

TOWN OF WARWICK PLANNING BOARD

July 17, 2024

Members present: Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
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, July 17, 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 OF Warwick HG, LLC.

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 and now known as *Serenity Ridge At Warwick 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, County of Orange, State of New York. **Continued Public Hearing from the Planning Board Meeting of 6/5/24.**

Representing the Applicant: Brad Cleverly from MJS Engineering. Juan DeJesus from MJS Engineering, Charles-Rick Ferruggia & Thomas Vega, Applicants. Ronald Kossar, ESQ., Applicant's Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We have received a Part 3 EAF from the Applicant. We believe that an additional Environmental Analysis need to be conducted. We provided a memo to the Planning Board with respect to the additional analysis that would need to be provided. At this point, we recommend that we don't make a determination of the environmental significance on the application until that outstanding information has been received.

Vice-Chairman Showalter: I have a couple other comments here before we get started. There is a sign-up sheet for the Serenity Ridge Campground's public hearing for the residents who wish to speak on this application. All speakers would be limited to 2 minutes to speak.

All comments should be directed to the Planning Board. Please do not direct your comments to the Applicants or anybody else. You would address the Board. Since the environmental review has been deemed incomplete, there would be no determination made tonight by the Planning Board concerning this application.

Brad Cleverly: Good evening. I am the President of MJS Engineering. I am a professional engineering. I am licensed in NY, NJ, and PA. Juan DeJesus is the Project Manager for MJS Engineering. We also have here this evening representing Warwick HG, LLC., the Applicants Charles-Rick Ferruggia, owner, Thomas Vega, owner, and Ronald Kossar, Applicant's Attorney. Our Attorney Ronald Kossar has more than 50 years of experience in Zoning, Land Use Planning and Development. I will give you a little background about this project. This site was operated as the Black Bear Campground for more than 40 years. The Town of Warwick's Comprehensive Plan states that its goal is to accommodate new growth with the least impact on the environment and to preserve Warwick's natural beauty and its rural quality of life. This campground was established prior to the Comprehensive Plan which was drafted in the year 1987. However, it does fit within this goal. The campground blends into the countryside with trees and its minimal impact to the environment. The Applicant is now seeking site plan approval and special use permit for the expanded use and construction on the 51.5-acre parcel along Wheeler Road and C.R. 41. The site is located directly south to the Village of Florida. The site is located in the Warwick's RU (Rural) Zoning District. It is also located in the RL-O (Ridgeline Overlay) District. The Applicant began with an existing functioning 74 site campground, which is currently operating at this time. Our goal with this expansion is to create a functional layout with the natural land characteristics and the projects intended purpose. I will now turn over the floor to Juan DeJesus to explain and show the current project and its design.

Comment #2: Applicant to discuss project.

Juan DeJesus: We will talk about the site design and goals that are implemented for this site. Looking at the site map, we wanted to make this expansion without disturbing any of the country natural feeling that this site already has. We were able to include the 74 existing sites which are shown on the map in the green color. We were able to add the additional 56 sites which are shown on the map in the blue color. That would make it a total of 130 camp sites. We were able to do this without requesting any variances from the Town. Looking at the map of the 51.5 acres of the site, we would only be disturbing approximately 7 acres of the property. That would only be 14% of this total property. It would be very minimal of disturbance. The majority of the trees would remain undisturbed. Looking at the map, you could see that the camp sites are clustered together. They are clustered together to minimize the amount of disturbance. With this proposed site plan, we are able to meet the required property line camp site setback of 100 feet for all of the property lines. Where you would have most of the visual impacts of the site would be a long the roadway. As you are looking at a long the roadway Wheeler Road, you would notice the closest campsite to the road is camp site #35. That camp site is located over 400 feet away from the road. There is a large buffer area before you get to the camp sites. We had prepared a visibility assessment plan.

Mr. DeJesus explains to the Board and discusses where the trees are located and would remain on the site. He points out on the map a profile of the shaded area of a light grey line that shows the existing elevations, grade and the slope of the property. He points out on the map the RV's that come to the site are approximately 14.5 feet tall in height. The trees that are approximately 40 to 50 feet tall in height would secure the view from the road. The same

would be where the pavilion and the back house is located. Mr. DeJesus explains that the site would be served by wells and septic systems. He points out on the map where the wells and septic systems are located. The one closest to the road is over 100 feet off the road. There is a primary well on the property that is currently in use. There is a 2nd well on the property that is used for emergencies. It has a pump. It is a working well. The 2nd well is not being used at this time. In the year 2014 the septic system was approved for 160 sites by the Orange County Department of Health. The current well and septic system does meet that capacity. The OC Health Department has been to the site several times this year. They have found no inadequacies in the water and septic systems on the site. The septic systems all meet the OC Health Department requirements. The OC Health Department has given the campground permits for the year 2024. The NYSDEC has given a NYS pollutant discharging elimination system permit. They are in conformance with the NYS Clean Water Act. The wells and septic systems have both been reviewed by both the Orange County and NYS Agencies. Regarding traffic and pedestrian safety, we didn't make many changes to the roadway. There were some minor roadway improvements made. We wanted to keep the vehicles away from the pedestrian. We have an entry gate on the property. When people enter the site, they would have to do a complete stop at the gate. Each of the sites would have 2 parking spaces. That was a requirement from the Town. We have exceeded the parking spaces. There are extra parking spaces. We propose over 80 parking spaces. We propose by camp sites 51 through 59 a guide rail to protect the pedestrians and vehicles. This project would be done in phases to minimize the amount of disturbance. There would be various sediment control measures taken to mitigate the affect of ground disturbance. We had a traffic study done by GPI. The traffic study was done at 6 different intersections located near this project. The traffic study report done by GPI is dated April of 2024. It was submitted to the Planning Board for review of the existing and expected traffic that were taken into consideration. The result of the traffic study was that there would be no significant impact of traffic. There would be no traffic mitigation required. In the past, you might have been use to seeing trailers going in and leaving the site. That would be done away with. It is just going to be passenger vehicles entering the site. Mr. DeJesus introduces the Applicants, Thomas Vega and Rick Ferruggia to give their presentation of the project.

Thomas Vega: I am an owner and manager of the campground. I will show and give you a presentation of the project. I would also like to introduce Rick Ferruggia who is also part of the ownership.

Rick Ferruggia: I am the principal owner involved with the campground a long with several other family members. We have grown up in Real Estate development and construction. We are primarily from Somerset New Jersey and Warren County. We are more recently located in Cape May, New Jersey. We purchased a campground in Cape May, New Jersey back in the year of 2017. We had also done an expansion to that campground. It is similar to what we propose here in a way that they are Park Models units. They are RV's that are designed to stay at campgrounds. Years ago, they were called park trailers. Today they call them Park Models. They are very attractive looking. They are designed for people who don't want to travel on the roads either by driving an RV or towing an RV. They want to continue with an RV vacation lifestyle by getting into their own personal car and driving up to a campground and having their accommodations there. Regarding some of the amenities, there is currently a bathhouse that would be replaced with a brand-new bathhouse. Starting at the bottom of the site where the barn is located at the entrance it shows a gate there would be a gate entry system installed. There is an old swimming pool on the site that hasn't been used in years. We are proposing to construct 2 pickle ball courts on that. We would also propose a

playground and a basketball court. Looking at the plans at the top of the site, there is an existing building that would have an additional roof cover open space on it. We propose a brand-new pavilion with a wood burning fireplace. This plan is a conceptual plan for a proposed swimming that would be located at the top of the site. Looking at the picture of the Park Model RV's, they come in on wheels. The wheels stay on. They would be secured and in place just like a conventional drivable RV would be. It has a nice appearance. This is the business model that we propose to transition to. We are permitted right now under the Code to have Park Models. They were recognized by the industry as a classified RV and built to RVIA standards. Pictured here is the unit that we propose to transition to. The result would be campers, RV's, that are towed in or driven in over the next few years would diminish in numbers as we transition to these Park Model RV's. Regarding the Town Code, to the campground's 210-day limit for a person or group to use that RV. It precludes people from permanently residing in the campground. Also in the Code, it states that they would have to provide us with proof of their primary address. Documentation would be available to the Town if they request it. We would not have anybody living in the campground as their primary residence. It is against the Town Code. We have a major investment between the purchase and the improvements to deviate from the Code to allow violations to occur. A campground Manager will be on site on a daily basis checking on things. He would be taking quarterly occupancy reports which have been required for many years.

Thomas Vega: The entrance gate system would be tracking occupancy individuals who would be utilizing the Park Models. What we propose would be vehicle tags located on the inside of register vehicles that would track their entry and exit. It would calculate the number of days a vehicle comes in and goes out. It would generate a report that would be provided to the Town. The campground Manager would be handling that.

Rick Ferruggia: There is a requirement for a license agreement to exist between the campground ownership and the Licensee. The Licensee is who would purchase a Park Model. They would leave it in the campground year-round. That License Agreement has all of the terms including all of the Town Code requirements as well with a long list of Rules and Regulations. Anybody who would be in violation, would be asked to leave. They would not be allowed back in. They would be required to sell their Park Model to someone else. We have a background check that we propose. We also do background checks in Cape May for anyone that purchases a Park Model. We know who would be coming in. Right now, at the campground, it is impossible to do background checks. You have people coming in from all over. You don't know who is coming in. Having these Park Models ensures that everybody knows who is in there. They become vacation neighbors. They would be comfortable knowing who is in there. There would be no children going to the public schools. Renting and Sub-Leasing is Prohibited. The people that would own these Park Models could not place them on an Airbnb or a VRBO and rent them out. That is how we run a campground down in Cape May. There would be no rentals available at all. Our website if you want to visit is called Cape Shores Resort in Rio Grande, NJ.

Vice-Chairman Showalter introduces the Planning Board members and Professionals to the audience as follows:

Danielle Dryer from Nelson Pope Voorhis, Town Planner.

Max Stach from Nelson Pope Voorhis, Town Planner.

Temí Alao, HDR, Inc. Planning Board Engineer's Assistant.

Laura Barca, HDR, Inc. Planning Board Engineer.

Roger Showalter, Vice-Chairman (Sitting in for the Planning Board Chairman, Benjamin Astorino)

Bob Krahulik, Town Planning Board Attorney.

Dennis McConnell, Planning Board Member.

Connie Sardo, Planning Board Secretary.

Bo Kennedy, Planning Board Member.

Vikki Garby, Alternate-Planning Board Member.

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: 03/27/24 no comments

Comment #7: OCDOH: Applicant to provide most recent OCDOH annual permit to operate a campground. 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

Comment #9: Building Department: 02/21/24 No violations at this time.

Comment #10: 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.

Bob Krahulik: That has been done.

Mr. McConnell: Mr. Vice-Chairman, is that a typo on Comment #10 where it states a sample of a lease agreement? Should that state as a license agreement? That was the point that the Applicant made in their discussion. They stated that they would not be lease agreements. They had stated it would be licensing agreements. The reason I bring that up is because they are often treated differently by court.

Vice-Chairman Showalter: Mr. McConnell. We will note that for the record.

Mr. McConnell: Thank you.

Comment #11: 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 #12: The guiderail detail submitted is a timber guiderail, which is not approved by NYSDOT. Drawings only provide a site plan layout that shows the guiderail schematically. Include updated drawing with dimensions and end treatments. Enlarged plans may be needed to provide further detail.

Laura Barca: The Applicant’s will be providing that information.

Vice-Chairman Showalter: Ok.

Comment #13: HDR has no additional comments on the Traffic Impact Study submitted. Traffic Study, April 2024

Comment #14: The SWPPP Narrative states that there will be a permanent stormwater feature (sheet flow to filter strips) used. This same feature is then also included in the existing watershed information. Applicant to explain how it can be both a proposed and an existing feature.

Laura Barca: The Applicants would need to submit that.

Vice-Chairman Showalter: Ok.

Comment #15: Applicant to confirm that the site provides slopes within the ranges specified in Section 5.3.2 of the "Bluebook". Please also confirm that the maximum contributing length is 150 feet for pervious surfaces and 75 feet for impervious.

Comment #16: Applicant to provide PDF copy of eNOI as a part of this application.

Comment #17: Add a detail for the proposed pavilion. Materials of construction should be added to the detail.

Comment #18: 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 #19: Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24.

Comment #20: Applicant to provide any Performance Bond or Landscaping Bond required by the planning board.

Comment #21: 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 #22: Payment of all fees.

Vice-Chairman Showalter: We need to add a Comment #23 stating "No construction to start until final maps are signed by the Planning Board Chairman".

Mr. McConnell: That note would need to be added to the plans.

Vice-Chairman Showalter: Ok. The no construction to start until maps are signed by the Planning Board Chairman must be added to the plans. I wanted to reiterate what I had said earlier to the audience. Please have courtesy to the people that come up to speak. Please do your best to stay quiet so that we could hear everyone speak. It is a large room. Please be courteous to your neighbors. If anyone wishes to address the Planning Board, please sign the sign-up sheet. All comments would need to be directed to the Planning Board not to the Applicant. I would also like to state that since the environmental review is incomplete, there would be no determination made tonight on the Serenity Ridge Campground application. We need a motion to open the public hearing for the Serenity Ridge Campground application.

Mr. McConnell makes a motion to open the Public Hearing for the Warwick HG, LLC/Serenity Ridge At Warwick Campground application.

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

Jody Cross: I am from the Law Firm of Zarin & Steinmetz. I represent Giora Neeman, LLC. They are the owners of the residential property that adjoins the campground to the east. They share an approximately 1900 L.F. boundary with the campground. We have been here in the past. We understand that this is a different application from the Black Bear Campground location. There are a lot of similarities. There were a lot of concerns that we had raised in the past. We continue to raise those concerns now. We had submitted a letter to the Planning Board. The first concern is regarding water and septic. I heard the Applicant mention that the DOH had been out there. We had done a FOIL on this application. I had not seen anything in the records from DOH or DEC. We have concerns about the water usage and that there is no data backing up the fact that there is sufficient water. We also have concerns regarding the onsite septic. There is a history regarding the septic system that is on this site with having effluent being discharged onto my client's property. We understand that the septic system was approved by the DOH. But we do think that the Town should require the Applicant to demonstrate that it is still functioning and it was built as planned. They should possibly have an independent analysis to determine that it is still functioning the way it should be. We also have concerns regarding the lighting. I have not seen a lighting plan. There are structures located right on near the 100-foot setback to my client's property. We wanted to make sure that there would be no light trespassing. If structures are going to be lighted past 10pm, the Town Code requires that those structures be placed at a 200-foot setback. We would ask for a condition that if those structures are less than 200 feet that they cannot be lighted past 10:00 p.m. In the past there has been structures within that setback. We acknowledge and Thank the Applicant for removing the laundry facility that was there. We wanted to make sure that there are no other pre-existing structures still in the setback. We want to talk about the screening. §164-49.2S requires and ok screen of plant materials and/or fencing. I know that there are a lot of trees proposed. I don't know what the size of those trees would be. How are they going to grow and when would they be at full height? How long would it take for the trees to mature? The issue is regarding all of those structures that are right near the setback and right behind my client's property, even if there are structures located there, it would not stop individuals from congregating in that setback area. We are asking for a privacy fence be placed along the boundary line. In regards to my letter that I sent to the Planning Board; I hope you have seen it. I believe it is in the record. I just wanted to point out that this application is a Type 1 Action under SEQRA. The Type 1 Action are those actions that most likely have significant environmental impacts. Even if they have just one potential for significant environmental impact, it requires, it requires the preparation of a DEIS. I expect that this Board would be doing its job to ensure that if there is the findings that there is a potential for environmental impact that an EIS would be prepared. We defer to our letter. Thank you for your time.

James McAteer: My SBL #7-2-62. I live at 802 Union Corners Road. I am located about 2000 feet up the road from the proposed project. I am not an attorney. I have read the Code. I have read the application to the best of my ability. I will raise some concerns that I would hope the Planning Board would consider. Regarding §164-45 Nonconforming Use A(1)(a) Alterations are limited to a 15% increase. The proposed project for the Long EAF that was submitted by the Applicant is 75%. In the same Section under cessation, it refers to mobile homes. I understand that these are not. When this Code was written, it was a constitution for the community and the Board. The recreational definition in the Code does not include Park Model RV's. It does say the things that does list says that it is not limited to which means it could include Park Model RV's. But when the Code was written, it did not take Park Model RV's into consideration. Cessation Nonconforming Use which this is a Special Use in a Rural Residential zoning. It also has the Ridgeline Overlay part of it as well. Each

of the nonconforming uses specified below is deemed sufficiently objectionable, undesirable and out of character in the district in which such use is located at to depreciate the value of other property and uses permitted in the district and blight the proper and orderly development and general welfare of such district and the Town to the point that each of such nonconforming uses shall be terminated on or before the expiration of the specified period of time after the effective date of this chapter, which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use. One of those uses is that in any district, any nonconforming use of a mobile home may be continued after the effective date of this chapter, provided that no replacement is made of one mobile home for another. By definition, I understand they are not mobile homes. When the Code was written, Park Model RV's did not exist. Mobile homes have been manufactured since the year 1974. They became manufactured homes. Manufactured homes are regulated by Housing Urban Development Department. These are manufactured as the Applicant had stated by the RV Association. Regarding §164-49.2 L requires two means of entrance and exit. There is only one on this County Road. I know that the Planning Board could provide an exception. I just wanted to make sure that the Planning Board would be considering that in their application process. Furthermore, the Applicant had stated that background checks are completed as to anyone that purchases one of these. Today I spoke to the campground that is located in Cape May New Jersey. The only background check that is completed is the credit background checks to make sure the Applicant is able to purchase one of these. The RV's that are located in Cape May are 800 s.f. I would like the Board to either ensure or consider to make sure that Park Model RV's by definition are limited to 400 s.f.. The ones down in Cape May New Jersey worked their way around that by adding on sunrooms that are not considered living space. It makes the total size of the unit that they sell from 400 s.f. to 800 s.f. making them immovable and look more like the trailers that people would be concerned about.

Vice-Chairman Showalter: Mr. McAteer, you have exceeded the time limit. I would ask you to submit the rest of your comments in writing to our Planning Board Secretary.

James McAteer: Respectfully, could I request more time or borrow someone else?

Vice-Chairman Showalter: We have to go through the list of other people to speak. It is only fair. You can submit all of your concerns in writing to the Planning Board. We read everything and take all concerns into consideration. The next person on the list to address their concerns to the Board is Heather Moran. Please come up and address the Planning Board.

Heather Moran: I live on 131 Big Island Road. I am a little confused. I took a look at the Old Black Bear Campground's website. It has their park map that shows 150 sites. If you go on their website and look at the pictures, you could see that they took various pictures of people occupying those sites. I confused about the 75 to 130 sites. However, maybe it has something to do with the size of these Park Model RV's. I don't think they will fit on the 150 sites that are in use now. Maybe if you add another 50+ sites they would fit these 800 s.f. Park Model RV's.

Vice-Chairman Showalter: That was the Black Bear Campground. The Applicant has a new plan. This is a new different plan.

Heather Moran: Ok.

Vice-Chairman Showalter: The next person on the list to address their concerns to the Board is Mayor Dan Harter. Please come up and address the Planning Board.

Mayor Dan Harter: I live at 12 Harter Road which is across the street from Jessup Road. It butts up against the backside of the Black Bear Campground. I wanted to know if I could give my 2 minutes to James McAteer. You had made that clear that the answer to that is no. My concern is how would this help my tax space? I can't see it helping my tax space. I could see it costing me money. When you double the size of anything, it would cost more in Law Enforcement, Police, Fire, and Ambulance. Who would enforce the laws of the Rules and Regulations of this campsite when they are not being enforced? Is it going to be the Planning Board? Is it going to be the Code Enforcement Officer or the Police? Regarding smoke issues, I have heard a number of times complaints about smoke coming from the campground to the point where they were going to call the Fire Department. The Fire Department costs money. Numerous times I have been told that the smoke is coming from the campground. Now you are going to double it. You are going to have more people smelling the smoke. I can't understand why you can't go with propane smokeless flame firepits. There is a concern with the one-way in and the one-way out. If there is an emergency in that campground, there is only one-way in and one-way out. There is no fencing around the whole campground. If people walk through the woods, they would have access to my backyard and to the neighbor's backyards. I can't understand why they are only replacing one bath house when they are going to double the size of the campground. Should they have two bath houses? Why just one? Cape May is a great place for a campground. You have something there. What do you have here? This use to be farmland. Now, it is mostly a residential area. There are very few leftover farms. The picture that they show of the campsite in the site locations looks to me like storage units. Thank you.

Vice-Chairman Showalter: Regarding Mr. Harter's comment on enforcement, the Building Department will do the enforcement. There would be an annual permit for each Park Model RV. If one breaks the rules, the permit would not be renewed and the entire campground would be shut down. The enforcement is very strict. The Board understands. That is why we have everyone here tonight to voice and listen to their concerns. To the audience, there is nothing set in stone. That is why we do this. Everybody has a voice. The next person on the list to address their concerns to the Board is Robert Scheuermann. Please come up and address the Planning Board.

Robert Scheuermann: I live at 273 Little York Road. I know they say that there is not supposed to be any children or school-aged children that would attend the public schools. They are supposed to have a background check to prove that they have a permanent residence and that is just part-time for weekends, vacations, etc... There is a federal law called the McKinney-Vento Law. It is a federal law that states if they come in and said they have lost their primary residence and now this is their residence. They could state that this is their residence. They could state that they are homeless. The School District that they fall within would have to accept those children into the district by federal and state law. At that point, it would cost the district on average of approximately \$25K per student. The School District does get some supplemental money. It does not cover all of it. Does the owner or the corporation have a proactive plan to back that up if they fall into that situation when someone claims they are homeless and this is now their primary residence? We have to and should educate the children that live there. The majority of that cost could possibly fall on the taxpayers. That is my main comment and concern. Thank you.

Vice-Chairman Showalter: Thank you. Your comment has been dully noted. The next person on the list to address their concerns is Alex Kocot. Please come up and address the Planning Board.

Alex Kocot: I live at 145 Big Island Road. I am the 4th generation of an onion producer. Many of you are familiar with the digging and the trenching of Quacker Creek this winter that we are always struggling about the drainage and runoff that comes from all of these developments and plans that everybody calls it progress. Nobody thinks about the runoff from these that comes our way that we always had to deal with. We have spent hundred of thousands of dollars trying to keep our drainage ways cleared. There is nobody that donates or grants any money for these drainage issues. This past drainage project was paid by the farmers only. There was nobody else that would come up with the money. These Park Model RV's look like a glorified motor home to me. I thought mobile homes were not allowed in the Town of Warwick. Now they come up with this fancy name called a Park Model. It seems like something that would metamorphosize down the road. They are going to try to satisfy the rules and satisfy the Planning Board. They are trying to do the best for the Town of Warwick. In the end, what happens in 5 or 10 years to this campground? To me, it is not considered a campground. It would be a permanent living for someone. It would metamorphosize into 365 days a year. Just like what Bob had said about someone one day could lose their primary residence. Then, they would try to go for an approval or a variance to stay there. A campground to me is when someone comes in for a weekend or for a week with their Class A, Class B, Trailer RV's and leaves the campground. These Park Models are not RV's. The Applicant had stated they are 14'6" in height. 13'6" is the maximum RV height. Campgrounds should be when people come in with their RV's or trailers and stay for a weekend or week and then they leave with their RV or trailer.

Vice-Chairman Showalter: Thank you for your comment. The next person on the list to address the Board is Jeff Stroosnyder. Please come up and address the Planning Board.

Jeff Stroosnyder: I live at 84 Sleepy Valley Road. My concern is that this is not a campground. It won't be a campground in 2 years when the Park Model trailers are sold. As the previous speaker had mentioned, a campground is something of a place where you go for a short period of time. I camp. I have a travel trailer. I go to campgrounds. I leave the campground once I have enjoyed the place that I visited. What the Applicant is going to build is a seasonal community for snowbirds. The definition of a campground is not clear. It would be more of a resort. That is all I have to say.

Vice-Chairman Showalter: Thank you. The next person on the list to address the Board is Patricia Rotello. Please come up and address the Planning Board.

Patricia Rotello: I live at 57 Jayne Street. I have a big concern over the burning of the wood. They talked about saving trees. They will be burning wood in firepits. I feel that it should be mandatory to have propane. The Applicant had stated they have wells. Is that going to be sufficient for the number of sites that they are proposing? Currently, how many sites are operated there? How long would the people be staying there? I agree with the last person that spoke. A campsite should be where you only go for a few weeks. An RV Park is a seasonal place to go to. How do you control the 210-day stay? Is it 210 days per year or is it 210 consecutive days? Regarding these units being purchased, how would the maintenance be handled? When someone purchases an RV, after 15 years they look like crap. Are these going to look like crap 15 years down the road. How would the maintenance be handled?

Vice-Chairman Showalter: Great questions. That is why we are here. The next person on the list to address the Board is Barbara Kikkert. Please come up and address the Planning Board.

Barbara Kikkert: I live at 102 Hunt Drive. Regarding the mobile homes and because they have tires, how would it affect our taxes and traffic? How many of those homes would be built there? Are they just going to be the homes and no RV's?

Vice-Chairman Showalter: Thank you for your questions.

Chuck Dill: I am a Geologist. I have a question about the site's preparation. How much of that area up there is shallow bedrock? How much is going to be torn up by construction by the way of putting in these individual lots? Are they going to be raised? What would the influence be on drainage? Would there be a lot of run off? Those are my questions.

Vice-Chairman Showalter: The next person on the list to address the Board is Alistair Fraser. Please come up and address the Planning Board.

Alistair Fraser: I live at 13 Dussenbury Drive. How would wildlife be handled regarding the bears, deer, turkeys, etc... How would wildlife be impacted? I have concerns about the camp fires and the smell of smoke. The camp fires would be a fire risk. We don't have a functional Village of Florida Fire Department. I also have concerns about the lighting at the campground bleeding onto the neighboring properties. The trailers do not meet the normal building codes. Who would be notified that they would be up to standards? How would the garbage be handled at the campground? It would be a problem with the bears. Could someone just walk in and pay \$10.00 to use the pool or pickle ball court? Who would stop anybody from walking in? Has the Village of Florida approved this?

Vice-Chairman Showalter: This application is not in the Village of Florida. It is located in the Town of Warwick. It falls under the Town of Warwick jurisdiction.

Alistair Fraser: Ok. What environmental studies have been done? I have concerns about the water runoff. There is 6 inches of solid shale. There are problems that currently exists with water runoff coming off that mountain. How would that be handled?

Vice-Chairman Showalter: Thank you for your questions, Mr. Fraser. Your questions would be addressed by our Professionals. Everyone in the audience that spoke brought up some good questions. Thank you for that. If anyone has any further comments or questions, please send them in writing to our Planning Board Secretary. This Public Hearing will be continued to the August 21, 2024 Planning Board Meeting @ 7:30 p.m. This is your notice. There would be no other notices sent out.

Mr. McConnell makes a motion to adjourn the Public Hearing to the August 21, 2024 Planning Board Meeting @ 7:30 p.m.

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

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. **Continued Public Hearing from the Planning Board Meeting of 6/5/24.**

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This Planning had deemed this application as a Type 2 Action on February 21, 2024. This application is not subject to SEQRA.

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicant proposes to remove an existing one-story one-bedroom dwelling that was hit by a car a couple years ago. He would like to move the house off the road to make it safer. He also would like to go up another story. The house would remain as a one-bedroom dwelling.

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 near Greenwood Lake

Comment #6: The lines that were added to the drawing are a bit confusing; additional labeling or a different line type/pattern should be presented.

Comment #7: The Applicant is proposing to “...Extend existing deck over concrete slab below.” Additional information should be added showing the height of this extension over the concrete slab, etc.

Comment #8: The Applicant is also proposing a new set of stairs. The plan should demonstrate how these stairs fit into the existing site features.

Brian Friedler: Ok.

Comment #9: The access easement must be shown on the plan and a copy of the easement submitted.

Brian Friedler: We would have to work on getting the easements. There are a few of them out there. We will get them to you.

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

Brian Friedler: Ok.

Comment #11: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Ok.

Comment #12: 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. They are located in the middle of the road. There are not any real spots to put the iron rods on. His property line goes out into the road. There is also a pin located in the lake.

Vice-Chairman Showalter: Bob, would it be ok to waive the certification of iron rods?

Bob Krahulik: Yes.

Comment #13: Payment of all fees.

Brian Friedler: Ok.

Vice-Chairman Showalter: This is a continued public hearing. If there is anyone in the audience wishing to address the Giljic application, please rise and state your name for the record.

Russell Sirico: I live at 529 Jersey Ave. At the last meeting, it was stated that the Town had no responsibility for property value being lowered because of this addition that would block the view for 4 separate people. Is that true that the Town is not responsible for property values being lowered?

Vice-Chairman Showalter: That is true. Correct.

Russell Sirico: Ok. It is on record. Moving the building 6 feet is not the same exact footprint. Now, he has to comply to all of the Building Codes. That would include the 10 feet from the property lines on all sides. You are not going to let him build a 2x4 house. He would have to build a 2x6 house. It is called Building Codes. Now that he moved the footprint of the house, he would have to apply to all of the Building Codes. He would be building right on the property line. My other concern is an environmental impact study should be done by the State, EPA or DEC. I was told by the Town of Warwick when I tried to build a while back that it could not be done because there was not enough space. Regarding my property value, I am going to lose \$50K on my house. I had it estimated. It would be blocking the view. You had stated that the Town has no responsibility. I would have to get a lawyer. The 4 of us that live there would have to get a lawyer because we would all lose about \$200K in property value because of this one little thing.

Bob Krahulik: With respect to the setbacks to the nonconformity, they are not increasing the nonconformity in any respect. If anything, they would be reducing the nonconformity. If the front yard setback is supposed to be 30 feet and they are at 5 feet

right now and since they are moving it back to 10 feet, if anything they would be mitigating the problem. They would not be making the problem worse.

Russell Sirico: My problem is that it should be subject to all of the Building Codes because it is not to the same exact footprint. If you are going to move the building, you would have to be 10 feet off a property line. You would have to be 10 feet from another building. They are your rules. They are not mine. It is a garage being converted into a house.

Vice-Chairman Showalter: Dully noted. Thank you.

Russell Sirico: I think there should be an environmental study done.

Max Stach: The State of New York has determined that this application is too small and would not require an Environmental Impact Statement. This Board cannot require that. This Board cannot require an Environmental Impact Statement for this application. This application is a Type 2 Action. There is no discretion that this Board has to require an Environmental Impact Statement. You had mentioned other agencies of the State of New York. That is not relevant.

Russell Sirico: The Department of Health has to check this and pass it. Is that correct?

Laura Barca: The septic system has been reviewed and approved by the O.C. Health Department.

Russell Sirico: What I am saying is that there is not enough property there to put a septic system in. They are going to hit shale.

Laura Barca: The O.C. Health Department has done all of the testing that was required. They have approved the septic system. It has not been installed yet. It has been reviewed and approved by the O.C. Health Department.

Vice-Chairman Showalter: Laura, it has been reviewed through the engineer. Is that correct?

Laura Barca: Correct.

Vice-Chairman Showalter: Mr. Sirico, that has all been done. It has been reviewed and approved. We have all of your comments. They have been dully noted. Do you have any other concerns?

Russell Sirico: I wanted to know what is happening with the lake rights on the property. There are about 3 or 4 of us that have lake rights.

Bob Krahulik: It appears that you might have lake rights. That would be between you and the property owner. If you think your rights are being trampled on, you would take it to court and you would sue to enforce your rights.

Russell Sirico: He has already torn out my dock.

Bob Krahulik: That would be a civil matter between you and the owner.

Russell Sirico: My concern is that he would be blocking my access to the 15 feet that I have.

Bob Krahulik: That issue is between you and the owner to resolve.

Laura Barca: The Plan has been revised as to where those stairs go down, they are proposing not to block that off. That portion of the property would remain as is.

Russell Sirico: Ok.

Vice-Chairman Showalter: Is there anyone else wishing to address the Giljic application?

Nuradin Giljic: I am the owner of 536 Jersey Ave. I had Connie call me yesterday regarding my escrow balance. I live in the City. I hardly come up to Orange County. I am trying to move forward. About 2 years ago, my daughter wanted to stay in Greenwood Lake. I told her no. I had a tenant live there prior to 2 years before that. The house got hit on a Friday night at 3am into Saturday morning. If they had stayed there, I would not be talking to them today. I am not looking to change any footprint or square-footage. I am moving the house off the road to make it safe. At the last meeting, there were issues about flooding. My property is 47x45. My property cannot flood Jersey Ave. I had a tenant live on my property for 2 years. They never complained about flooding. There was never a drop of water in the house. I am trying to rebuild and move up here. Thank you.

Vice-Chairman Showalter: Is there anyone else wishing to address the Giljic application? Let the record show no further public comment.

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

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

Mr. Kennedy 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. OC Planning Department – 02/13/24 advisory comment for erosion control near Greenwood Lake
2. The lines that were added to the drawing are a bit confusing; additional labeling or a different line type/pattern should be presented.
3. The Applicant is proposing to "...Extend existing deck over concrete slab below." Additional information should be added showing the height of this extension over the concrete slab, etc.

4. The Applicant is also proposing a new set of stairs. The plan should demonstrate how these stairs fit into the existing site features.
5. The access easement must be shown on the plan and a copy of the easement submitted.
6. 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
7. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
8. Surveyor to certify that iron rods have been set at all property corners. (WAIVED)
9. Payment of all fees.

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

Brian Friedler: Thank you.

Review of Submitted Maps:***Chancellor Lane Solar Project***

Application for Site Plan Approval and Special Use Permit for the construction and use of a 3.0 MW AC ground mounted commercial-scale solar energy installation, Use # 65, situated on tax parcel S 46 B 1 L 12; parcel located on the southern side of Chancellor Lane 300 feet south of Chancellor Lane (69 Chancellor Lane), in the RU zone, of the Town of Warwick. At the 7/19/23-PB Meeting, The Planning Board declared the application as a Type 1 Action. On 7/21/23-Planning Dep't. Circulated for Intent To Be Lead Agency to NYSDEC, ACOE, OCPL.

Representing the Applicant: Steve Long from Sol Source Power.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application started in 2022. There was a Notice of Intent circulated. A Part II EAF was adopted. There are several impacts that could potentially occur. We recommend to have the Applicant prepare a Draft Part III EAF for the Planning Board's consideration. The Applicant had prepared an EAF Part III, but it didn't have enough detail in it. With my memo, I have provided you my suggested Part III EAF for consideration for adoption this evening. Now typically when you get to this point where you reviewed the application, you work through the environmental impacts, you might be prepared to get to a Negative Declaration of environmental significance where you close the SEQRA process. However, I believe that this Applicant would not have gotten to this Negative Declaration had they not changed their plan. I think that it is fair and incumbent on this Board to circulate the revised plan along with the revised Part I EAF to the Agencies that were copied on the original SEQRA distribution which was to the US Army Corps of Engineers, Orange County Planning Department and NYSDEC. I do think this application is going to be prepared for a Negative Declaration at the next meeting if the Planning Board concurs with the Part III that we have provided. All of the technical issues were fairly straight-forward dealt with but with the exception of the Visual Impact Analysis. The original Visual Impact Analysis indicated that this project will be visible from public vantage points. It will be visible from the County Park near the Hickory Hill Golf Course. It would be visible from the Hawk Watch and the Appalachian Trail. It would also be visible from Wisner Road, Upper Wisner Road and Lower Wisner Road. It is our opinion and the Planning Board must determine whether they concur with this that the way the Applicant has revised their plans in response to those concerns namely retaining the understory vegetation that bifurcates this site as a screen an existing tall screen to break up the extent of the panels and to add some evergreen screening along the south edge of the array. Having that together would largely mitigate the far-off views from the most critical viewpoints. It is up to this Board to determine whether or not those changes significantly screen and mitigate the views so that you could determine that this is not a significant large adverse impact. That is the standard. As soon as you identify a significant adverse impact, then you would have to require an EIS. If you are comfortable after reviewing the facts of the case of the documented environmental impacts that it would not occur, then you are prepared to adopt a Negative Declaration. In this case again

because the application has changed with them retaining this bifurcating vegetation in the middle, we are suggesting that you distribute this to the Involved Agencies in order to give them a chance to provide any feedback that they may have on those project changes. That is where we are at. If you are in an agreement, you could adopt the Part III EAF tonight or you could wait until next month to do that and the Negative Declaration at the same time.

Mr. McConnell: I would like to wait since we had just received this.

Vice-Chairman Showalter: I agree.

Mr. Kennedy: I agree.

Ms. Garby: I agree.

Mr. Showalter: We have a consensus from the Planning to wait.

Comment #2: Applicant to discuss project.

Steve Long: I wasn't prepared to do a presentation on this. I thought we were here tonight to set the application for a public hearing. I have a question based on what Max had said. To distribute there is usually a 30-day process to have them comment. Do we need to wait that 30-day period?

Max Stach: No. This is an extraordinary step that we are taking. I think that it is a step that courts in NYS have found is necessary when you are going to do a Negative Declaration for a project that has changed. I think that it is necessary. The statute doesn't require it but I think it is advisable. There is no mandatory time-frame.

Vice-Chairman Showalter: Ok. Please in short form discuss what your project is about.

Steve Long: This application is for a proposed 3.0 MW AC ground mounted solar site located on Chancellor Lane. We have been in front of the Board for quite awhile changing the views from the system. I think we have come to an agreeable proposal. We are happy with the way it has ended up. The landowner is happy as well.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/28/23 advisory comments on Ag Soils, emergency services (long driveway), endangered species, fencing requirements, herbicides needed, Ag integration, stormwater concerns

Vice-Chairman Showalter: Do any Board members or Professionals have any comments or concerns on the remaining comments? Does the Applicant want to go over any comments?

Steve Long: No. We just ask the Board to set the application for a public hearing.

Vice-Chairman Showalter: We will list Comment #6 through Comment #38 for the record. Does the Board want to set the application for a public hearing at next available agenda?

Mr. McConnell makes a motion to Set the Chancellor Lane Solar Application for a Public Hearing At The Next Available Agenda.

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

Comment #6: TW Building Department – 02/20/24 no violations

Comment #7: Sheet C-3, Applicant to provide documentation that crossing the O&R easement has been approved by O&R. Any requirements of this crossing must be shown on the plans. The Applicant has reached out to O&R and will provide documentation when received.

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

Comment #9: A site contingency plan should be added as notes on the plan for Fire Department review.

Comment #10: Applicant states that nine poles are required; applicant to clarify which poles that are used by the solar company and which are for use by O&R. The poles are use by the solar company are able to be pad-mounted. Applicant is requested to update the plans.

Comment #11: Applicant to provide the electrical one-line diagram.

Comment #12: Applicant to provide the electrical drawings showing the quantity and location of inverters and transformers.

Comment #13: Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.

Comment #14: Applicant to clarify how panels will be installed and if soil testing is required prior to installation. Applicant to provide soil boring and test pit results.

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

Comment #16: Applicant to provide 20' cleared width on the inside of the fence and 10' cleared width on the outside of fence to comply with the intent of this code. The maintenance of these cleared area will be included in the O&M plan.

Comment #17: Applicant to provide structural Engineer of Record for the PV raking structure, for the foundation design, and for the geotechnical report.

Comment #18: Applicant to submit a preliminary "Basis of Design" that provides a summary description of the PV racking system, the type of foundations intended to be used for all electrical and PV equipment, the Risk Category that will be used, and the building code specified for wind, snow, ice, and seismic parameters.

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

Comment #21: The submitted Geotechnical report must address frost jacking or the appropriate frost depth to use for the solar racking foundations. Please provide frost depth and frost jacking and freeze stress that is to be used in the solar racking foundation design.

Comment #22: 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.

Comment #23: This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

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

Comment #25: The complete electrical design drawing should be included in the next submittal. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

Comment #26: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sht C-1, General Note 3

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

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

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

Comment #30: Applicant to clarify if there is a power purchase agreement (PPA) with the utilities. Please provide the signed PPA from the utility company. Please provide document showing that this is not required for community solar projects.

Comment #31: Applicant to confirm that Orange & Rockland is aware of project and if any upgrades are required (e.g., lines, substation, etc.). The fully executed copy of this agreement should be submitted during the planning board process.

Comment #32: Applicant to confirm who is responsible to file the Interconnection Application. Applicant to provide a copy of the signed Interconnection Service Agreement. Has been provided for a 2MW nameplate capacity; Applicant to confirm size of the system.

Comment #33: Applicant to confirm the submittal timing for the detailed design, including civil, structural, and electrical drawings (i.e., permit drawings). The detailed design will also include the inverter type & circuit configuration for a pad-mounted system. This information is required as part of the planning board review. The final documents will be presented to the Building Department for the issuance of a permit.

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

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

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

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

Comment #38: Payment of all fees.

Jason House Lot Line Change

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change with no construction proposed, situated on tax parcels S 27 B 3 L 1 and L 12; parcels located on the westerly side of Big Island Road at its intersection with House Road (11 House Road), in the RU zone, of the Town of Warwick.

Representing the Applicant: John McGloin, PLS.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This Application is a Type II Action 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. The project site appears to contain and are adjacent to farm operations in an Agricultural District and therefore the application must be forwarded to O.C. Department of Planning for GML 239-M review.

Comment #2: Applicant to discuss project.

John McGloin: I represent the Applicants the Estate of Alan House as well as Jason House who owns a 1.7-acre parcel. The parcel that we are proposing to grab 3.5 acres from is currently 29 acres. There is no new construction proposed. The parcel in question has an existing conservation easement on it. That conservation easement would remain and still be part of the record. He would go along if in fact it is changed to Jason House's property. The conservation easement goes with the land straight-forward.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 07/02/24 The shed on 27-3-12 has an expired permit #20363, pergola requires a permit

John McGloin: We will take care of that.

Comment #7: OCDOH – Previously filed map received approval on 10-18-05. Project involves alterations of lot lines that were previously approved by OCDOH; therefore, this project will require OCDOH review and approval.

John McGloin: We are aware of that.

Vice-Chairman Showalter: We will list Comment #8 through Comment #16 for the record. Do any Board members or Professionals have any comments for concerns?

Bob Krahulik: We would need to add a Comment #17 stating new deeds to be recorded establishing the new lot lines and new legal descriptions conveying the 3.5 to 2 acres from Lot 1 to Lot 12.

John McGloin: Ok. Since this is a lot line change with no construction proposed, we ask the Board to waive the public hearing.

Bob Krahulik: That would be up to the Board's discretion.

Mr. McConnell: I would like to first see some clarification from the OCDOH before I feel the public hearing to be waived.

John McGloin: We could request the waiver of the public hearing the next time around.

Vice-Chairman Showalter: I agree with Mr. McConnell. How does the rest of the Board feel?

Mr. Kennedy: I agree.

Ms. Garby: I agree.

Vice-Chairman Showalter: Ok. We have a consensus from the Board to wait until we hear from OCDOH before waiving the public hearing.

John McGloin: Ok. It will take some time to get through the Health Department process. That could possibly take 90 days. My client has retained an Engineer to pursue the Health Department. I request that we wait until another meeting to request a waiver of a public hearing.

Vice-Chairman Showalter: John, that would be fine.

John McGloin: Thank you.

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

Comment #9: The Town of Warwick standard note for lighting must be added to the plan.

Comment #10: A note should be added to the plan stating that there is no construction and no ground disturbance proposed.

Comment #11: A note should be added to the plan stating that there will be no further subdivision (with additional lots created) of either lot (per Town of Warwick Code §137-5).

Comment #12: A note should be added to reference the original subdivision for notes, specifically for Open Space Area B.

Comment #13: 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, Note 7

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Comment #15: Surveyor to sign and seal drawing.

Comment #16: Payment of all fees.

Elite Strategies/Hamilton Nursery School

Application for Site Plan Approval and Special Use Permit for the use and construction of reuse of existing commercial building as nursery school, and construction of parking area and storage shed, situated on tax parcels S 52 B 1 L 9 and 10.2; parcels located on the western side of Clinton Ave. Ext., 400 feet south of Galloway Road (10 Clinton Ave. Ext.), in the SL zone, of the Town of Warwick.

Representing the Applicant: Dan Getz from Engineering Properties and Surveying. Etta & Jonathon Hamilton, Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: The application qualifies as a Type II Action which states that, reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable Zoning Law or Ordinance, including permitted by Special Use Permit, is not subject to review. No further SEQRA action required. This project will need to be referred to the O.C. Department of Planning for GML 239-M review as it is within 500 feet of a Farm Operation in an Agricultural District, A State Highway and a County Road (Galloway Road) and a municipal boundary.

Comment #2: Applicant to discuss project.

Dan Getz: This application is located off 10 Clinton Ave. Ext. The existing building was the old Parkin building. The Applicants plan to remodel that building. It would stay at the same building footprint to reuse it as a pre-school and a special education pre-school that would have up to approximately 14 employees and approximately 80 students. As part of this, they would be building parking spaces. We have done a parking space calculation. Due to space constraints on the site, we do have the minimum of 5 acres of space on this property. It is 3 parcels that the Applicants had purchased that would be merged. There is limited space for parking due to questions about access rights to the parcel in the middle and due to the wetlands to the east. We propose to build fewer parking spaces than what is shown in the Code. The Code calculation was going to require 22 regular parking spaces and 10 drop-off parking spaces. This layout that we have we feel fits the site. It gives us the 10 drop-off parking spaces but 18 regular parking spaces. We would be asking the Board to consider waiving or modifying that requirement for the parking.

Bob Krahulik: You might need a variance for the reduced parking requirements. I would have to look into that matter.

Mr. Kennedy: Was it discussed at the Work Session? Looking at the plan, could you add parallel parking?

Dan Getz: If it is going to require a variance and that would be the only thing, we would need to go to the ZBA for, I think we would want to add additional parking spaces. Maybe we could reduce some of the landscaping area to fit a couple more parking spaces.

Vice-Chairman Showalter: Try to rework it.

Dan Getz: I think we would rather come back to another meeting with a reworked layout.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 07/02/24 no violations

Comment #6: OC Planning Department – pending

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

Vice-Chairman Showalter: Would the Board like to schedule a site visit?

Mr. McConnell: Given the discussion at the Work Session about the traffic flow and wanting to maintain the Right-Of-Way/Island, I would like to see it.

Bob Krahulik: The idea is not to obstruct the 50-foot Right-Of-Way for future development purposes.

The Board discusses scheduling a Planning Board site visit for the Elite Strategies/Hamilton application. The Site Visit has been scheduled for Monday, August 12, 2024 @ 6:00 p.m.

Vice-Chairman Showalter: We will list Comment #8 through Comment #23 for the record. Do any Board members or Professionals have any other comments or concerns? We will see you at the site visit on August 12, 2024 @ 6:00 p.m.

Dan Getz: Thank you.

Comment #8: §164-43.2A(2)(a) One parking space per employee plus 0.1 per person of capacity of enrollment plus drop-off spaces equal to one for each 8 enrollees permitted.

Comment #9: §164-46.J(104) Public schools, nursery schools, and institutions of higher learning, public libraries, museums and state-accredited private schools require a minimum lot size of five acres plus one acre for each 100 pupils, or the requirements of the State Board of Regents.

Comment #10: Applicant must obtain Childcare license or registration from the NYS Office of Children and Family Services.

Comment #11: Applicant must obtain approval of the special education program and registration of the nursery school program from the NYS Education Department.

Comment #12: Septic system will require a New York Professional Engineer's certification that it is functioning properly.

Comment #13: The 911 address(es) must be shown on the plan.

Comment #14: Applicant to grant an access easement across northern portion of Clinton Ave Extension or right-of-way parcel, to the two neighboring properties which use it for access to village road.

Comment #15: Applicant to create unimpeded access across the right-of-way parcel (Clinton Ave Extension). Applicant to add driveway, to create this access.

Comment #16: Applicant must request permission from to convert Clinton Ave Extension into a private road.

Comment #17: Applicant to submit scope of work for traffic study for review before starting the traffic study.

Comment #18: Planning Board to coordinate with Fire Department as part of the traffic patterns.

Comment #19: §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 #20: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

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

Comment #22: Surveyor to sign and seal drawing.

Comment #23: Payment of all fees.

Dennis Fernando/A Classy Joint

Application for Site Plan Approval and Special Use Permit for the use and construction of a 1,750 s.f. retail cannabis dispensary specializing in high quality, locally produced products, General Use #74, situated on tax parcels S 92 B 1 L 1.-13 and L 92-1-1.14; project located south side of Ronald Reagan 160 feet south of Ronald Reagan Blvd. (44-46 Ronald Reagan Blvd.) a/k/a Merchant Square owned by Grant Properties, LLC, in the DS zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This is a Type II Action which states that reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable Zoning Law or Ordinance, including permitted by Special Use Permit, is not subject to review. The Planning Board may enter the determination into the record by and Vote. No further SEQRA action required. The proposed use is within 500 feet of Kings Highway, a County Road, and therefore requires referral to O.C. Planning Department for GML-239M review.

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

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

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a retail cannabis dispensary specializing in high quality, locally produced products. We would occupy 44-46 Ronald Reagan Blvd. It would be approximately 1,700 square feet in store space.

Mr. McConnell: I am glad they are not going to have shavey merchandise. It would only be high class merchandise. I don't know if I have ever seen a high-class merchandise. I have read about this stuff.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 07/01/24 no violations.

Comment #6: OC Planning Department – pending

Comment #7: OCDOH – pending if any approvals needed

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

Vice-Chairman Showalter: Would the Board like to do a site visit?

Mr. McConnell: Is this located in an existing storefront? Which end of the shopping center is it located?

Brian Friedler: It is located on the left side of the shopping center.

Mr. McConnell: That use to be the pet store and a church. Is that correct?

Brian Friedler: Yes.

Mr. McConnell: I don't feel a site visit would be necessary.

Mr. Kennedy: I agree.

Ms. Garby: I agree.

Vice-Chairman Showalter: The Board came to a consensus that a Planning Board site visit would not be necessary. Do any Board members or Professionals have any comments or concerns?

Brian Friedler: We ask the Board to be set for a public hearing at the next available agenda?

Mr. Kennedy makes a motion to set the Grant Properties, LLC/Dennis Fernando/A Classy Joint for a Public Hearing at the next available agenda.

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

Vice-Chairman Showalter: We will list Comment #9 through Comment #22 for the record.

Brian Friedler: Thank you.

Comment #9: Service capacity letters are required to be submitted.

Comment #10: All existing and proposed signage must be shown on the plan. This includes depicting the location and related signage for any handicapped accessible parking spaces.

Comment #11: §164-46.J (76) Any Designed Shopping or Community Business District use located on a lot, any lot line of which lies within 100 feet of a residence or a residential district boundary, shall be screened along such lot line. Screening shall consist of a type of fencing or hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than six feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

Comment #12: Please add the Town of Warwick standard note for signage §164-43.1.

Comment #13: Applicant to confirm which septic system this facility is connected to and confirm that it is functioning properly.

Comment #14: The 911 addresses must be shown on the plan.

Comment #15: Parking calculations are to be provided.

Comment #16: §164-46.J(155(d)) Cannabis Retail Dispensary should submit copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act.

Comment #17: §164-46.J(155(e)) All special use permits issued under this subsection shall contain a condition that the cannabis retail dispensary shall not operate, and the special use permit shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and all of its agencies. Also, add a note to the plan.

Comment #18: §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 #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.”

Comment #20: Surveyor to certify that iron rods have been set at all property corners.

Comment #21: Any required declarations must be added to the plan; any required bonds and/or site inspection fees must be paid.

Comment #22: Payment of all fees.

Michael Brown Subdivision

Application for Sketch Plat Review of a proposed 3-Lot conventional subdivision, situated on tax parcel SBL 53-1-8; parcel located on the eastern side of Cascade Road, 2100 feet south of Birdsall Lane, in the MT zone, of the Town of Warwick. At The 2/21/24 Planning Board Meeting the Planning Board deemed application an "Unlisted" Action & coordinated review with NYSDEC.

Representing the Applicant: Kirk Rother, Engineer.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: The Planning Board on February 21, 2024, classified the Action as Unlisted Action. We have previously completed a draft Part 2 EAF for consideration. We are waiting for a Part 3 EAF to be submitted addressing the following potential impacts: Aesthetic Resources, Adverse Changes to Natural Resources, and potential for erosion and drainage problems.

Comment #2: Applicant to discuss project.

Kirk Rother: The application is for a proposed 3-Lot subdivision. It is situated on approximately 100 acres. It is located on Cascade Road, in the MT zone. As indicated, we had circulated for Lead Agency. The Planning Board had done a site visit. As you recall, there were two approximately 5-acre lots close to Cascade Road with the remainder of the parcel to be one large lot. We have done soil tests with HDR. We are looking to be set for a public hearing. Max, did your office prepare a Part 2 EAF?

Danielle Dreyer: Yes.

Max Stach: Yes. We did prepare a Part 2 EAF. I don't know if the Planning Board had adopted it yet?

Kirk Rother: The Board has not adopted the Part 2 EAF.

Max Stach: We had put it in a memo. It went out for Lead Agency NOI. We had to wait the 30 days. The Planning Board could adopt the Part 2 EAF as prepared by us tonight. If you concur with the negative impacts that we had identified in our previous memo dated back in February.

Connie Sardo: At the Planning Board meeting of 2/21/24, the Board deemed the application as an Unlisted Action and had done a coordinated review with the NYSDEC. That was the last time the Applicant was before the Planning Board.

Max Stach: Yes. So, they hadn't been back since then. The Planning Board could adopt the Part 2 EAF. The Applicant should provide the Board with a draft Part 3 EAF.

Vice-Chairman Showalter: Does the Board feel comfortable with adopting the Part 2 EAF?

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

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

Kirk Rother: We ask the Board to set the application for a public hearing at the next available agenda.

Mr. McConnell: Are we waiting for the Part 3 EAF?

Kirk Rother: Yes. We will submit the Part 3 EAF. We are just asking the Board to set us for a public hearing at the next available agenda.

Vice-Chairman Showalter: I don't see a problem with doing that. How does the rest of the Board feel?

Mr. McConnell makes a motion to set the Michael Brown Subdivision a Final Public Hearing at the next available agenda.

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

Bob Krahulik: Is there a note prohibiting any further subdivision of Lot #1?

Kirk Rother: Yes.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending

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

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

Kirk Rother: Yes. We are working on that. I don't know if the Board is familiar, but there is a website called CRIS that identifies potentially archeologically sensitive areas. There are kind of big puffy clouds all over the state. If you are in the clouds, it triggers the threshold. The cloud only covers about the rear 1/3rd of this property.

Vice-Chairman Showalter: You are covered by the cloud. That would mean you would need to conform.

Kirk Rother: We would have to conform. I don't know the answer to that yet. We would have to do a Part 1a, and 1b archeological study.

Max Stach: You are working on that. Is that correct?

Kirk Rother: Yes. We are working on that.

Max Stach: The Planning Board still retains authority under SEQRA as to whether or not this would have an impact on historical resources. However, SHPO essentially offers their consultation as a courtesy which is the CRIS system that Kirk had talked about. We do recommend that would be the most straight-forward way to do it.

Vice-Chairman Showalter: Kirk, you would take care of that matter.

Kirk Rother: Yes.

Vice-Chairman Showalter: We will list Comment #8 through Comment #19 for the record. Do any Board members or Professionals have any comments or concerns? Kirk, you will be back.

Kirk Rother: Thank you.

Comment #8: §137-21.K(2)(a)[1] Applicant to demonstrate safe emergency access for flag lots.

Comment #9: An additional driveway note must be added stating that if the driveway slope exceeds 10%, then the driveway must be paved in its entirety.

Comment #10: Different line types should be used for the existing and proposed property lines.

Comment #11: The jurisdiction and any appropriate buffers of the wetland must be shown on the plans.

Comment #12: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #13: 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, Note 12.

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Comment #15: Surveyor to sign and seal the plan with proposed metes and bounds.

Comment #16: The liber and page for any applicable filed declarations must be shown on the plans.

Comment #17: Any required items must be bonded (performance bond, landscape bond, etc.).

Comment #18: Payment in lieu of parkland for two lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #19: Payment of all fees.

Other Considerations:

1. PB Minutes of 6/20/24 for PB approval.

Mr. McConnell makes a motion to approve the PB Minutes of 6/20/24.

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

2. Planning Board to discuss canceling the 7/29/24-W.S. & 8/7/24-PB Meeting.

Ms. Garby makes a motion to cancel the 7/29/24-W.S. & 8/7/24-PB Meeting.

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

3. **Sibilla Subdivision** – Letter from Brian Friedler, dated 7/12/24 addressed to the Planning Board in regards to the Sibilla Subdivision – requesting 6-Month Extension on conditional Final Approval of a proposed 4-Lot Conventional subdivision, situated on tax parcel SBL #27-1-116; parcel located on the right side of Skysail Lane 1000 feet south of Amity Road (7 Skysail La.), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 2/21/24. *The Applicants are in the process of finalizing the conditions of final approval.* The 6-Month Extension becomes effective on 8/21/24.

Mr. Kennedy makes a motion on the Sibilla Subdivision application, granting a 6-Month Extension on conditional Final Approval (VOTE 4-0-1) for a proposed 4-Lot Conventional subdivision, situated on tax parcel S 27 B 1 L 116; parcel located on the right side of Skysail Lane 1000 feet south of Amity Road (7 Skysail La.), in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 2/21/24.

The 6-Month Extension becomes effective on 8/21/24.

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

Correspondences:

1. Email Letter from a resident Larry Cuccio addressed to the PB, dated 6/27/24 in regards to Serenity Ridge Campground Site Plan & SUP Application.
2. Email Letter from a resident John & Iris K addressed to the PB, dated 7/16/24 in regards to Giljic 536 Jersey Ave Site Plan Application.

Vice-Chairman Showalter: We have those correspondences in our packets.

Privilege Of The Floor For Agenda Items!!

Vice-Chairman Showalter: 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 July 17, 2024 Planning Board Meeting.

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