Vehicle Turning Exhibit suggests truck path may go off road. Confirm there is space for vehicle turn-around Applicant to confirm with a truck turning diagram for the largest truck that would be onsite. Pending discussions with Fire Chief.

Comment #31: 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 #32: 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 #33: Applicant to provide Special Inspection Program including how the tracker piles will be inspected during construction.

Comment #34: 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 #35: The declaration information for the Agricultural Notes must be added to the plans. The declaration is the document that will be filed in the Orange County Clerk's Office.

Comment #36: Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.

Pending revised survey drawing.

Comment #37: Surveyor to certify that iron rods have been set at all property corners.

Comment #38: Applicant to clarify if there is a power purchase agreement (PPA) with the utilities. Please provide the signed PPA from the utility company. HDR concurs that a PPA is not suitable for a project that has a subscriber-type agreement. Applicant to provide documentation that describe the agreements between the community subscribers and this project.

Comment #39: Since this application requires the approval for a special use, Planning Board to consider making the approval/permit renewable through the building department every year with proof of current ownership of the facility, confirmation that the current owner assumes the decommissioning obligations, & general status report of the operation of the facility. Please add a note to the plan.

Comment #40: 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 #41: Applicant to confirm who is responsible to file the Interconnection Application. Applicant to provide a copy of the signed Interconnection Service Agreement.

Comment #42: 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 and 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 #43: Decommissioning Bond: Plan accounts for future escalation. Typically, pricing is presented in current dollars and updated every 3-5 years. In current dollars, the cost estimate is lower than industry standard comparable estimates and is unreasonable to complete the demolition and restoration scope of work. Add verbiage to the decommissioning plan regarding future cost estimate updates and corresponding bond amount updates. Should also include adjustments for local labor rates and productivities.

Comment #44: Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney. Estimate does not provide enough detail and we cannot understand the salvage material credit. Typically, calculated weights of salvageable material, percent recovery, and source of pricing is provided. Estimate does not provide hauling and scrap preparation costs. 75% of panels not producing power is lower than expected. Improper usage of contingency. There should be a line item for contractor/owner indirect/soft costs, and a separate line item for contingency. Estimate and bond amount are lower than industry comparable estimates. Consider adding factor for local labor rates and productivity. PV Module salvage value does not offset disposal cost. PV Module disposal can be quite costly. Advise reaching out for disposal cost from an accepting landfill or reviewing publicly available module disposal cost data. Module non-hazardous material testing prior to disposal. Contractor soft cost percentage is lower than expected relative to direct labor cost. Assumption that 100% of material is salvageable is unreasonable.

Comment #45: Applicant to provide Landscape Bond cost estimate and three-year cash bond.

Comment #46: Applicant to provide Performance Bond for site inspection fees.

Comment #47: Applicant to provide Decommissioning Bond to the satisfaction of the Planning Board Attorney/ Engineer and approval by the Town Board.

Comment #48: The PILOT agreement must be submitted to and accepted by the Town Board.

Comment #49: Payment of all fees.

#### MEMORANDUM

**TO:** Mr. Benjamin Astorino, Planning Board Chairman  
Members, Town of Warwick Planning Board

**FROM:** Max Stach, AICP  
Meagen Zapotoski, AICP  
Danielle Dreyer, Planning Analyst

**RE:** Capozza Four Corners Solar DEIS Deficiencies

**DATE:** June 20, 2024

**CC:** Robert Krahulik, Esq., Planning Board Attorney  
Laura Barca, P.E., Town Engineer  
Connie Sardo, Planning Board Clerk

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We have reviewed the preliminary Draft Environmental Impact Statement for the Four Corners Solar Project. We recommend that the Planning Board find the document incomplete and inadequate for public and agency review. We are attaching a resolution that the Planning Board may adopt if it agrees with this list of deficiencies and the list provided by the Town Engineer. We recommend that the following issues should be corrected prior to finding the document complete:

#### A. DEIS Comments

##### Cover Sheet, Table of Contents and General Information

Comment #	Page #	Comment
1.	Cover sheet	No date was entered for the "Date submitted for completion review" Please change "Public Comment Period" to read, "Date by which comments on the DEIS must be submitted."
2.	iv	Figure 1. Regional Project Location was not included.
3.	General	All figures should be placed within the text, following the first reference to the figure. The page location of all figures should also be indicated in the table of contents.
4.	General	Please change "Applicant," to, "Project Sponsor," or, "Applicant/Project Sponsor," throughout.

##### Chapter I: Introduction

Comment #	Page #	Comment
1.	1	This section should be identified as an Executive Summary. No information should be included in the Executive Summary that is not also included in the body of the document. Each section of the document should be summarized briefly in the Executive summary. For example, Project Need, Purpose and Benefits are not summarized. Key project setting/existing conditions information should also be summarized. Also, the project an impacts should contain enough information to identify the scale of impacts and, such as for soils, the impacts summary should indicated that there are no prime farmland soils on the site, but 97% of the site qualifies as ag soils.
2.	2	Please capitalize terms consistently. Here, "lead agency" is not capitalized while Lead Agency is capitalized elsewhere. "draft scoping document" is not capitalized, while "Final Scoping Document," is.
3.	2	Please add, "at least before, "45 days," and, "10 days." Please add, "whichever is later," to the end of this sentence. Please change, "the Applicant will prepare," to, "The Lead agency will prepare the
4.	2	SHPO approval is listed as "consultation." Please revise to reference Section 106 review.
5.	3	Under 3.4 – Please expand list of impacts and mitigations as necessary to understand the scale of impact. For example, for 3.2 how much wetland is to be disturbed? For 3.4, how visible are the panels and from which important viewpoints.
6.	3	Under 3.6 – change to, "Use of pervious pavement...."
7.	4	A change in land use is not an "impact" if the change is permitted under current zoning.
8.	4	Under 3.11 – Positive impacts should be identified in the project benefits section
9.	4	Under 3.13 – If no impacts are identified, a project attribute should not be identified as a mitigation. Additionally, adherence to local codes should



Comment #	Page #	Comment
		not be identified as a mitigation. These should be described as considerations under potential impacts.
10.	8-9	Under heading 1.9, the second paragraph through the end of the section should be removed, as it appears that this appears to be an exact duplication of text that appears in 2.0 Description of the Project.

## Chapter II. Description of the Project

Comment #	Page #	Comment
1.	18	Bullet 10 – Revision of the DEIS following substantive review is not part of the SEQR process. Any revisions to the DEIS are to be reflected in the FEIS.
2.	18	Please describe what an ALTA survey is either in the text or in a footnote.
3.	21	As per the scope, “Proposed impervious surface area (solar panels, driveway, internal access roads, etc.)” will be included. It appears that the DEIS has taken only the internal access drive into consideration, and should be revised to include other impervious surfaces. If the panels and driveways are not considered impervious, this should be explicitly stated.
4.	21	Dimensions, scale, and massing specifications for the utility pole cluster, overhead lines, and utility connections are required.
5.	24	Please include a description of the objectives of the project sponsor here.
6.	24	Avoid statements like “Pre-construction activities could...” The DEIS should deal with the Project Sponsor’s proposal in certain terms. As a small grammar point, please be consistent using “will” or “would” at least within the same paragraphs or sections.
7.	26	No GML 239-M review is required for this application. No permits or approvals are required from the Town of Warwick Conservation Board or Town of Warwick Architectural Review Board. These agencies should be removed from this list. Additionally, the agencies that do grant permits and approvals, should be identified as “Involved Agencies.” Agencies approving PILOT agreements should be identified on this list.

## Chapter III. Existing Conditions, Environmental Impacts and Mitigation Measures

### III.1 Agricultural Resources and Soils

Comment #	Page #	Comment
1.	28	If the site is being actively farmed, the year in Para 2 should be changed to 2024.
2.	28	Only Mardin B and C are of statewide importance. Please clarify the extent of B and C versus other Mardin soils.
3.	28	“Agricultural uses in the vicinity of the Project Area include hay production as well as a rotation of other crops.” Please include examples of crops grown near the project site.

### III.3. Land

Comment #	Page #	Comment
1.	35	A more detailed explanation of why the subsurface piles were not able to be removed, as well as a description of the manner in which they will be removed, should be included.
2.	34-35	Per the scope, the description of land should also include lands adjacent to the Project Site.

Comment #	Page #	Comment
3.		As per the scope, "A Farmland Restoration Plan and Performance Bond approved by Orange County Soil and Water and New York State Agriculture and Markets should be prepared and included in the DEIS"

#### III.4 Aesthetic and Visual Resources

Comment #	Page #	Comment
1.	40	Each VSR with potential project visibility is described, but the analysis should include the potential visual effects on each as well based on the photo simulations.
2.	General	Per the scope, "The DEIS will include a "leaf-on" and "leaf-off" Photo-simulation and Line-of-Sight diagrams from public vantage points to analyze the visual change resulting from the completed Project and proposed landscaping mitigation." – these should be added.
3.	41	Para 3 – Statements such as "the Project is not anticipated to cause significant adverse impacts..." should be avoided. The DEIS is intended to describe the scale and nature of impacts, not determine if they are significant or adverse. A more appropriate statement would be that the project which follows the terrain and avoids tree removal will
4.	43	"In addition to VSRs identified per the NYSDEC's guidance, additional VSRs were identified in accordance with § 164-47.1F(3)(a) of the Town Code..." Please describe the additional VSRs that were identified.
5.	40	The Ridgeline Overlay District and the Agricultural Protection Overlay District are mentioned but not explained. Instead, there are conclusory statements of why the project will not be impactful. This needs to be revised and conclusory statements omitted. Also the elevation of the ridgeline on the project site is 700-720 ASL, not 650 as stated.
6.	40-42	A table should be provided listing every vantage point investigated, and from which locations the site could or could not be viewed, in the main text of the DEIS. Not provided.
7.	44	Para 1 - Remove the categorization of impact as moderate. The DEIS should avoid making subjective statements as to the significance of impacts, and stick to providing objective descriptions. Also, this paragraph, is factually incorrect to say ridgeline views will not be altered. It would be factually correct to say that the silhouette of the ridgeline against the sky will not be changed, due to the retention of background trees.
8.	44	Section 3.4.3.2 – Here too, remove categorization of impacts as "minimized." It is okay to say that design features limit views of the array, but these features should be described. Also, it is not clear what is meant by, "the PV arrays are consistent with the scale of the other elements..." Please clarify.
9.	46	"...viewshed, field review, photosimulations, and LOS analyses show that such visibility will be limited to discrete locations that likely have a direct line of sight to the Project..." if possible, these should be shown on a map or chart.
10.	Appendix J	Full page photos should be provided for all visual simulations at a resolution so as to be sharp when viewed at 8.5" by 11".
11.	Appendix J	Figures 18 and 19 depict views from ENE. At late morning, these panels may align and reflect bright sky. Renderings show these panels as dark.

Comment #	Page #	Comment
		Reasonable worst case conditions should be provided, similar to figure 13.
12.	Appendix J	The caption on Figure 19 should reference viewpoint 29.
13.	Appendix J	Attachment C should include leaf off pictures whenever available. Please justify any viewpoint for which no leaf-off photo is included.
14.	General	Before and after renderings and veiw

### III.5. Community Character and Visual Resources

Comment #	Page #	Comment
1.	48	Further discussion of the Town's rural/agricultural character should be provided. These sections focus primarily on consistency with the Comprehensive Plan, which was previously discussed. Are there similar projects within the vicinity of this one or in the Town?
2.	General	This chapter and throughout. All statements that state the project will not have significant adverse impacts or effects, should be excluded from the document. These statements are conclusory and are up to the determination of the Lead Agency in its findings. Instead the document should limit itself to describing the degree and extent of visibility, and the nature of the view transformations.

### III.7 Plants and Animals

Comment #	Page #	Comment
1.	53	As per the scope, "Discuss the Southern Walkkill Biodiversity Plan's recommendations for the Wawayanda Creek, including its recommendations for avoiding or reducing impacts to plants and animals."
2.	53	The Indiana Bat section should be revised to clarify that tree clearing would be limited to a period "between" November 1 and March 31.

### III.8. Cultural, Historic, and Archaeological Resources

Comment #	Page #	Comment
1.	55	"PA" should be noted as meaning "Project Area."

### III.10. Land Use, Zoning, and Public Policy

Comment #	Page #	Comment
1.	61/81	Does the CPP identify anything that directly effects the project and its proposed use, or any guidelines?
2.	64-80	Consider removing the regulations that are not applicable to this project.

### III.11. Socioeconomics

Comment #	Page #	Comment
1.	82	The reference to "Table 7" should be revised to "Table 8".
2.	85	It is unclear why 3.11.4 is included in this section as it pertains to traffic.

### III.12. Open Space and Recreation

Comment #	Page #	Comment
1.	85	Any additional parks or known recreation areas that are within the five-mile visual study area should also be discussed, not just the ones that are closest. The site may be visible from other recreational resources.

**III.13 Community Facility Services**

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<b>Comment #</b>	<b>Page #</b>	<b>Comment</b>
1.	General Comment	The title of this chapter should be "Community Facilities and Services"
2.	88	"Local emergency responders are not expected to need specialized equipment or training to respond to a Project fire..." Please provide correspondence from the Fire Chief indicate that they are trained and equipped to respond to a fire at the site.

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***Ball Farm, LLC.***

Application for Preliminary Approval of a proposed 14-Lot Cluster (MAJOR) subdivision and Application for Special Use Permit for 1-Affordable Home, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick. Previously discussed at the April 3, 2024 Planning Board Meeting.

Representing the Applicant: Kirk Rother, Engineer

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: The Planning Board adopted the Part 2 EAF. We are waiting for the Part 3 EAF from the Applicant. At this time, we could move no further with SEQRA.

Comment #2: Applicant to discuss project.

Kirk Rother: I am pretty sure the Board is familiar with the project. As we had discussed at the Work Session, we are pretty far along with the design process. The soil testing has been done. The layout is pretty solid at this point. We had done a site visit. We are here tonight to ask the Board to set us for a public hearing for the next available agenda.

Mr. Astorino: Are there any comments you would like to discuss? They are standard comments.

Kirk Rother: Many of these comments would be taken care of between Preliminary and Final Approval. Remember that this project needs to receive Preliminary Approval so we could go to the Board of Health.

Mr. Astorino: Yes. One thing we discussed at the Work Session was the Cul-De-Sac. I believe this is proposed to be a Town Road. Is that correct?

Kirk Rother: Yes. The Applicant would like it to be a Town Road.

Mr. Astorino: With that being said, the Cul-De-Sac with an island in the middle are horrendous for a municipality to deal with. We would need something like a T-turnaround that would be safe for a firetruck apparatus. It would have to be something that would make sense for the Town to accept that would work and not be a burden as far as maintenance and time to plow the road.

Kirk Rother: I would sketch it out for the Board to look at. The only thing that I thought about after the Work Session was the one pitfall to the T-turnaround is the school bus. The school bus would have to back up. The school buses do not like to back up. That is one con to a T-turnaround.

Mr. Astorino: That is true. Or, you could make it a private road.

Laura Barca: We spoke to the Fire Department. They want it to be safe where they could get a firetruck around.

Kirk Rother: Yes. For the Fire Department, I think we are good. There is a specification for a T-turnaround in the residential Fire Code.

Mr. Astorino: Let's do a little research on our part. I still do not like them. They are a burden to the municipality. I truly feel like that after all these years plowing them. They are a burden. We would do some research on that. We want to make sure it would be safe. Do any Board members or Professionals have any comments or concerns? We will list Comment #3 through Comment #35 for the record.

Kirk Rother: Ok. We ask the Planning Board to set this application for a Preliminary Public Hearing at the next available agenda.

Max Stach: I just wanted to state for the record that you could open the public hearing before you have done a Negative Declaration. You cannot close the public hearing.

Kirk Rother: We would have the Part 3 EAF.

Mr. Astorino: Absolutely. If we put it to a public hearing for the next available agenda, that would be our prerogative to put them on. If they are not ready for a public hearing, then we would not put them on for that.

**Mr. McConnell makes a motion to Set the Ball Farm, LLC., application for a Preliminary Public Hearing at the next available agenda.**

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

Kirk Rother: Thank you.

Comment #3: Conservation Board – no comments received.

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

Comment #5: OC Planning Department – 09/07/23 advisory comments: (a) connectivity items (e.g., sidewalk), (b) lighting, and (c) a bioretention system to manage stormwater.

Comment #6: TW Building Department – 08/25/23 overgrown property and dwelling in disrepair.

Comment #7: Applicant to provide NYS Parks, Recreation, and Historic Preservation letter.

Comment #8: Planning Board to determine if a site inspection is necessary. Site visited conducted on 10/10/23.

Comment #9: Please clarify status of opting into the AP-O Overlay District with the Warwick Town Board.

Comment #10: Applicant to provide a sealed survey, and include utility locations, utility easements, ROWs, conservation easements, Village water main easement, etc.

Comment #11: The Existing Resources Plan does not appear to show slopes between 15 and 25%, existing vegetative cover, vegetative types described by plant community, relative age, and condition, viewshed analysis, geologic formations, historically

significant sites or structures, and all easements/encumbrances. Applicant to make the color difference between the 15-25% slopes and 25% or greater slopes more distinct. The shades of grey are not distinguishable on paper copies.

Comment #12: The Four-Step Process, Step 1: The vegetation types by community, views to and from the site, and steep slopes between 15 and 25% should be shown.

Applicant to show 15 and 25% slopes more clearly. The colors of grey are not distinguishable on the paper copies.

Comment #13: §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. Sheets 1, 3, and 4 show a no-mow 100-ft buffer area; planning board to determine if screening is needed.

Comment #14: Applicant to clarify that proposed Sketch Cluster layout complies with §164-41.1H(2). New dwelling setbacks. Applicant to discuss site limitation to meet 100-foot setback from external road ROW.

Comment #15: Applicant to confirm that project confirms to §164-41.1.H(6) proposed wells must be at least 100- ft from active agricultural lands. Applicant to discuss the specifics of the Agricultural buffer and its effect on the proposed residential wells.

Comment #16: To comply with §164-46.H(7)(a)[8], please show the areas with slopes of 15% or greater on the drawings, so that it can be confirmed that these areas are avoided. Applicant to clarify the 15% slopes as opposed to those of 25% and up. The colors used at the moment are too similar to be useful.

Comment #17: §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. Applicant to add Bog Turtle, and Indiana Bat protection notes to the plan set as they may be impacted during construction.

Comment #18: The metes and bounds for all lot lines must be shown on the drawings.

Comment #19: The type of roadway being proposed should be clarified (e.g., common driveway, private road, etc.). Planning Board to discuss this being a town road.

Comment #20: Applicant to provide right-of-way and cross-section for the proposed roadway(s). Applicant to clarify the notes under the cross-section detail on sheet 8 of 9.

Comment #21: Street trees are required per §137-19.B(5). Applicant to add to the plan with locations and landscaping table (botanical name, common name, size, quantity).

Comment #22: Applicant to add notes to the plan to clarify the proposed owner of the new roadway(s), stormwater management practices, etc.

Comment #23: Applicant to provide Aquifer impact assessment performed by a qualified professional.

Comment #24: All well and septic location to be approved by the Orange County Department of Health (OCDOH). OCDOH to witness soil testing, as well.

Comment #25: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #26: Applicant to include appropriate Stormwater management items, details, SWPPP, etc.

Comment #27: The Ridgeline Overlay Area must be shown on the plan.

Comment #28: Applicant to clarify the lot selected to be the affordable housing lot.

Comment #29: Sight distance triangle descriptions and maintenance requirements must be shown on the plans.

Comment #30: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #31: A metes and bounds description shall be provided for the proposed open space.

Comment #32: Applicant to submit a declaration for Ridgeline, Aquifer Protection, Open Space, and Affordable Housing.

Comment #33: The liber and page for the Ridgeline, Aquifer Protection, Agricultural, Affordable Housing and Open Space Notes (including maintenance) must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.

Comment #34: Payment in lieu of parkland for 13 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #35: Payment of all fees.



**Other Considerations:**

- 1) Planning Board to discuss canceling the 6/24/24-W.S. & 7/3/24-PB Meeting.

Mr. McConnell makes a motion to cancel the 6/24/24-W.S. & 7/3/24-PB Meeting.

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

- 2) PB Minutes of 6/5/24 for PB approval.

Mr. McConnell makes a motion to approve the PB Minutes of 6/5/24.

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

- 3) **St. Stanislaus R.C. Church** – Email Letter from Stephen Mandracchia, Applicant’s Attorney dated 6/6/24 addressed to the Planning Board requesting Re-Approval on conditional “Amended” Final Approval of a proposed 3-Lot, Lot Line Change; situated on tax parcels SBL # 13-1-17, SBL #13-1-1.4 and SBL #13-1-1.1; parcels located on the northern side of C.R. 1, 570 feet west of Pulaski Hwy., in the SL/LB zones, of the Town of Warwick. Amended Conditional Final Approval was granted on 6/7/23. *The Applicant is requesting the Re-Approval to ensure that the final maps are signed & sealed by the Surveyor, submit Affidavit for certification of iron rods, and maps to be signed by all property owners.* The Re-Approval becomes effective on 6/7/24.

Representing the Applicant: Stephen Mandracchia, Applicant’s Attorney.

Mr. McConnell makes a motion on the St. Stanislaus R.C. Church application, granting Re-Approval on “**Amended**” conditional Final Approval of a proposed 3-Lot, Lot Line Change; situated on tax parcels S 13 B 1 L 17, S 13 B 1 L 1.4 and S 13 B 1 L 1.1; parcels located on the northern side of C.R. 1 570 feet west of Pulaski Hwy., in the SL/LB zones, of the Town of Warwick, County of Orange, state of New York. The Amended conditional Final Approval was granted on 6/7/23.

The 6-Month Extension becomes effective on 6/7/24.

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

**Correspondences:**

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

Connie Sardo: No.

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

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

**Mr. McConnell makes a motion to adjourn the June 20, 2024 Planning Board Meeting.**

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