

TOWN OF WARWICK PLANNING BOARD

August 21, 2024

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
Rich Purcell,
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, August 21, 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.

Chairman Astorino: Before we get to the agenda, I would ask that everyone shut off their cell phones or put them on vibrate. We have four Public Hearings this evening. I would like to give the respect to the people that are up here speaking so that we don't get interrupted and the Board could hear so that could get very clear minutes. I would like to introduce the members of the Board and Town's Professionals that are here this evening as follows:

Danielle Dryer, NPV Town Planner
Max Stach, NPV Town Planner
Bob Krahulik, Town Planning Board Attorney
Roger Showalter, Vice-Chairman
Laura Barca, HDR, Inc., Town Planning Board Engineer
Benjamin Astorino, Chairman
Connie Sardo, Planning Board Secretary
Dennis McConnell, Planning Board Member
Bo Kennedy, Planning Board Member
Rich Purcell, Planning Board Member

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 7/17/24.

Representing the Applicant: Brad Cleverly, President of MJS Engineering, Juan DeJesus, Project Manager from MJS Engineering. Warwick HG, LLC, Thomas Vega and Charles-Rick Ferruggia, Applicants. Ronald Kossar, Applicant's Attorney.

Chairman Astorino: Brad, please address the Board. To the members and anybody from the public that speaks, please address the Board. Do not address the Applicants.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Since the last meeting, we were still going through our SEQRA review. We have boiled down most of the issues to water, sewer and visibility. The issue on visibility I think we have come to the point where we think those have been adequately addressed. However, the way that they had been addressed the Applicant has changed their plans by adding significant screening of additional trees along the back side of the campground and added some fences with fabric screen to block views along the site and roadways. Based on that and because the Applicant changed its plans, we recommend that it be redistributed to all of the Involved Agencies. As far as the water and sewer, I would refer that to Laura Barca who is reviewing those matters.

Chairman Astorino: Thank you. Before we get to the other comments this evening, this project is an expansion of an existing campground. Is everyone in an agreement with that? The Board is in an agreement about that. What that means is that they have 74 campsites that they currently have operational right now. The Applicant already has a site plan approval and special use permit for those 74 campsites. That means that they could operate the campground right now. They could have 5th Wheels, Park Models, Tow Behind, Bumper-Pull Trailers under the Town's Zoning Code for 74 campsites. They are before us for the expansion. What that means is that we are looking at what they want to do to expand. What it does for capabilities for water, sewer, and screening. We will discuss all of these issues tonight. Hopefully we could answer many questions. We would now have the Applicant to discuss the project.

Comment #2: Applicant to discuss project.

Brad Cleverly: I am from MJS Engineering. I am here to represent the Serenity Ridge At Warwick project. The campground has operated approximately 40 years as the Black Bear Campground as part of the Warwick community. The Applicant loves Warwick's natural beauty and its rural quality of life. The campground blends into the countryside with its abundance of old trees and minimal impact to the environment. The Applicant is now seeking Site Plan Approval and Special Use Permit for the expanded use and the construction of the 51.5-acre of parcel along Wheeler Road. As stated before, this would go from 74 campsites that are operated today up to 130 campsites which is part of this application. This is an existing campground. The Applicant aims to expand the campground matching the lands esthetics and the projects intended purpose. Juan DeJesus the Project Manager will briefly discuss some of the changes that have been made to the project.

Juan DeJesus: We are not requesting any variances at this time. The plan does conform to the Town Code. We still have that 100-foot buffer area that are free of amenities and free of campsites. In this buffer you would notice the increase in trees along the property lines. We would be adding over 70 additional trees to increase the screening. It would help with the views at the property lines and help insulate against noise. It would also minimize soil erosion and reduce stormwater runoff. That would be some of the benefits with these trees that we have added to the property lines. There would be additional sections of fencing. Some of the fencing would be chain line fencing with screening fabric to minimize the views and as well with the stockade fencing. Those are the changes that we had made.

Chairman Astorino: Max, did you witness those locations?

Max Stach: Yes. I met with the Applicant. We walked along the entire perimeter of the site. We looked for areas where you could see into neighboring yards. The objective was to see where it needed to be beefed up. I had some suggested areas where I thought I had some concerns. The Applicant in some areas has proposed a stockade fence. In other areas, they propose a 6-foot-high fence with fabric which conforms with the zoning. In other areas they have proposed a mix of eastern Red Cedar, White Pine and Norway Spruce. I agree with the treatment as shown on the landscaping plan most recently. I think they have done the right job dictating which area gets which treatment. Since the Applicant has changed their plan, the Involved Agencies needs to get an opportunity to comment on it.

Chairman Astorino: Ok. Thank you. As what our Town Planner had just pointed out to the public, it would need to get recirculated to the Involved Agencies. The Planning Board would be taking no action this evening on this application. It has to be recirculated. They would be coming back before the Planning Board. That is just a point of information for the public. To our Attorney Mr. Krahulik, we have received several correspondences from the public.

Bob Krahulik: Yes.

Chairman Astorino: I would like to point out regarding our Professionals that sit up here work for the Town of Warwick Planning Board. They don't work for the Applicant. They work to vet to whatever that has been submitted to us that it proves that it is done correctly and matches our Code. It is not just on this application. Every application gets the same treatment.

Bob Krahulik: We have received dozens of correspondences. Some were sent by email and some were sent by a format of a letter. One of the best letters that we received was authored by James McAteer. I will start off with his letter. I will do my best to respond to some of his questions and concerns. I would ask the Board to comment on some of the questions that he has raised as well. There were some issues that were touched upon in other letters that we would briefly address. Mr. McAteer's letter covers about 90% of the issues that most people are concerned about. He is concerned about the entirety of the details that describe how the project may adversely affect the neighborhood are not in harmony with the zoning. He provides significant grounds for the permit to be denied as submitted. The use as a campground is not a proposed use. It is already approved as a campground. The proposed use is simply for the expansion from 74 units up to 130 units. The Applicant also proposes safeguards to control who may occupy the units, for what length of time they could be occupied and the aesthetic appearance of some of these units in the form of Park Home RV. I thought it would be important for the Board to briefly consider whether or not what is being proposed is going to be improving with the current conditions that are on site. We had a long history of problems associated with this site up until now or whether the proposed expansion would have more of an adverse impact on the quality of life in the neighborhood.

Chairman Astorino: I know that we had discussed this at length. As of right now, 74 campsites have an approval with a special use permit. There is no agreement in place that monitors these sites. Is that correct?

Bob Krahulik: Yes.

Chairman Astorino: As of right now, we have been working through an agreement with the owners to make sure that the monitoring and the enforcement is stepped up to the level that we don't have an issue as we had in the past. I don't like going back to the past. I think most of the people that are in this room knows that this has been a problem in the past. We are here to eliminate the problem. Mr. Krahulik, if they violate the agreement or the site plan and special use permit that would be a yearly renewal through the Building Department. Is that correct?

Bob Krahulik: Yes. There are two things that are going on. #1) A number of new conditions are being imposed on the property owner. There are also lengthy license agreements that each of the unit owners have to sign which prohibits permanent residency that prohibit children from attending the schools, prohibits short-term rentals such as an Airbnb. Violations of any of these terms and conditions could result in the Applicant losing their permit which has to be renewed on an annual basis. If the permit is not renewed, one of the conditions would then require them to close the campground down entirely. Within 6-months for them to remove all campers of any and all nature from the property. It would revert back to a vacant piece of property. Moving onto James McAteer's concerns, he suggests that this is a

nonconforming use and that it is an illegal expansion of a nonconforming use. That is simply not the case. Campgrounds are a permitted use under the Town Code at that location. Whether we like it or not, the Applicant has the right to run the campground as it has up until now. The Applicant has the right to expand the campground. The current Code allows more than 150 campsites on the property. That was based on the formula of 3 campsites per acre. This site contains 52 acres. The Applicant is seeking permission for 130 units which is still 20 units less than they could request as a matter of right. Next is a suggestion that Park Model RVs are not prohibited that the concept of a Park Model RV is not the same as any other recreational vehicle. It is being suggested that a Park Model RV is a mobile home or a manufactured home. That is simply not the case. We rely on the guidance from the Department of Housing and Urban Development, which defines a manufactured home also known as a mobile home as follows: Manufactured Homes also known as Mobile homes or Double-Wides or Trailers are structures that are built as dwelling units with a permitted Chasity to assure the transport ability of the home. The steel Chasity is generally permitted as a necessary structure of component. This is what is critical. Manufactured Homes built in the United States after July 15, 1976 must contain a red label on the home. The labels are a manufactured certification that the home section is built in accordance with the HUD construction and safety standards. The term manufactured housing is used for factory-built homes which was used prior to 1976 when the HUD Code went into effect. If a Park Home RV contains a red sticker, then it would be prohibited from the site. That would be a manufactured home.

Chairman Astorino: These Park Model 5th Wheel bumper pulled RV's; they are not certified by the Building Association. They could never get a Certificate of Occupancy. Is that correct?

Bob Krahulik: That is correct. If they don't have the red label as required by HUD, it would be a different Adam.

Chairman Astorino: You cannot get a Certificate of Occupancy for anyone of those vehicles that I had just mentioned.

Bob Krahulik: Correct. The Building Department has no authority to issue a building permit or a C of O.

Chairman Astorino: They are not livable year-round. Is that correct?

Bob Krahulik: That is correct.

Chairman Astorino: Thank you.

Mr. Showalter: The Park Model RV's or camper would then be considered a motor vehicle because it would have a motor vehicle title.

Bob Krahulik: I don't know if that would be the only criteria. It is more of a matter of exclusion. If it doesn't have the red tag, it is a recreational vehicle. If it has the red tag, then it is a mobile home or a manufactured home which is prohibited in the Town of Warwick. That is the finding issue whether it has the HUD red tag

certification. The next concern, the proposed settlement of the campground spaces are among the highest density in the Town of Warwick are not representative of the historic pattern of settlement. It was suggested at 130 seasonal dwellings contained within 9.3 acres and that constitutes 14 units per acre. If you look at a 9.3-acre parcel where they are located, that might make sense. But that is not how the Code looks at this. The Code allows 3 units per acre for the entire site. The Applicant proposes 130 units. That results in less than 3 units per acre not 14 units per acre. Regarding the next concern, we talked about the screening. Our Town Planner, Max Stach had done a good job with that. The next concern from James McAteer, he had stated do not allow RV's or any campground unit to be permanently allowed year-round. I understand the concern. The problem is whether we like it or not, the Warwick Town Zoning Code expressly permits year-round storage of any RV as long as they go through the registration process with the Building Department. That is what we are requiring the Applicant to do. That is what the Applicant will do. Unfortunately, as a Board, we don't have the ability to just say no. You are going to have to remove them for 3 or 4 months of the year. The Code doesn't require that. We can't require that as a Board. A concern was raised about having only one point of access from the County Road. That is not true. There are 2 access points. Laura, please correct me if I am wrong, the 2nd access point is not paved. But as a condition of approval, we are going to require that to be paved. Is that correct?

Laura Barca: That is correct.

Bob Krahulik: Regardless of what the Code requires there is some discretion in the Code allowing the Board to permit a single access point anyway. That is not the case. There will be 2 access points. Regarding the concern as to whether or not the Applicant would be required to update well and septic permits before any approvals are granted. The County Health Department issues an annual permit for the campground. As a condition to the renewal with the Town of Warwick, they must first present the County Health Department permit which is renewed on an annual basis. That will happen each and every year. There was a concern about violations with children attending the schools and with people turning a seasonal campground site into a year-round permanent residence. These would all be violations of the conditions of approval. As we had previously discussed, if there are numerous violations there is a method by the Town which the Town would not renew the permit. If it is not removed, within 6-months the entire campsite could be closed down. Mr. McAteer had concerns about the tax benefits or detriments. I could tell you that the park right now pays about \$23K a year in school taxes and about another \$6K a year in state, county and town taxes. Whether if the campground consumes more town resources, then it pays, I guess it could be debated. Children are not permitted to attend the schools. The park is paying about \$23K in school taxes when children are not permitted to attend the schools. There was a comment about that the Applicant's propose use is to permanently install Park Model RV's with no intention to ever removing them. That is more in the case there today, as I had discussed before, that the Town Code permits year-round storage of an RV on site. There was a discussion about what exactly is a Park Model RV. As I had earlier discussed, it is not a manufactured home or a mobile home. It does fall under the definition of a recreational vehicle. It may not be your traditional recreational vehicle, but I could tell you that many of the Board members think that it is a superior product than a typical 5th Wheel or Camper and it will improve the

quality of the campsite. There was a recommendation by Mr. McAteer that the size of the Park Model RVs be limited to 325 s.f. There is a suggestion that the NYS Code limits the size of Park Model RVs to 325 s.f. That is simply not the case.

Chairman Astorino: There is a stipulation in the Town Code that they cannot add on or build onto any RV such as; porches, sunrooms, decks, etc...

Bob Krahulik: That is correct.

Chairman Astorino: Thank you.

Bob Krahulik: There was also a suggestion that the Board requires the campground to close during the winter months. That is not what the Code allows. The Town Code allows the campground to be open year-round. It limits occupancy to any one unit to a maximum of 210 days. Those 210 days could be used 12 months throughout the year.

Chairman Astorino: Bob, could you touch on the access as far as the 210 days? In my opinion, it should be 210 days for the unit.

Bob Krahulik: That is correct. We did receive a letter from Elizabeth Cassidy the Village of Florida Attorney who pointed out that it did not seem clear to her in the licensing agreement whether the 210-day restriction was per unit or per user to the extent that there is a need for clarification. I am going to review that agreement to make sure that it is crystal clear that it goes by the unit and not by the occupant.

Chairman Astorino: Absolutely.

Bob Krahulik: There is a recommendation that we restrict the number of days to 180 days per year. Mr. McAteer gets into NYS Tax Law at what point and time does a person become a permanent resident required them to pay NYS income taxes. That is beyond the Planning Board's scope of review. In response to the idea of limiting it to 180 days, but our Town Code expressly allows up to 210 days. Mr. McAteer spends a considerable amount of time questioning the Applicant's background checks. There is nothing in the Town Code that requires a background check. So to the extent that they are doing any background check at all is certainly better than nothing. I don't think the Planning Board is in a position to require background checks for each and every army that pulls into that parking lot. The extent of them doing something that is commendable but technically they don't have to. Mr. McAteer recommended that the Town of Warwick should consider hiring an additional Building Department personal to focus on campgrounds at a cost of the campground owner to ensure all codes are being followed. The owner will be paying an annual permit fee. That fee is designed to reimburse the Town for the cost of the monitoring that is going on. Regarding the concerns of short-term rentals, it is a condition of their approval that every licensing agreement for each RV owner would state that no short-term rentals are permitted whatsoever. If there is a short-term rental, we now have a mechanism that allows the Town to deny renewal of their permit. If the permit is not renewed, in 6-months the campsite would be closed down.

Chairman Astorino: That also goes for rental of the unit. You can't just rent these units out. You can't put an Ad in the paper stating here is a rental spot available for rent. It can't be rented out. Is that correct?

Bob Krahulik: Correct. Whether it would be Airbnb or VRBO, or just an Ad in the newspaper or your own personal Ad on Facebook, you cannot do that. I could tell you that the Town Building Department spends a lot of time in monitoring compliance for short-term rentals. If that is attempted, they will get caught rather quickly. This year alone to date, the Town has accumulated over \$150K in fines for people violating short-term rental laws. Finally, Mr. McAteer had suggested that the Applicant consider discontinuing the use of the property as a campground and subdividing the property and selling off single family home lots. That is something that is desired by Mr. McAteer. It is not a valid consideration for the Planning Board. Mr. McAteer had a concern with regards to the campground owner if he decides to sell the property. That would be a conversation that that Mr. McAteer could have with the property owner. It is not a valid consideration for the Planning Board. I want to quickly address Elizabeth Cassidy's letter. Many of Ms. Cassidy's letter were identical to James McAteer's letter. She touched up some of the licensing agreement rules and regulations. I will not disagree with the questions Ms. Cassidy had regarding the licensing agreement. I will undertake a review of her concerns and clarify that language. She had issues regarding the number of guest vehicles on site. I would let the Applicant respond to that issue. There is an inconsistency in the licensing agreement.

Chairman Astorino: That would have to be corrected.

Bob Krahulik: Yes. That would have to be corrected. The licensing agreement states that no parking is permitted anywhere by any vehicle other than your allocated spaces. That doesn't allow parking for guests. That would need to be clarified. There was some discussion about the safety and location of firepits. Laura Barca the Town Planning Board has looked into that. We are going to ensure that it is in compliance with state law that it is adhered to. In essence to small campfires that measures no higher than 3 feet and a width of 4 feet are exempt from most burning regulations beyond that size. Small campfires size fires are for the most part permitted and not subject to extraordinary regulations. I think that summarizes most of the concerns not only of the concerns from Mr. McAteer and Ms. Cassidy, but also a good summary of all of the other concerns and other correspondences.

Chairman Astorino: Thank you. Do any Board members or Professionals have any comments or concerns?

Mr. Kennedy: Regarding the two access points, are there security gates at both of those?

Chairman Astorino: It flows into the main gate.

Mr. Kennedy: Ok.

Chairman Astorino: I will now ask Laura Barca the Town Planning Board Engineer about her comments.

Laura Barca: Regarding the septic systems on site, they are already in place. They were reviewed and accepted by the Orange County Department of Health for 165 units. The Applicant proposes 130 units. Each of those units has the required 100% expansion area. As far as the water supply, I had researched information with the Orange County Department of Health as based upon an expanded EAF Part 3, which included the expanded EAF Part 3 which was recently submitted. We included a Hydrogeological Report. HDR has completed that review. Basically, it showed that everything should be fine. It has been fine in the past. However, there is no safe yield analysis. What that means is that if you do a draw down of your well over a certain amount of time, does that affect how much water is in the Aquifer and does that affect surrounding wells. I make a recommendation to the Planning Board that a safety yield analysis be completed by the Applicant to confirm that there would be no impact?

Chairman Astorino: Does the Board have any comments or concerns? Does the Board agree with the Applicant to do a safety yield analysis?

Mr. Showalter: Yes.

Mr. Kennedy: Yes.

Mr. McConnell: Yes.

Chairman Astorino: I think one of our Professionals recommended that. The Board agrees with that. That is fine. Laura, do you have anything else?

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.

Chairman Astorino: Laura, the traffic study was done and reviewed. Is that correct?

Laura Barca: Yes. That is correct.

Comment #6: OCDPW: 03/27/24 no comments

Comment #7: OCDOH: Applicant provided most recent OCDOH annual permit to operate a campground (Permit 230259, expires 12/31/24).

Chairman Astorino: We have that in our possession. Is that correct?

Laura Barca: Yes.

Comment #8: NYSDEC: Applicant has submitted the most recent copy of 11/21/14 SPDES septic permit 3-3354-00662-00001, valid until 11/20/2024.

Chairman Astorino: That would have to be renewed by 11/20/24.

Laura Barca: Correct. It is valid. We have a copy of that.

Comment #9: Applicant to update Sheet 1, Note 26 with information about the existing septic system, including but not limited to, design criteria and capacity.

Juan DeJesus: Yes.

Comment #10: Rental agreements must state that up to 5 guests can visit a campsite at any one time, non-inclusive of “vertical family members.” A proposed maximum of 8 overnight guests per campsite is permitted. Guests cannot enter campground unless owner is onsite and grants access.

Chairman Astorino: Bob, you are going to review that. Is that correct?

Bob Krahulik: I have reviewed it in great detail. I am going to take a second look at it and try to address some of Ms. Elizabeth Cassidy’s concerns.

Chairman Astorino: Ok.

Comment #11: Narrative should include how passenger vehicle data will be sorted and stored based on the license plate, the degree of accuracy of the tracking, and how the gate will be powered by the generator as backup.

Chairman Astorino: Laura, would we need a detail on the generator to make sure these functions 24/7 365 days a year? Is that correct?

Laura Barca: Yes. Correct.

Chairman Astorino: Bob, you are going to review the mechanism for the monitoring of the tags? You would get back to the Board on that matter.

Bob Krahulik: We would require some detail for the Building Department so that we understand what units are dropped on site and the tracking of to make sure that no units are occupied more than 210 days per year.

Chairman Astorino: Ok. As a Planning Board, we want to know that information. We understand that it goes to the Building Department. As a Planning Board, we would all like to understand how that mechanism is going to work fully.

Bob Krahulik: I will work on that with the Applicant on documenting that for you.

Chairman Astorino: Thank you.

Comment #12: Applicant to confirm if Sheet 1, Notes 19, 25, and 35 are still relevant.

Brad Cleverly: Yes.

Comment #13: Applicant to revise Sheet 1, Note 24 language to state that if the permit is not renewed every year by the Building Department or the Planning Board, then all campsites must be removed within six months.

Chairman Astorino: Dennis, did you have a problem with that?

Mr. McConnell: Yes. It states all campsites must be removed within 6 months. I am wondering if what the intent of that was for the units themselves to be removed. To remove a campsite there is quite a lot of infrastructure involved in terms of water, sewage and electric. To require that the campsite be removed within 6 months unless we have a bond that would enforce that, I think we would need to rethink whether their intent was if the physical units are going to be removed which means the revenue production...

Chairman Astorino: Or this is essentially shutting down the campsite. We would not be issuing the special use permit. They could not operate. They would have 6-months to remove. They would be physically shutdown.

Bob Krahulik: Each and every day they would continue to operate after the permit has been revoked could result in a \$500.00 per day fine. We added the 6-month criteria to give them a timeframe to get rid of the individual RVs. It wasn't considered for removing the infrastructure.

Mr. McConnell: Ok. That would constitute the campsite in which the infrastructure does not need to be removed. Is that correct?

Bob Krahulik: That was what I had envisioned.

Chairman Astorino: We would have to discuss that. I happen to agree with what you are trying to say. We would have to take a look into that.

Comment #14: Applicant to include definition of recreational vehicles as per town code and Department of Housing and Urban Development definitions and ensure that proposed campsites are compliant.

Brad Cleverly: Yes.

Comment #15: Proposed generator for gate should be shown on site plan, including a detail.

Brad Cleverly: Yes.

Comment #16: Applicant to submit sample of quarterly report to the planning board; does not need to contain personal information of campers.

Chairman Astorino: Bob, would you be reviewing that to make sure it contains all of the information that when it goes into the Building Department, they could do their job fully? Is that correct?

Bob Krahulik: Yes.

Chairman Astorino: Thank you. We as a Planning Board would want to see that and approve it before it even gets to that level.

Comment #17: The guiderail detail submitted is a timber guiderail. 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.

Brad Cleverly: Yes, we will.

Chairman Astorino: Laura, are you ok with the timber guiderail?

Laura Barca: We are reviewing it.

Chairman Astorino: ok.

Comment #18: Applicant to update Sheet 1, Note 12 to clarify that all campsites will have access to 20-, 30- or 50-amps electrical service.

Brad Cleverly: Yes. We will do that.

Comment #19: The eNOI lists the site as being entirely comprised of Group D soils. In the narrative, Table 2 identifies some sections of a Type A soil. Please confirm which is accurate and revise accordingly. The eNOI also notes that the MS4 is Orange County DPW. If that is the case then they would be the approving MS4. Applicant to verify this information.

Brad Cleverly: We will revise the NOI.

Comment #20: Add a detail for the proposed pavilion. Materials of construction should be added to the detail.

Brad Cleverly: Yes.

Comment #21: Light fixtures should be shown on the Site Plans.

Brad Cleverly: Yes.

Chairman Astorino: Do we have a lighting plan?

Brad Cleverly: Yes.

Chairman Astorino: Does it meet the criteria of the Code?

Laura Barca: It will.

Comment #22: Verify that no lighting is proposed for sports courts (pickleball, basketball, pool).

Brad Cleverly: Yes.

Comment #23: Verify that no lighting is proposed at the bathhouse.

Brad Cleverly: Yes.

Comment #24: Verify that lighting is provided for the public phones.

Brad Cleverly: Yes.

Comment #25: Proposed Holophane lighting should be reduced from 4,000K to 3,000K.

Brad Cleverly: Yes.

Comment #26: Applicant to verify (and include in detail notes) that the bottom of the Holophane fixture is proposed higher than the eave of the pavilion.

Brad Cleverly: Yes.

Comment #27: Applicant should consider using post-top luminaires to prevent casting light upward.

Brad Cleverly: Yes.

Comment #28: Submitted hydrogeologic report currently under review.

Chairman Astorino: Laura, you had spoken about that this evening.

Laura Barca: Yes.

Comment #29: 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).

Brad Cleverly: Yes.

Comment #30: Applicant to comply with obtaining an annual Building Department permit in compliance with the Town Code and Sheet 1, Note 24.

Brad Cleverly: Yes.

Comment #31: Applicant to provide any Performance Bond or Landscaping Bond required by the planning board.

Brad Cleverly: Yes.

Chairman Astorino: That will be required. The Landscape Bond would be a 3-year bond.

Comment #32: Payment of all fees.

Brad Cleverly: Yes.

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

Mr. McConnell: I don't believe that we had seen renderings of the units that are proposed? There may be multiple models or styles. I think we should see what these units would look like.

Juan DeJesus: We had shown a rendering at our last meeting.

Chairman Astorino: We do have two renderings in our files.

Mr. McConnell: Ok.

Chairman Astorino: If you would like, we could get some more renderings for the Board to see.

Mr. McConnell: Ok. Thank you.

Max Stach: One of the things that we had discussed at the Workshop was the former laundry facility located at the top of the site. That had mistakenly installed a leach field on your neighbor's property. That leach field has been removed per your design plans. The only user of that leach field was that laundry facility. It is no longer there and it is not proposed. Is that correct?

Juan DeJesus: Yes. All components have been removed and the soil has been tested. It meets the EPA standards that the soil has no contaminants.

Max Stach: There is no other water user like a laundry building proposed in that area any longer. Is that correct?

Juan DeJesus: Correct.

Chairman Astorino: Do any other Board members or Professionals have any comments or concerns?

Mr. Purcell: Mr. McAteer had referenced an occasional incidence that required police presence up there. Is that a fact? If so, do we have any indication as to how often the police was going in there to rectify an issue between two neighbors or whatever? Do we know about any of that?

Chairman Astorino: I am sure we could dig up a police report if there are any from the Police Department. I don't know about that. I would hope there would not be too many. I guess you could have a domestic issue at any location at any place in the Town of Warwick. I don't know. That would be something that would be ambiguous. This is a public hearing. If there is anyone in the audience wishing to address the Planning Board on the Serenity Ridge Campground application, please rise and state your name for the record.

Lori Augustyn: When would the water setting be complete?

Chairman Astorino: We are setting that up as we speak.

Lori Augustyn: Regarding the sewer, what kind of sewer is up there right now?

Chairman Astorino: It is a septic system.

Lori Augustyn: Is the septic system adequate?

Chairman Astorino: Yes.

Laura Barca: Yes.

Chairman Astorino: It was approved by the Orange County Health Department for 165 units.

Lori Augustyn: For 210 days out of the year.

Chairman Astorino: Yes.

Lori Augustyn: I have to go on that little 3x4 campfire because I live right over the hill. Think about having 130 of them every night. Think about that smell. Come sit at my house. I will call you up the next time they are burning. It is bad. I am not a campfire person. I cannot open my windows.

Chairman Astorino: That issue was brought up this evening.

Lori Augustyn: That is all I have to say. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge application?

Alistair Fraser: The campground had stated they like the green space of the rural area of Warwick. What would they do about the displacing of wildlife? Where are the bears going to live? What about water runoff and drainage?

Chairman Astorino: There is a Stormwater Pollution Prevention Plan in place. We will address that. That is being reviewed.

Max Stach: One of the things to recognize is that while the RV units are not there, a lot of this site has already been cleared, mowed and regularly set up for those units to be there. We have calculated and I had asked the Applicant today to verify my calculations on how much woods are being removed versus the mowed fields. Right now, by my calculations, it is about less than 1/2-acre over the entire 52 are woods coming down. The areas where it was mowed are where these units would be going.

Alistair Frasier: The wildlife such as; deer, turkeys and bears live up there and would be displaced. If you put these units up there, where would they go? The

wildlife has to go somewhere. You spent a lot of time what a mobile home was. You did not give us a definition of an RV. A Board member questioned about the rendering. At the last meeting, you showed it. It looks like a log cabin. They are put in on wheels. They are not meant to be moved. When they have been up there for a year, the tires become flat. The axles get rusted. The breaks are ceased. You are not moving it. You talked about if they don't comply, they would have to be removed. It is not moving. I have a trailer. You could add a deck, porch or awning on these.

Chairman Astorino: It is hypothetical. They would get inspected. If they do those things, they would get a violation.

Alistair Fraser: These units don't have a C of O. That would also mean they don't have any construction standards. That is a safety issue. You have 3 units per acre. If one catches fire, then there is a second one up next door. You have 130 units up there. It is 4th of July. There is one entrance. The other one would be blocked off with fencing because it is an emergency exit. If something happens and you are trying to get people out of that site. As a neighbor to this site, I would like to know where this 2nd entrance is.

Chairman Astorino: It will be shown on the plan. I have been up to the site. It is not paved right now. We will require it to be paved.

Alistair Fraser: Where is it coming out?

Chairman Astorino: It would be coming out onto the County Road coming through that driveway up to their driveway. It has been approved by the OCDPW.

Alistair Fraser: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge application?

Larry Cuccio: I live at 21 Dussenbury Drive. I have been there 45 years. My property borders the campground. I have written a letter to the Planning Board previously. My main concern right now with the proposed expansion, I had people trespass on my property over the years. My concern is the security not only for my property but the properties that borders the campground. I did a tour with one of the campground owners, Thomas Vega back in February. We walked in the back. I know there is a 100-foot buffer that would be kept. I suggested to him at that time that there is the one road that comes down right behind my property. I suggested to him to put up a fence so that people know that area is off limits.

Max Stach: I also had met with Thomas Vega on the property. He had agreed to put up a fence. You are aware that there is an area there where there is really thick thicket. There is an existing fence along one of the property lines that comes down. That is going to be dog like into that thicket. You would either have to walk through that or go through the fence. You wouldn't be able to do that. There is a 6-foot chain link fence proposed now. Along the top of the road, they are going to put up a stockade fence to block headlights from pointing into your yard.

Larry Cuccio: Ok. They are going to put up a fence down the road itself. Is that correct?

Chairman Astorino: Yes. It would be put up higher.

Max Stach: It would be up higher. A solid stockade fence would be installed for the headlights. Then they are going to carry the existing fence down with a chain link fence so that you cannot go around the stockade fence into the yards. They would have to climb the 6-foot chain link fence.

Larry Cuccio: Ok. That was my main concern.

Chairman Astorino: That was a very valid concern. When you go there, you could see the back yards. You cannot have that.

Larry Cuccio: Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Rob Scheuermann: I live at 273 Little York Road. I know that you had said that if there are violations the special use permit could be pulled. How many or what type of violations would justify?

Chairman Astorino: If they violate their site plan, they would get an order of remedy. If that is not complied with, they would be taken to court as with every owner that would violate. There are numerous businesses in this community. If you violate your site plan and there are complaints, the Building Department would go out and issue a violation. I think they would give you an Order of Remedy first. If you don't want to comply, you would then go to court. When they come back and they still don't remedy their situation, they would have to get another special use permit. Is that correct?

Bob Krahulik: They would have to renew their permit.

Chairman Astorino: Yes. If you have violations and you are not correcting them, why would you be renewing their permit? What would be the rationale to renew it? It is enforcement. I have been here for a long enough time to know what a crap storm Black Bear Campground was. I said that about 9 months ago when this application came before us. We learn from the past and go forward. I could say that this Planning Board takes more effort and time to vet every project. I would say this to the Professionals, they are probably the best Professionals in the County for what they do. I do not say that lightly. If I had a problem, they well know who I am. They would hear from me. They get paid well to do their job. We expect them to do their job and do it properly. I understand that the Village of Florida had their Professionals take a look at this. That was nice. That was a very good thing. They have every right to do that. I will say this that our Professionals will and continue to vet this on behalf of the Town of Warwick Planning Board. They will follow the Code. The Town of Warwick Planning Board is not a very quiet Board. We ask

questions. We make sure it is done properly. It is not just for Serenity Ridge; I am not singling you out. There are other applications here this evening that we do the same on. We take every project very seriously. Mr. Scheuermann with that being said, everything that goes through this Board would be vetted before it would get to the Building Department. That is a known fact. I have been here for 22 years. It has been that way since I have been here. It was that way before I got here. The vetting process that this Board has done is second to none. It would continue that way.

Mr. McConnell: No one has more at stake with not violating that which would be put in place than the Applicant. I would hate to speculate as to what they had spent, but if it is on the line then how diligent would you be to be sure that you don't have a situation that puts it at risk?

Rob Scheuermann: Right. Understood.

Mr. McConnell: That is what we are counting on. We are doing our job in setting the guidelines and rules as per the Code. At the end of the day, I am not going to lose anything if their permit gets pulled. They would have more at risk than anyone else.

Rob Scheuermann: Right. My second question is that Mr. Krahulik had reiterated that their rules and regulations would be no school-aged children.

Chairman Astorino: It is no children to attend schools.

Rob Scheuermann: Right. No school-aged children would attend the Florida School District. There is currently right now in our School District deals with two students that were in the Black Bear Campground but are no longer in there but we are responsible at the moment for transporting them to where they now have gone because with the displacement law they could still choose. They left there and went somewhere else to keep going to the Florida School District. As you had stated, they pay \$23K in school taxes. We know that it cost between \$24K & \$26K per student to educate them for a year. We have two students right now.

Chairman Astorino: If someone rented a home out in the Florida School District and did not pay rent or whatever, could you be responsible for those children if they had said they are homeless children?

Rob Scheuermann: It would be the McKinny-Vento Law.

Chairman Astorino: You would be responsible. Is that correct?

Rob Scheuermann: Yes.

Chairman Astorino: This could also happen in the Town of Warwick for the Warwick Valley School District. Is that correct?

Rob Scheuermann: Yes. It is for any School District. It is a federal law. As much as it is supposed to be no student, I understand in the paperwork but we currently deal with two students.

Chairman Astorino: My point about saying that is, it could happen without a campground. It could happen if someone rents a home or if somebody Airbnb a home in the Town of Warwick for 4 months, they would be in the Town of Warwick School District. Is that correct?

Rob Scheuermann: Right.

Chairman Astorino: It could happen. It could happen anywhere.

Rob Scheuermann: It is happening now.

Chairman Astorino: It could happen on Farries Avenue. Is that correct?

Rob Scheuermann: Right.

Chairman Astorino: Ok.

Rob Scheuermann: It is just a concern of the district's taxpayer's money. If you are talking about having 130 units let's, say have of it at 65 units and ended up with one per kid. One kid at about \$24K to \$26K per kid on a \$23K tax roll would not hurt the Warwick School District taxpayers. It would hurt the Florida School District taxpayers. I feel responsible to ask.

Chairman Astorino: Understood. Mr. Krahulik, you could address that as you review this. You don't have to address that now.

Bob Krahulik: I am prepared to respond right now. That might be a legitimate concern to outlaw campgrounds altogether townwide. You can't look at an application and say what if something would happen and therefore, we deny the use which is permitted under the Law. The answer is do not deny the application. They already have 74 units up and running. You cannot stop those. If that is your concern, it would be the Town Board to outlaw campgrounds entirely.

Chairman Astorino: That would be the same with rental units or what have you.

Rob Scheuermann: Understood.

Bob Krahulik: There is one other thing that I want to highlight which is very unique to campground uses is that they would have to renew their permits annually. Not every business that opens up in the Town of Warwick has to renew annually. This campground has to.

Rob Scheuermann: Understood.

Bob Krahulik: Once a year if there is a problem, this Board might have the ability to shut them down entirely.

Laura Barca: What is different in this case with the campground versus a single-family home where that could happen is that per the licensing agreement, they are required to show proof of residence for their primary residence which would not be the RVs that would be at the campground. If someone goes to rent a unit or house for 4 months there is not that security measure there.

Rob Scheuermann: It is just a concern of ours. It would have to be watched out for. Thank you.

Chairman Astorino: Ok. It is a valid concern. Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Daniel Harter: I live at 11 Harter Road in the Town of Warwick. First of all, I would like to commend your Vice-Chairman Mr. Showalter for doing an outstanding job at the last meeting in your absence.

Chairman Astorino: Yes. He had done a great job.

Daniel Harter: He is a great man.

Mr. Showalter: Thank you.

Daniel Harter: Is this campground going to be like a gated-like community?

Chairman Astorino: There would be an electronic gate that would monitor who goes in and out. That is a safeguard.

Daniel Harter: I know it is a safeguard. Has the Planning Board looked into the access for Police, Fire, and EMS?

Chairman Astorino: Yes. They have all been notified?

Daniel Harter: How about the Sheriff Department?

Chairman Astorino: Every emergency service.

Daniel Harter: Ok. How would they get in?

Chairman Astorino: They would have access. There would be a lockbox. They would have to provide access for emergency services.

Daniel Harter: Ok. Regarding the water testing for the extra units that would be coming in, could that be a 72-hour water test to make sure there is enough water for the new units that are coming in?

Laura Barca: There will be a pump test. We are not sure if it would be the 72 hours?

Daniel Harter: But it would guarantee that the extra units that are going in there would have enough water?

Chairman Astorino: The bottom line is that they are going to do a test and go out to residents in the vicinity. I want to say to the residents to anyone that might get a letter, if you would allow them to, they would hook up to your well to do their test to monitor their well.

Daniel Harter: I received a letter. I would allow them to.

Chairman Astorino: We cannot not force the residents to do the testing. The residents would have to give permission.

Laura Barca: It is called a Safe Yield Analysis.

Chairman Astorino: There will be a test to do on the wells at the Serenity Ridge Campground. There is going to be a circumference around. Letters will go out from the Applicant requesting to monitor your well. At that point, to the residents who is within that circumference to receive a letter could either say yes or no. It is not this Board's obligation to enforce anything on you. It is private property. It would be your right to say yes or no. If you tell the Applicant yes, they would monitor your well and bring the data back to our Professionals to review and report to the Planning Board. That is where we are at right now. Mr. Harter, do you have anything else?

Daniel Harter: These RVs that they are putting on the back of these trailers, would they have permits or registration by the Board?

Chairman Astorino: As of right now, there are 74 campsites that they could operate right now.

Daniel Harter: My question is going to be is that people would not be able to start putting these up in their backyards?

Chairman Astorino: No. That is not a campground.

Daniel Harter: But you could park a camper that you would tow all over the place in your backyard.

Chairman Astorino: To a degree. I think there is a certain thing in the Code that states it would have to be parked on a certain side of the house.

Daniel Harter: My concern is that they couldn't start popping up all over the neighborhood.

Chairman Astorino: They can't. It is only for a campground. For private backyards for parking an RV, there are regulations in the Town Code for that.

Daniel Harter: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Brandan Fragale: I was at the last meeting. It was my understanding that the majority of the site they would be bringing in Park Models. They would not be open rental sites and these Park Models would then be sold.

Chairman Astorino: I believe that before they would bring in the units they would be sold. I believe that they would be phased in. I am not part of his business model. It is not our concern if he makes money or not. That is not our issue. It is our issue that we make sure he follows the Code.

Brandan Fragale: If these Park Models are there for up to 210 days and then they are stored there for the rest of the year, then it would essentially be a community up there. None of these would ever be leaving.

Chairman Astorino: That is what you have up there right now for 74 sites. They currently have 74 permitted sites.

Brandan Fragale: Are those 74 campers parked there year-round?

Chairman Astorino: They could be.

Brandan Fragale: My concern is that would there be an age restriction on the units that are allowed there? I am a camper. I go to places where the campers have to be 10 years or newer. If 130 of these sites that becomes Park Models that never leaves this place, what would it be in 20 years? Would it be rundown models that would be allowed to be there?

Chairman Astorino: That is a valid question.

Brandan Fragale: Anybody that knows about RVs has a usable life.

Chairman Astorino: I agree with you. It doesn't only have to pertain to Park Models. You could have 5th Wheels parked there for 20 years as well. That could be the same with the pull behinds. That is a valid question. Mr. Krahulik, you would need to look into that in the licensing agreement.

Mr. McConnell: What happens in a typical campground that we are familiar with before Park Models was that those campgrounds were permitted at permanent sites also had rules that if your 5th Wheel doesn't meet doesn't meet certain standards, they would just come and tell you that you would have to move it. They would not want to bring down the look of the whole park. I don't know if these gentlemen had considered that. That would be one solution for what you are thinking about which is in 20 years if it is a shanty town. That benefits nobody including the owners of the campground.

Brandan Fragale: I understand you. The chances are that the owners that are building this campground they would make a viable business model and then they would sell this campground.

Chairman Astorino: If we have the safeguards in place for enforcement, it would not matter who buys it.

Brandan Fragale: I agree. But I feel there should be a 10-year restriction on the age of the units that are allowed to be stored there.

Chairman Astorino: That would be something we would vet. That is a very valid comment.

Brandan Fragale: Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Chris Kimiecik: I am looking for some clarification. You keep mentioning the permit renewal. Is that for individual for the site or the whole campground?

Chairman Astorino: It is for the whole campground.

Chris Kimiecik: Ok. Just for devil's advocate. You have 130 sites. You have 3 people doing bad things and there are violations. You threaten to shut it down.

Chairman Astorino: You violate the campground. You don't violate the site.

Chris Kimiecik: Ok. These are not campers. There are 127 owners. If you pull the permit...

Chairman Astorino: They would have to get out.

Chris Kimiecik: Do you know how many lawsuits there would be if you have 127 owners that can't access the property?

Chairman Astorino: The owners of the 5th Wheels are not before us. It is the owner of the campground that does the site plan and special use permit.

Chris Kimiecik: You think it would be legit to pull the permit on 127 owners?

Bob Krahulik: They would have to remove the unit. They would have to remove the unit out of there.

Chris Kimiecik: If they are not capable. Say this is being sold and you purchased it, this thing is setup and delivered. They are not towing them in on their own. So now they would be told that they have 6 months to figure out how to remove something that they purchased and they have violated.

Chairman Astorino: They are not told anything. It is the campground landowner is told.

Chris Kimiecik: Does that sound legit that you would have 127 people make arrangements to have their units removed?

Chairman Astorino: It would be the landowner that would have to make the arrangements to get them off the property because it would be a violation.

Bob Krahulik: If the landowner does not do that, it would be \$500.00 per day fine.

Chris Kimiecik: Do you think the people would agree to have their units removed?

Chairman Astorino: They don't have to agree. They would be in violation of their site plan.

Chris Kimiecik: That sounds unrealistic.

Mr. McConnell: People get evicted every day.

Chris Kimiecik: Not for 127 people at once in an entire community.

Mr. McConnell: They are not landowners. They are licensees.

Chairman Astorino: The campground owner is responsible for their site plan and special use permit.

Chris Kimiecik: As you had previously said earlier tonight, you had said that this place has been a chronic headache for several years. Do you think doubling the size of it sounds like a logical way to solve the problem?

Chairman Astorino: It seems like now that we have a lot of agreements in place that have teeth that could enforce this. Chris, they could operate 74 campsites right now. It is a different owner. Right now, we are vetting out so we don't have the problems in the future. It has to be vetted. It has to be done properly so that our Building Department could vet this and enforce it.

Chris Kimiecik: At one point, you had said no year-round residence. They could live there year-round.

Chairman Astorino: They cannot.

Chris Kimiecik: They can live there consecutively. They could live there in the summer or winter with no building codes or standards.

Mr. McConnell: Not more than 210 days.

Chris Kimiecik: These things could still be there 15 years from now.

Chairman Astorino: The previous gentleman had stated that before. It was a very good comment. We will vet it out. We would go from there. I can't answer right now what could be done. It was a valid concern.

Chris Kimiecik: Ok. Thank you.

Chairman Astorino: Is there anyone else in the audience wishing to address the Planning Board on the Serenity Ridge Campground application?

Michael Cohn: How often do they cancel licenses with the current properties that they already have? We could put contracts in place. But if they are not enforced at all, it is not worth the paper it is written on. The cost of litigation should also be brought into if the Town does pull the permit for the site but for if 3 sites are acting like idiots, you guys say we are pulling the permits. I think the 127 would have issues litigating with the Applicant for not enforcing the contract. I think the Town would have some liability with other issues.

Chairman Astorino: I disagree with that. There are other businesses in this Town that have site plan and special use permit. They would have to adhere to it. If the owner of the property defaults on his site plan and special use permit, it would be his obligation to correct it.

Michael Cohn: Absolutely. But what I am saying for that part of it where everyone is told to leave, those people would have the issue with the Applicant not with the Town.

Chairman Astorino: Absolutely. They could sue him or do what they want. But the Town of Warwick has to make sure it is done properly.

Michael Cohn: Absolutely. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Tom Fuller: I am Deputy Mayor for the Village of Florida. I have a concern regarding the 210 days. NYS says 183 days you could apply for residency. I think you should look at your Code to lowering it down. There would be nothing to stop those people from applying for residency.

Chairman Astorino: Except for violating their site plan. We as a Planning Board cannot change the Code. The Town does every year and I hope the Village does the same that things come before the Planning Board that whether they are arbitrary that needs to be tweaked. We would bring it to the Town Board. We are actually in the process as it gets towards October or November, we have a list of some things that this Board would discuss and get it to the Town Board.

Tom Fuller: That would be my recommendation to them. Trying to evict someone nowadays becomes very lengthy and costly. It would fall on them.

Chairman Astorino: It would fall on them but also on the site plan and special use permit. It would be on the owner.

Tom Fuller: Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Patty Rotello: I am a Florida, NY resident. What period of time was the traffic study done?

Laura Barca: It was about 3 months ago. The Applicant did not just go and do a traffic study. The Applicant had said that this was the traffic study they wanted to do. They came to the Planning Board with a scope of work. We had amended that scope of work. Then they moved forward with the recommendations of my company and the Planning Board. They completed that traffic study. Once they had completed the traffic study they submitted it back to the Planning Board. My company reviewed that.

Patty Rotello: You said that had been done about 3 months ago.

Chairman Astorino: We could get you the exact date.

Patty Rotello: Was it done during school time or when they were working on the bridge?

Laura Barca: I don't have the answer for you right now. It is in the report. I could find that.

Patty Rotello: Ok.

Patty Rotello: How many bedrooms are these units?

Chairman Astorino: Regarding the bedrooms, if you look at a typical 5th Wheel, I think the kitchen table folds down to a bed. I don't think they are bedrooms like in a house. I know people that have 5th Wheels that have 2 beds in the kitchen and a pull out.

Bob Krahulik: Depending on the size of the unit, they could accommodate 6 to 10 people. The Applicant agreed to limit the maximum occupancy on every unit to 8 people at any one time.

Patty Rotello: You could have 8 people in one unit for 210 days out of the year. Is that correct?

Chairman Astorino: As per the Code.

Patty Rotello: Ok. That is a lot. You had said you cannot Vrbo them or rent them.

Chairman Astorino: They cannot be Vrbo or rent them.

Patty Rotello: If you are not using it for a month, you can't rent it to someone else?

Chairman Astorino: There are certain people that are on their agreement. You can't say that you are not going to be there for a month and put in an Ad in or on Facebook. You can't do that.

Laura Barca: I think you are trying to say if you could give it to a friend. Is that correct?

Patty Rotello: Yes.

Laura Barca: The answer to that is no.

Bob Krahulik: Guests could only use it if the owner is there as well.

Patty Rotello: Ok. That answers my question. Thank you.

Max Stach: I have the answer on the traffic counts. It was done on April 12, 2024 and April 13, 2024. That was a Friday and Saturday. They have to do counts on weekends and during the week.

Patty Rotello: Was that at Easter time?

Chairman Astorino: Easter was in March.

Patty Rotello: It was a Friday and Saturday.

Chairman Astorino: Patty, we do have a traffic study report if you want to review it with our Professionals. Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Patrick Tomaselli: I live at 85 Mountainside Road. I was not born and raised here. We moved from Rockland County about 10 years ago. We moved to Warwick because Rockland County was changing. We had thought that it was changing for the worse. We came to Warwick because it was quiet and we know our neighbors. My concern is if this is allowed to happen what precedence does it set moving forward. What could happen 5 or 10 years down the line?

Chairman Astorino: It has already happened. It is already allowed for 74 campsites. You are located on Mountainside Road. If there is a parcel of land out there, in which Mountainside Road is located in the RU zone which is the same zone as the campsite.

Patrick Tomaselli: That is my point. I thought there were laws in place that we pay taxes to.

Chairman Astorino: There is a Purchase Development Right program in the Town of Warwick. It doesn't mean for every property. The landowner has to be vetted and opted into it. Just like on your road Mountainside Road in the RU zone, if someone has big enough property there and they wanted to put in a campground. That would be a brand-new application to the Town of Warwick Planning Board. We would look at all of the different criteria where it is located such as; visual, siting, traffic... As

you had heard this evening public water supply. Could it happen anywhere else, it could.

Bob Krahulik: 48 acres is all that they would need.

Chairman Astorino: Ok. It could happen somewhere else.

Patrick Tomaselli: I know that most of the people here including myself, we all love this community here. Warwick has wide open space. I don't want to see a mass community forming all over the place. You stated a case that they pay \$23K in school taxes a year. I find that quite laughable. I pay approximately \$7,500.00 per year. \$7,500.00 x 130 units is about \$975K.

Chairman Astorino: We do not do the assessing.

Patrick Tomaselli: I understand that. Maybe everybody needs to look at the rules and protocols in place for these types of things. Should that issue be brought up to the Town Board?

Chairman: There you go. If you feel campgrounds should not be permitted in the Town of Warwick, that is your venue that you should go to.

Patrick Tomaselli: Do any of you live on Dussenbury Road or Wheeler Road?

Chairman Astorino: No.

Patrick Tomaselli: I think everyone should ask themselves if this was going on in your backyard, would you approve of it?

Chairman Astorino: I have been on this Board for 22 years. There has been many businesses, housing and subdivisions that have been approved in my tenure here and has been vetted by this Board. That is what we are here for. If you think that you need that live by where a project goes, I would hate to break it to you. Either your community would die because nothing is going to happen. We are vetted to follow the Town of Warwick Code which by the way is done by the residents. There is a process that goes through the Comprehensive Plan and Zoning Code that the residents get an opportunity to speak about what they would want in their community. It has been done in this community quite hardily for years now hence the 5,000 acres of farmland that has been preserved in the Town of Warwick. That is not something that the Town of Warwick takes lightly. If you have an objection to the Campground, then that is fine. You could take it to the Town Board and express your concerns. As far as this Board goes, we cannot arbitrarily just say you can't have it.

Patrick Tomaselli: I understand that. I don't know how to go about that. I am not a lawyer.

Chairman Astorino: The Town Board makes the Zoning Laws. We as a Planning Board has to follow the Town Code.

Patrick Tomaselli: Ok. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serentiy Ridge Campground application?

Manny Guella: I live in the Village of Florida. There are currently 74 campsites. Is that correct?

Chairman Astorino: Yes. There are 74 campsites permitted right now.

Manny Guella: How many are being utilized right now? Are all 74 campsites being used?

Chairman Astorino: I don't believe so.

Manny Guella: Do we know how many?

Chairman Astorino: I don't know. It varies.

Manny Guella: How long could they currently stay?

Chairman Astorino: They could stay for 210 days.

Manny Guella: If I had a family friend that wanted to camp tomorrow, he could stay there for up to 210 days? Is that correct?

Chairman Astorino: Yes.

Manny Guella: Let's say he has a permanent residence in Monroe and he camps at the campground. He decides he likes it there. He could sell his primary residence in Monroe and make that his primary residence.

Chairman Astorino: No. He can't. It is stated in the Code that he could not live in the campground as a primary residence. As you have heard tonight, we are adding a lot more safe guards in the Code.

Manny Guella: Ok. So, he could not permanently live there.

Chairman Astorino: He cannot.

Manny Guella: Ok. I will let my friend know. Could we find out how many units are being utilized right now?

Chairman Astorino: We could ask the question.

Manny Guella: Who would have that information?

Laura Barca: Currently the Town Code requires the Applicant/Owner to submit quarterly reports to the Building Department 4 times a year that states who is there at

what lots and for how long they are there for. That is already in place and is happening.

Manny Guella: But you don't know how many are being utilized currently?

Chairman Astorino: We could find out. We don't have that information this evening.

Manny Guella: Thank you.

Chairman Astorino: Is there anyone else wishing to address the Serenity Ridge Campground application?

Alex Kocot: This RV term is being used very loosely. Could you disclose to the public what these RVs are? What are the dimensions on these things?

Chairman Astorino: You could pull a 5th Wheel up there. What are the dimensions on a 5th Wheel?

Alex Kocot: That is not the question. What are the dimensions on these Park Model RVs?

Chairman Astorino: We will ask the Applicants?

Thomas Vega: The length is 35'1". The width is 12'. The height is 14'.

Alex Kocot: 14' in height doesn't sound like an RV to me.

Chairman Astorino: We had vetted that as you had heard from our Attorney. They are rated as RVs. Mr. Krahulik, is that correct?

Bob Krahulik: That is correct. I found the definition of an RV in the Code.

Alex Kocot: What kind of vehicle do you need to bring them up there?

Bob Krahulik: It could have its own motor powered or mounted on or towed by another vehicle.

Alex Kocot: It can. But what are these that they are proposing?

Bob Krahulik: They would be towed in by another vehicle.

Alex Kocot: It is with a hitch. Is that correct?

Bob Krahulik: Yes.

Alex Kocot: Once they are on the site, do they have to be strapped down?

Chairman Astorino: They are not tied down. They are on piers. They jack the wheels off just like a 5th Wheel.

Alex Kocot: Straight-lined 60 MPH winds, they would be toppled all over the place.

Chairman Astorino: It would be the same thing with a 5th Wheel.

Alex Kocot: Getting back to the Code, there is no snow load Code because they don't have labels on there. That is what makes them ok to be called an RV. They are mobile homes. They are just classified differently.

Chairman Astorino: I disagree with that.

Alex Kocot: They are 35 feet long, 12 feet wide and 14 feet in height.

Chairman Astorino: They are rated as an RV.

Alex Kocot: I know what Codes we have to follow when we put a trailer on a farm. I have a 12-foot-wide x 60-foot trailer that is not 14 feet in height. I only can put 4 people in there.

Chairman Astorino: Ok.

Alex Kocot: They are talking about putting 8 people in there for seasonal. Are these going to be seasonally inspected by the Health Department?

Chairman Astorino: No. There are no Certificate of Occupancies.

Alex Kocot: 13'6" is the maximum height for them to go under any bridges or wires. That is a grey area.

Chairman Astorino: That is a valid point. We will have our Attorney Mr. Krahulik take a look into that.

Bob Krahulik: Will do.

Alex Kocot: If you put that thing next to a mobile home, most people wouldn't be able to tell the difference.

Chairman Astorino: Ok.

Alex Kocot: You are letting them in there without any snow load codes, no strapping down or anything. To me it would be an invitation for disaster.

Chairman Astorino: Ok. Thank you. Is there anyone else wishing to address the Serenity Ridge Campground application?

Mayor Dan Harter, Jr.: I am the Village of Florida Mayor. There was an introductory Local Law #3 of 2003 to amend the Zoning Law. It does state a campground unit a permitted temporary movable or portable shelter recreational

vehicle, tent or motor home travel and camping... I guess the point with this is the zone that this was introduced does not say anything specifically about Park Model RVs when this was brought up. When that was adopted, Mr. Krahulik was Park Model RVs included in the definition?

Bob Krahulik: No. But it states that recreational vehicles include but are not limited to Camping Trailers, 5th Wheel Trailers, Travel Trailers and Truck Campers.

Mayor Dan Harter, Jr.: I appreciate everybody's time. It has been a marathon. We have a lot of people here either for it or against it.

Chairman Astorino: Mr. Mayor, that is what we do. You know that.

Mayor Dan Harter, Jr.: Yes. One of the members of the public came up here before and mentioned about a fence. Was it supposed to be completed by the previous campground?

Chairman Astorino: No.

Mayor Dan Harter, Jr.: The fence was just supposed to stop at that corner.

Chairman Astorino: Yes.

Mayor Dan Harter, Jr.: Ok. We are concerned about it. Almost the whole Village Board is here tonight.

Chairman Astorino: As you had seen here tonight, you could see that the Town of Warwick Planning Board is also concerned.

Mayor Dan Harter, Jr.: I commend you guys for doing your thorough research.

Chairman Astorino: It is what we do. I am going to say this one more time. It is not with just this project. It is with every project.

Mayor Dan Harter, Jr.: Understood. I just wanted to say Thank you guys. But we feel it doesn't include Park Model RVs in the definition. We feel that this would be a negative impact overall with the community by the Village of Florida. As you had said, this had problems in the past.

Chairman Astorino: This was a conversation that we had. Unfortunately to the owners that had bought this has inherited this. I would hope by what was said tonight by this Board and the Professionals and by the comments that we had receive by the public, in which a lot of them were quite valid. That is why we are here listening to it. There were very valid points brought up. We don't take that lightly. If and when this gets approved, there would be teeth that could be controlled and not have these issues that were in the past. No resident deserves to live by a problem. That goes for the same with any project in the Town of Warwick. That is what we do.

Mayor Dan Harter, Jr.: You had stated that there are already 74 approved lots. There is a new business model going in. My recommendation and suggestion would be to just approve the 74 campsites.

Chairman Astorino: Dan, they are already approved for the 74 campsites.

Mayor Dan Harter, Jr.: Just see how it goes before you approve the 130 units.

Chairman Astorino: They have the right to come for an expansion. That is why we are vetting it. As a Board, we cannot arbitrarily just say no.

Mr. McConnell: We wouldn't be here today if it was just kept at the 74 units. The 74 units were approved long ago. The reason that we are here today is because they would like to add to it. That is what is going on. I would hope if nothing else the people here take away the fact that we don't make arbitrary decisions. We follow the Code. We rely on our Professionals. We don't know yet what our decisions are going to be. It won't be arbitrary. If you came to us with a project, you would have the confidence that you could come in and as long as you have met the Code, you are not going to get some arbitrary decision from this Board that would take away your ability to do what it is that you want to do. That is an important distinction to make here.

Chairman Astorino: I agree with that. That was very well said.

Mr. McConnell: We are not arbitrary. We care about what we are doing. We spend a great deal of time on any project.

Mayor Dan Harter, Jr.: I am not arguing that. You say that they could do it now. They haven't yet. There are no lease agreements for these Park Model RVs. They are not up there.

Chairman Astorino: That is a valid point. They can do it now without a lease agreement. That shows me the character of the people behind you. They are before the Town of Warwick Planning Board. They have been before us for about 9 months now from the start to right now. They are still not done. They could have said, which they didn't and I applaud them for that because they have heard me say of what had happened in the past. We are out here vetting everything for the 2nd public hearing. With that being said, we are still not done. Dennis, you had said it the best. Thank you. Do you have any other questions?

Mayor Dan Harter, Jr.: No. Thank you.

Bob Krahulik: Mr. Mayor regarding the definition of a mobile home for your reference, unfortunately it does not address the width or height of the structure. It does say that in a transportable dwelling in excess of 40 feet in length shall be deemed to be a mobile home. If you read that definition and compare that against recreational vehicles, it might give some clarity of the issue.

Mayor Dan Harter: Ok.

Chairman Astorino: Is there anyone else wishing to address the Planning Board on the Serenity Ridge Campground application?

Manny Guella: Is there a waiting list for people to move in once they receive approval or if it is denied?

Chairman Astorino: Their business model does not concern us.

Manny Guella: If this is approved, do you address that with the Applicant? If or once this has been approved, would the 130 units be becoming in all at once?

Chairman Astorino: I don't know their business model. But they have 74 that they could do right now.

Manny Guella: Right. But they have not. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Serenity Ridge Campground application? Let the record show no further public comment. The Applicants have some work to do. They need to do a safe yield analysis. You could get together with our Engineer on that matter. We could adjourn the public hearing two-ways. We could adjourn it with a date in October or adjourn it without date and republish. If you adjourn the public hearing to October 16th and you don't have it done, we would have a public hearing and adjourn it again.

Ronald Kossar: We would like to adjourn the public hearing to the October 16, 2024 Planning Board meeting.

Mr. McConnell makes a motion to adjourn the Warwick HG, LLC/Serenity Ridge At Warwick Campground Public Hearing to the October 16, 2024 Planning Board Meeting.

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

Chairman Astorino: To all the residents in the audience. The Serenity Ridge Campground public hearing has been adjourned to the October 16, 2024 Planning Board Meeting at 7:30 p.m. This is your notice. There will be no other notices sent out. The Planning Board meeting agendas are posted on the Town's website. If you have any questions, you could reach out to Connie our Planning Board secretary. Thank you.

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

Application for Site Plan Approval and Special Use Permit for the construction and use of a 3.0 MW AC ground mounted commercial-scale solar energy installation, Use # 65, situated on tax parcel S 46 B 1 L 12; parcel located on the southern side of Chancellor Lane 300 feet south of Chancellor Lane (69 Chancellor Lane), in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Steve Long from Sol Source Power.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Chancellor Lane Solar project.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: Last week when we had met, we had discussed that the Applicant had amended their plan to address concerns that the project was overly visible especially from Wisner Road, Lower Wisner Road and Upper Wisner Road. It was also visible from the County Park the Hickory Hill Golf Course and also the Hawk view from the Apalachin Trail. The Applicant worked on several different ways to try and mitigate impacts. The best approach they were able to arrive at was to retain a significant portion of the existing hedgerow that divides the current site into 14 pieces. The Applicant had submitted visuals to show what that would look like 5 years after installation of the vegetation along that hedgerow and along the supplemental vegetation along the south end of the array. The consensus of the Board at the Workshop seemed to be that mitigated things significantly. This was a project change that the Applicant had made in reaction to environmental concerns. We had asked to resubmit this and recirculate that to all of the Involved Agencies under SEQRA. Additionally, that plan is also available tonight for review by the public at tonight's public hearing. It is my recommendation considering that along with the Part 2 and Part 3 EAF as proposed by ourselves tonight that this application would be ready for a Negative Declaration. I have provided a draft Resolution of the Negative Declaration for the Planning Board's consideration tonight.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Steve Long: This proposed site is located at 69 Chancellor Lane. It is 142-acre lot. We propose this site to be 15 acres of that. It is located in the RU zone. It is an allowed use in that zone. It would be accessed by a 20-foot-wide graveled access road. That access road would come off John Hicks Drive in the industrial park. We are working on finalizing an easement from GTI who is a landowner at the end of the industrial park. There would be 7-foot-high chain link fence. We would be avoiding DEC wetlands in the 100-foot buffer. We would be avoiding the 100-year floodplain. He has an easement that runs through the

site for Orange & Rockland Utilities. As Max had stated, we worked hard on the screening. Looking at the map, this is the hedgerow that we would be leaving that Max talked about. This would provide screening for the large portion of the site.

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. An updated letter dated 08/09/24 included raising fence 6” for animals and providing a decommissioning plan.

Chairman Astorino: We have a decommissioning plan. What do you think about keeping the fence 6” off the ground for the animals?

Max Stach: I think that is a standard approach to avoid impacts. I think there is a requirement that the fence could only be 6 feet.

Chairman Astorino: I think you are right. It could only be 6 feet to meet the Code. It can't be 7 feet.

Max Stach: I think it could be 6 feet raised 6 inches.

Chairman Astorino: Why is it 7 feet?

Max Stach: We could have a fence that is 6 feet that would have to have a foot of barb wire for it to meet the Code. It looks bad. We haven't proposed it in years. That is why we have a 7-foot chain link fence.

Bob Krahulik: We do. But you would need a variance from the ZBA.

Laura Barca: Our Town Code was amended to allow the 7-foot fence because that industry is required to have that 7-foot fence for the solar use.

Max Stach: Ok.

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

Comment #7: Applicant to provide NOI to NYS Department of Agriculture and Markets, to acknowledge the soils of statewide significance that are located on site.

Steve Long: Yes.

Comment #8: 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.

Steve Long: Yes.

Comment #9: Applicant to coordinate with the local fire department. A site contingency plan should be added as notes on the plan for Fire Department review.

Steve Long: Yes.

Chairman Astorino: All of the emergency services were notified.

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. Instead of utility poles, the solar company should use a pad-mounted configuration. Applicant is requested to update the plans.

Chairman Astorino: The less poles the better it would be.

Steve Long: Ok.

Chairman Astorino: Preferably none would be better.

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

Steve Long: Yes.

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

Steve Long: Yes.

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

Steve Long: Yes.

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.

Chairman Astorino: That has to be done with the borings. Laura, is that correct?

Laura Barca: Yes.

Steve Long: We had done the Geotech.

Chairman Astorino: Ok. You had done that already.

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

Chairman Astorino: Yes.

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.

Chairman Astorino: Yes.

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

Chairman Astorino: Yes.

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.

Chairman Astorino: Yes.

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.

Chairman Astorino: Laura, what that means is they would have to get all that stuff into us and reviewed by your office and then they could get a permit if they are approved.

Laura Barca: That is correct.

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

Steve Long: Yes.

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.

Steve Long: Yes.

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. 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.

Steve Long: Yes.

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

Steve Long: Yes.

Comment #24: 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.

Steve Long: Yes.

Comment #25: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-1, General Note 3

Steve Long: Yes.

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

Steve Long: Yes.

Comment #27: Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.

Steve Long: Yes.

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

Steve Long: Yes.

Comment #29: 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.

Steve Long: Yes.

Comment #30: 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. Sheet 1, General Note 12. Need to add to Building Permit.

Steve Long: Yes.

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.

Steve Long: Yes.

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.

Steve Long: Yes.

Comment #33: Applicant to submit a copy of the lease/buy agreement between the solar developer and the landowner. Need to add to Building Permit.

Steve Long: Yes.

Comment #34: 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.

Steve Long: Yes.

Comment #35: Applicant to provide Landscape Bond cost estimate and three-year cash bond.

Steve Long: Yes.

Comment #36: Applicant to provide Performance Bond for site inspection fees.

Steve Long: Yes.

Comment #37: Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney. Notes need to be added to Building Permit.

Steve Long: Yes.

Comment #38: Applicant to verify if cost of monitoring (including NYS Agriculture and Markets, during decommissioning has been included in the estimate. This has been included, need to confirm that all costs are current when approval is granted.

Steve Long: Yes.

Comment #39: The PILOT agreement must be submitted to and accepted by the Town Board.

Steve Long: Yes.

Comment #40: 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.

Steve Long: Yes.

Comment #41: Payment of all fees.

Steve Long: Yes.

Chairman Astorino: Do any Board members or Professionals have any comments?

Mr. McConnell: I have a question on Comment #8 where it states that O&R is aware if any upgrades were required. I just wanted to be sure because it is such a hot topic these days. That this site will not include any storage batteries.

Steve Long: Right.

Chairman Astorino: It would not. It is not even in our Town Code for that. The battery storage is not permitted in our Code.

Bob Kraulik: There is a moratorium on the battery storage.

Mr. McConnell: I just would like to reflect that for the record.

Chairman Astorino: Do any other Board members or Professionals have any comments?

Bob Kraulik: Mr. Chairman, do you want to discuss the timing of the PILOT so that the Applicant knows that he would need to be working on that now?

Chairman Astorino: Yes.

Bob Kraulik: Internally, we had been discussing as to whether or not the execution of the PILOT would be a condition to the approval or whether the Board require the PILOT to be in place before issuing the approval. What would the Board like to do on that issue? The Applicant should get busy on that matter.

Chairman Astorino: Yes. You should be working on that now. We have received a memo from Jesse Dwyer the Town Supervisor dated 8/21/24. The memo is stated as follows:

Chairman Astorino and Members of the Town Planning Board,

Please be advised that any commercial solar project proposed in the Town of Warwick requires a Payment in Lieu of Taxes Agreement (PILOT), which includes the proposed project on Chancellor Lane (SBL: 46-1-12). If action is taken at your next Planning Board meeting, please ensure that there is a contingency that a PILOT agreement must be in place prior to commencement of the project.

Respectfully,

*Jesse Dwyer
Warwick Supervisor*

Chairman Astorino: We have that memo from the Town Supervisor in our files.

Steve Long: What is the commencement of that?

Bob Krahulik: That is coming from the Town Supervisor. The Planning Board has to decide whether they want the PILOT in place before the approval of the project or whether you are comfortable with making it a condition of the approval. From a legal standpoint, it makes no difference to me.

Chairman Astorino: Ok.

Mr. Showalter: I would say to have it as a condition of the approval. They wouldn't be able to do the project until the PILOT has been done.

Chairman Astorino: That would be something we could discuss. Does the Board or Professionals have any other comments?

Mr. Purcell: What types of trees are being planted and how many?

Steve Long: It will be a mix of evergreens, etc..

Mr. Purcell: How many trees?

Steve Long: I don't know the number off the top of my head.

Max Stach: We had asked the Applicant as a condition to be submitted for our review. We wanted a natural looking buffer. We don't want it to be a single line of arborvitaes or cypress. We would like to see something that has a mix of spruces and pines. We want trees that would be hardy and would last. We want them to grow fast. The nice thing about this particular application since it is a tracking system, they don't have to be tilted as far south. Is that my understanding?

Steve Long: Right. For most of the day, it would be flat.

Max Stach: If you have non-tracking panels they would have to be tilted towards the south.

Steve Long: Yes. They are typically a non-fixed tilt that faces about 25 degrees. These are maxed at 60 degrees.

Max Stach: Do they tilt more?

Steve Long:

Chairman Astorino: We had seen on the sims the visuals. What were the height of the trees?

Max Stach: It would be about 6 to 7 feet within one-year growth.

Steve Long: The sims show 8 feet trees.

Max Stach: Ok. Then 5 to 7 years of growth would put it about 12 to 14 feet.

Chairman Astorino: Essentially, you would be putting in 8 to 10 feet trees.

Steve Long: Yes.

Mr. Purcell: How many panels are going in?

Steve Long: I am not sure off the top of my head.

Mr. Purcell: Ok. We were there. I am the type that likes to sheath the product.

Chairman Astorino: That was why they had lost a lot of panels.

Steve Long: It decreased.

Chairman Astorino: It has decreased considerably. Do any other Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Sol Source Power/Chancellor Lane Solar application, please rise and state your name for the record.

Michael Manzione: I live at 57 Wisner Road. What has changed from the last submission to this one?

Steve Long: Looking at the visuals on the screen, you are going to see it.

Steve Long shows Mr. Manzione on the screen the original visuals and the current visuals of plantings and the added insulation of what it would look like 5 to 7 years from now.

Chairman Astorino: One of our goals to look at this is yes; they would not be completely invisible. They cannot be. From where this was at initially there was about 2 acres of panels that they had lost. I don't know what the max is that you could have on the height of trees.

Max Stach: If these weren't tracking panels and they had to be pointed south, you are at Lower Wisner south of the site. They would end up doing arborvitaes maybe green giant arborvitaes maybe max at 25 feet tall. That wouldn't screen a lot of the site. Because these aren't tracking panels and they don't have to be pointed south, we could put Norway Spruces and White Pines. The White Pines would grow to about 100 feet. Norway Spruces would grow to about 40 feet. The point is that they don't need to face south. Norway Spruces would grow about 6" per year. You are talking about 5 to 10 years. Between the 5th and 10th year period, you would be talking about 2.5 feet of growth. Then between the 10th and 15th year, you would be talking about another 5 feet of growth.

Michael Manzione: Looking at the simulation, you are talking about the trees in the front. It seems like the big sway was leaving that middle swath. What you are showing on the

screen between the original simulation to the current simulation seems like a diminish change. That middle section is not leaving those trees.

Steve Long: It would be everything in between. Looking at the screen, those hedgerows are substantial. Everybody has walked it. There is a lot of interior growth in between the trees. If we cut the trees, you would have existing growth that would be about 10 feet tall when we start. That area is about 60 to 70 feet wide. It would be going up the hill.

Michael Manzione: The controversial section is that upland hill. We would like Sol Source to omit that south hill and let it be all grass. You would have no visual impacts to the community. You would get more than half of the panels that you would want in. My other issue is that I have concerns about drainage. Long House Creek and Wawayanda Creek come together at the site. Flooding issues have been terrible on Lower Wisner Road. I think it would be an extra risk building this project right on top of where these two drain systems meet together when we are already having substantial flooding issues. Those are my concerns. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Sol Source Power/Chancellor Lane Solar application. Let the record show no further public comment. Do any Board members or Professionals have any comments? Seeing none, we need a motion on the Negative Declaration.

Mr. McConnell makes a motion for the Negative Declaration.

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

State Environmental Quality Review (SEQR)

Resolution Authorizing Filing of Negative Declaration

Name of Action: Chancellor Lane Solar

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed large scale solar installation on an 142 acre lot designated on the Town of Warwick Tax Map as Section 46, Block 1, Lot 12. The existing site development includes a house, tow barns, an outbuilding, driveways and/or trails, and a smaller solar array. The project will involve the disturbance of approximately 25 acres of agricultural land which involves 6.18 acres of development in Farmland of Statewide Importance. The parcel of land located at 69 Chancellor Lane, Town of Warwick, Orange County, New York; and

Whereas, the Planning Board classified the action as a Type I Action and commenced coordinated review, and

Whereas, the Planning Board identified potential significant visual impacts in the original site plan, and the applicant has revised the site plans to mitigate said impacts, and the Board is in agreement that the impacts have been minimized, and

Whereas, the Planning Board has reviewed the Full Environmental Assessment Form (EAF) for the action including the Part I dated 11/10/2023, Part II dated 02/20/2024, and Part III dated 07/17/2024, against the Criteria For Determining Significance, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Chairman Astorino: I have a question for Max our Planner. I know there would be trees taken out of the hedgerow. This meets the intent of the Code. Is there something we could put in there to help? I know we would have to take a look at the landscaping plan before we would sign off on this. Would there be something that we could put in there that would reflect to help that area?

Max Stach: From a Biodiversity standpoint, this is probably mostly invasive. It is mature. It has been there forever. That is why it would do the job. If you were to remove it and plant something else, you would be in the same situation as you would be with the lower screen, which would go in at 8 feet and it would take some years before you would get the height. The average height of that understory would have to be well over 15 feet tall. You would recall that from our site visit. It would more than screen the panels behind it. It also happens to be at the crown of the hill. As you go back from it, it sort of doesn't rise as much. You could supplement with something in front of it. I am not sure if it would do much.

Chairman Astorino: I think we should do whatever is possible to help mitigate that section. That would be my opinion. Does the rest of the Board agree with that?

Mr. Kennedy: Yes.

Max Stach: Could we something like an inspection when it is cleared?

Chairman Astorino: I would want to see a plan before anything is cleared. This wouldn't happen overnight. They still need to put a PILOT agreement in place. The Applicants could work on a landscaping plan with our Town Planner to achieve this. I don't think it would be that hard to do. It could be done.

Max Stach: The only thing would be is that you would not be able to get the tall trees.

Chairman Astorino: I understand that. As it sits right now, it does meet the criteria of the Code. I am trying to go a little above that. I think we owe it to do that. It would not be that difficult. Does the Board agree with that?

Mr. Purcell: Yes.

Mr. Kennedy: Yes.

Max Stach: Are we looking to add to it?

Chairman Astorino: We could add it to the Town Planner's specifications. That would mean if our Town Planner or the Board members want to go out to the site again, we could do that. It gives us another level. I think it is warranted. If the Board is ok with that, we would add a note to the plan.

Max Stach: I would say tonight on the record that I would not sign off on anything until the Planning Board looks at it.

Chairman Astorino: Absolutely. What to the Town Planner's specification means is that you would look at it and tell us what would work or not work. The Board would make a decision on that.

Max Stach: Ok.

Chairman Astorino: Is the Board ok with that?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Chairman Astorino: We have a consensus from the Planning Board on that matter.

Mr. Kennedy makes a motion on the Sol Source Power, LLC/Chancellor Lane Solar application, granting Site Plan Approval and Special Use Permit for the construction and use of a 3.0 MW AC ground mounted commercial-scale solar energy installation, Use # 65, situated on tax parcel S 46 B 1 L 12; parcel located on the southern side of Chancellor Lane 300 feet south of Chancellor Lane (69 Chancellor Lane), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on August 21, 2024. Approval is granted subject to the following conditions:

1. 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. An updated letter dated 08/09/24 included raising fence 6” for animals and providing a decommissioning plan.
2. TW Building Department – 02/20/24 no violations
3. Applicant to provide NOI to NYS Department of Agriculture and Markets, to acknowledge the soils of statewide significance that are located on site.
4. 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.
5. Applicant to coordinate with the local fire department. A site contingency plan should be added as notes on the plan for Fire Department review.
6. 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. Instead of utility poles, the solar company should use a pad-mounted configuration. Applicant is requested to update the plans.
7. Applicant to provide the electrical one-line diagram.
8. Applicant to provide the electrical drawings showing the quantity and location of inverters and transformers.
9. Applicant to clarify on the plans where the direct connection to a utility is located and how that connection will be made.
10. 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.
11. On Sheet 2, General Note 13 discussed the contingency plan for O&M should be provided as soon as possible for review.
12. 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.
13. Applicant to provide structural Engineer of Record for the PV raking structure, for the foundation design, and for the geotechnical report.
14. 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.

15. 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.
16. Applicant to provide project geotechnical engineering report that was used to design all foundations for this project.
17. 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.
18. 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.
19. Applicant to provide Special Inspection Program including how the tracker piles will be inspected during construction.
20. 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.
21. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-1, General Note 3
22. The declaration information for the Agricultural, Aquifer, and Biodiversity Notes must be added to the plans.
23. Surveyor to sign and seal final plans. The survey must be incorporated into the plan set.
24. Surveyor to certify that iron rods have been set at all property corners.
25. 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.
26. 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. Sheet 1, General Note 12. Need to add to Building Permit.
27. 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.
28. 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 2.7 MW nameplate capacity; Applicant to confirm size of the system.
29. Applicant to submit a copy of the lease/buy agreement between the solar developer and the landowner. Need to add to Building Permit.
30. 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.
31. Applicant to provide Landscape Bond cost estimate and three-year cash bond.
32. Applicant to provide Performance Bond for site inspection fees.
33. Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/ Attorney. Notes need to be added to Building Permit.

34. Applicant to verify if cost of monitoring (including NYS Agriculture and Markets, during decommissioning has been included in the estimate. This has been included, need to confirm that all costs are current when approval is granted.
35. The PILOT agreement must be submitted to and accepted by the Town Board. A fully executed copy of agreement to be provided to the Planning Board.
36. 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.
37. Applicant to provide Landscape Plans for the Town Planner's specifications and for the Planning Board Chairman's approval.
38. Payment of all fees.

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

Steve Long: Thank you.

PUBLIC HEARING OF James & Lauren Yodice

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

Representing the Applicant: Brian Friedler from Friedler Engineering.

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

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: The Planning Board deemed this application as a Type 2 Action on 5/1/24. There is no construction proposed. SEQRA is not necessary.

Comment #2: Applicant to discuss project.

Brian Friedler: This is an existing 3-bedroom house with an existing cottage. The cottage had always been used as a 1-bedroom living area. The Applicants proposes to attach it with a breezeway to consider it as a two-family dwelling for family use. We received a variance on 6/24/24 for the livable area of the cottage. It was granted along with a two-family house being allowed on a 7-acre lot where 10 acres are allowed.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending response

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

Comment #7: ZBA variance granted on June 24, 2024 limited the additional 736-sf dwelling to family members and is not permitted for rental to unrelated persons. Please add a note to the plan.

Chairman Astorino: Does that also include things like Airbnb, short-term rentals, etc...?

Brian Friedler: Yes. The ZBA had the same condition.

Chairman Astorino: This would be strictly for family member use only.

Brian Friedler: Yes.

Comment #8: The septic system must be confirmed by a New York Professional Engineer's that it is designed for a four-bedroom home. A septic certification letter will be required.

Brian Friedler: Yes. We are in the process of doing that.

Comment #9: Soil erosion note 3, Applicant to consider updating "performed" to "installed" and, in 3a, updating "seeded" to "soil." In note 3, the duration of time should be updated from one month to one week.

Brian Friedler: Yes.

Comment #10: Additional silt fence should be located downgradient from the proposed land disturbance.

Brian Friedler: Ok.

Comment #11: Driveway sight distance must be shown on the plan. Add a sight distance triangle at intersection of Conklin Road and driveway; include speed limit of ROW.

Brian Friedler: Ok.

Comment #12: Surveyor to confirm that driveway is on own property or confirm that there is an existing common driveway easement. Applicant to draft and submit a maintenance agreement for the shared gravel driveway.

Brian Friedler: I thought we were not going to do that if nothing was brought up?

Chairman Astorino: We would see.

Brian Friedler: Ok.

Comment #13: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Ok.

Comment #14: 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 on plan

Brian Friedler: Ok.

Comment #15: Surveyor to certify that iron rods have been set at all property corners. (Applicant requesting waiver).

Brian Friedler: We request a waiver of the certification of iron rods from the Planning Board.

Chairman Astorino: We could do that. There is no construction proposed.

Comment #16: Payment of all fees.

Brian Friedler: Ok.

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

Bob Krahulik: A note on the map is not going to put a subsequent property buyer on notice of the limitation to who it could be rented prohibiting short-term rentals. What would work is having a declaration that is recorded with the County Clerk. If a homebuyer does a title search, the information would be available to them at closing. Do you want to add that as another condition that a declaration is to be recorded with the County Clerk?

Chairman Astorino: That would make sense. That would be another added protection.

Brian Friedler: Ok.

Chairman Astorino: This is a public hearing. If there is anyone in the audience wishing to address the James & Lauren Yodice application, please rise and state your name for the record. Let the record show no public comment. Do any Board members or Professionals have any comments or concerns?

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

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

Chairman Astorino: We need a motion to waive the certification of iron rods.

Mr. Kennedy makes a motion to waive the certification of iron rods set at all property corners.

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

Chairman Astorino: At the Work Session, we had discussed the maintenance agreement for the shared gravel driveway. If there was any comment about that, we could discuss that comment. There was no comment. I believe it is working well. Is that correct?

Brian Friedler: Yes.

Chairman Astorino: We could strike Comment #12.

Mr. Purcell makes a motion on the James & Lauren Yodice application, granting conditional Site Plan Approval and Special Use Permit for the conversion of an existing single-family dwelling to two-family dwelling, situated on tax parcel SBL 63-2-12.42; parcel located on the western side of Conklin Road 1,750 feet east of C.R. 21 (28 Conklin Rd.), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on May 1, 2024. Approval is granted subject to the following conditions:

1. ZBA variance granted on June 24, 2024 limited the additional 736-sf dwelling to family members and is not permitted for rental to unrelated persons. Please add a note to the plan.
2. The septic system must be confirmed by a New York Professional Engineer's that it is designed for a four-bedroom home. A septic certification letter will be required.
3. Soil erosion note 3, Applicant to consider updating "performed" to "installed" and, in 3a, updating "seeded" to "soil." In note 3, the duration of time should be updated from one month to one week.
4. Additional silt fence should be located downgradient from the proposed land disturbance.
5. Driveway sight distance must be shown on the plan. Add a sight distance triangle at intersection of Conklin Road and driveway; include speed limit of ROW.
6. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
7. 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 on plan
8. Surveyor to certify that iron rods have been set at all property corners. (Applicant requesting waiver). (WAIVED)
9. Provide Recorded Declaration for No short-term or long-term rentals. It Can only be occupied by a member of the immediate family. To Planning Board Attorney's specifications. Recorded Declaration information must be added to the plans.
10. Payment of all fees.

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

Brian Friedler: Thank you.

PUBLIC HEARING OF Grant Properties, LLC.

Application for Site Plan Approval and Special Use Permit for the use and construction of a 1,750 s.f. retail cannabis dispensary a/k/a A Classy Joint 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.), in the DS zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering. Dennis Fernando and Matthew Tortorelli, Applicants.

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

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: The Planning Board deemed this application as a Type 2 Action on 7/17/24. There is no construction proposed. SEQRA review is not necessary.

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicants proposes to open a retail cannabis retail shop located on Ronald Reagan Blvd. It is permitted at that location.

Chairman Astorino: It is in the zone for a cannabis dispensary.

Bob Krahulik: It is permitted in the zone. I just wanted to highlight that it is not approved for onsite consumption. It would only be for retail sales.

Brian Friedler: Correct.

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 – 07/10/24 no advisory comments

Comment #7: OCDOH – pending

Comment #8: Any proposed signage should be shown on the plan.

Brian Friedler: Ok.

Comment #9: Applicant to confirm which septic system this facility is connected to and confirm that it is functioning properly. Applicant to show the size of septic tank

and septic leach field for Area A, and which facilities in the shopping center use this septic system.

Brian Friedler: Ok. I am in the process of doing that.

Comment #10: §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.

Brian Friedler: That has been done.

Comment 11: §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. Add a note to the plan.

Brian Friedler: Ok.

Comment #12: Add a note to the plan stating, "All promotional marketing for the Dispensary must comply with NYS Office of Cannabis Management PMLA Guidance for Adult-Use Licenses §128 and 129; products should not be made attractive to individuals under 21."

Chairman Astorino: That was a question that I had at the Work Session. This would not be marked as gummies something to that end to not entice children. I want that to be on the record.

Dennis Fernando: Correct. We are not even allowed to have a stylized logo on the outside of the building.

Chairman Astorino: You would not have anything that would entice children.

Dennis Fernando: Correct.

Mr. McConnell: I am guessing that there are regulations to distances from schools. What is that distance?

Dennis Fernando: I believe it is 200 feet from a school.

Mr. McConnell: Is it defined as a school? I believe there is a Childcare Daycare Center centered down on Ronald Reagan Blvd.

Dennis Fernando: Correct. I think it is located 500 to 600 feet away? I actually think it is about 800 feet away?

Brian Friedler: It is a distance away.

Chairman Astorino: Let's do this. Prove to us that it is far enough away.

Brian Friedler: Ok.

Dennis Fernando: The office of Cannabis Management checked out the site. They had determined that it has met all of the distance requirements that are set forth by the state.

Mr. McConnell: Ok.

Chairman Astorino: We will double check that.

Mr. McConnell: Ok. Thank you.

Comment #13: Applicant to provide a narrative to demonstrate their compliance with design standards, including pedestrian traffic, landscaping, and other features.

Brian Friedler: Ok.

Comment #14: 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.” Note added to Sheet 1

Brian Friedler: Yes.

Comment #15: Surveyor to certify that iron rods have been set at all property corners. (Applicant is requesting a waiver.)

Brian Friedler: We ask for a waiver from the Planning Board for the certification of iron rods. It is existing.

Chairman Astorino: I don't have an issue with that.

Comment #16: Any required declarations must be added to the plan; any required bonds and/or site inspection fees must be paid. Planning Board determined not applicable.

Chairman Astorino: The Planning Board had determined that not applicable. We could strike Comment #16.

Comment #17: Payment of all fees.

Brian Friedler: Yes.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? This a public hearing. If there is anyone wishing to address the Grant Properties/A Classy Joint application, please rise and state the name for the record. Let the record show no public comment.

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

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

Mr. McConnell makes a motion on the waiver of iron rods to be set at all property corners.

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

Mr. Kennedy makes a motion on the Grant Properties, LLC., application, granting Site Plan Approval and Special Use Permit for the use and construction of a 1,750 s.f. retail cannabis dispensary a/k/a A Classy Joint 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.), in the DS zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on July 17, 2024. Approval is granted subject to the following conditions:

1. OCDOH – pending
2. Any proposed signage should be shown on the plan.
3. Applicant to confirm which septic system this facility is connected to and confirm that it is functioning properly. Applicant to show the size of septic tank and septic leach field for Area A, and which facilities in the shopping center use this septic system.
4. §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.
5. §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. Add a note to the plan.
6. Add a note to the plan stating, “All promotional marketing for the Dispensary must comply with NYS Office of Cannabis Management PMLA Guidance for Adult-Use Licenses §128 and 129; products should not be made attractive to individuals under 21.”
7. Applicant to provide a narrative to demonstrate their compliance with design standards, including pedestrian traffic, landscaping, and other features.
8. 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.” Note added to Sheet 1
9. Surveyor to certify that iron rods have been set at all property corners. (Applicant is requesting a waiver.) (WAIVED)
10. Payment of all fees.

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

Brian Friedler: Thank you.

Review of Submitted Maps:***138 Pine Island Turnpike, LLC.***

Application for Site Plan Approval and Special Use Permit for the construction and use of a new 1,200 square-foot Guest House with a 3,800 square-foot Garage, situated on tax parcel S 29 B 1 L 74; parcel located on the northern side of Pine Island Tpke., (138 Pine Island Tpke.), in the RU zone, of the Town of Warwick.

Chairman Astorino: We received a letter from the Applicant. They have asked to be removed from the agenda this evening. We will see them another time.

Other Considerations:

- 1) Planning Board Minutes of 7/17/24.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 7/17/24.

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

- 2) Planning Board to discuss canceling the 8/26/24-W.S. & 9/4/24-PB Meeting.

Mr. McConnell makes a motion to cancel the 8/26/24-W.S. & 9/4/24-PB Meeting.

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

Correspondences:

1) Email Letter from Sandra Johnson, dated 7/7/24 in regards to Serenity Ridge Campground emailed to PB on 7/18/24.

2) Email Letter from James McAteer, dated 7/22/24 in regards to Serenity Ridge Campground emailed to PB on 7/23/24.

3) Email Letter from Christopher Shaw, dated 7/25/24 in regards to Serenity Ridge Campground emailed to PB on 8/1/24.

4) Email Letters from Linda Laplace, dated 8/3/24 & 8/4/24 in regards to Capozza Solar Project. Emailed to PB on 8/5/24.

5) Email Letter from Frank A, dated 8/12/24 in regards to Michael Brown Subdivision. Emailed to PB on 8/13/24.

6) Email Letter from Sue Wheeler, dated 8/13/24 in regards to Serenity Ridge Campground. Emailed to PB on 8/13/24.

7) Email Letter from David Niemotko, dated 8/16/24 in regards to 138 Pine Island Tpke., LLC. Emailed to PB on 8/19/24.

8) Email Letter from Penny Steyer, dated 8/19/24 in regards to Serenity Ridge Campground. E Hand-Delivered Letter from Jay Westerveld, undated and received on 8/20/24 in regards to Serenity Ridge Campground. Emailed to PB on 8/20/24.

9) Hand-Delivered Letter from Jay Westerveld, undated and received on 8/20/24 in regards to Serenity Ridge Campground. Emailed to PB on 8/20/24.

10) Email Letter from Village of Florida Mayor Harter Dated 8/20/24 & 8/21/24 and received on 8/21/24 in regards to Serenity Ridge Campground. Emailed to PB on 8/21/24.

11) Email Letter from Tracy Russo & Jody Cross from Zarin & Steinmetz Attorney's office in regards to Serenity Ridge Campground. Emailed to PB on 8/21/24.

Chairman Astorino: We have Correspondences #1 through #11 in our packets.

Privilege Of The Floor For Agenda Items!!

Chairman Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

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

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