

TOWN OF WARWICK PLANNING BOARD

January 21, 2026

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
Rich Purcell, Vickki Garby, Alternate
Laura Barca, HDR Engineering
Temi Alao, HDR Engineering
Max Stach, NPV Planner
Bob Krahulik, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, January 21, 2026 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

Chairman Astorino: Just before we get to the agenda, since this is our first meeting of 2026, I would like to mention that Connie and I have been doing this for 24 years? Connie, is that correct?

Connie Sardo: Yes.

Chairman Astorino: My goodness. I just want to do a little housekeeping. I'd like to appoint Roger Showalter as my Vice-Chairman for 2026. Thank you for everything you've done in the past for me and this board.

Vice-Chairman Showalter: Welcome. My pleasure.

Chairman Astorino: To the rest of the board and professionals, if there is a winter event, Connie will notify you by 2, 3 o'clock by email if a meeting has to be canceled. To the rest of the board and professionals, it is a privilege to work with all of you. Thank you for all you do.

PUBLIC HEARING OF Robert J. Brady

Application for Final Approval of a proposed 3-Lot Conventional Subdivision + Lot Line Change for two existing dwellings to be located on Bowen Road and Brady Road with a new proposed dwelling to be located on Bowen Road, *a/k/a The Brady & Digulio Subdivision*, situated on tax parcels S 64 B 1 L 75 and L 76; parcels located at 88 Bowen Road & 204 Brady Road in the MT zone and RL-O #2 District, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler from Friedler Engineering.

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

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: At last month's meeting, the board, adopted a Negative Declaration of Environmental Significance completing the SEQRA review.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Brian Friedler: This is a proposed 3-Lot subdivision on the corner of Brady and Bowen Road. Currently there's two existing lots. We are proposing to break apart those lots and make another building lot. The Brady family will be building a single-family dwelling on the new parcel.

Chairman Astorino: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 12/19/25 no violations

Comment #7: ZBA – variances granted on 10/27/25

Comment #8: Planning Board to determine if a site inspection is necessary; completed 10/01/25

Chairman Astorino: That has been done.

Comment #9: Sheet 3, there is swale being directed at a soil stockpile area; please adjust the location(s) so that the swale is not being directed toward the stockpile area.

Brian Friedler: Ok.

Comment #10: In Driveway Pavement section detail, subbase material foundation course, shown as Dense Graded Aggregate Base should have 6-in. thickness, pursuant to §A168-19.

Brian Friedler: Ok.

Comment #11: Applicant to show square rule §137-21.K(1) for all three lots. Applicant requesting waiver.

Chairman Astorino: We discussed that waiver at the Work Session.

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

Comment #13: Surveyor to sign and seal the survey plan with proposed metes and bounds.

Comment #14: The date filed, liber, and page must be shown on the drawings for Biodiversity Notes, Agricultural Protection Notes and Ridgeline Overlay Notes.

Comment #15: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #16: Payment of all fees.

Brian Friedler: We are ok with Comment #12 through Comment #16.

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

Bob Krahulik: Regarding Comment #14, we normally require a deed to be recorded. If you do legal descriptions, we can have that together with the declaration for the Planning Board Attorney's review.

Chairman Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Brady & Diguilio Subdivision application, please rise and state your name for the record? Let the record show no public comment.

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

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

Mr. Kennedy makes a motion on the Robert J. Brady Trustee application, granting conditional final approval for a proposed 3-Lot Conventional Subdivision + Lot Line Change for two existing dwellings to be located on Bowen Road and Brady Road with a new proposed dewing to be located on Bowen Road, *a/k/a The Brady & Diguilio Subdiviison*, situated on tax parcel S 64 B 1 L 75 & L 76; parcels located at 88 Bowen Road & 204 Brady Road, in the MT zone and RL-O #2 District, of the Town of Warwick, County of Orange, State of New York. A SEQRA was adopted on December 17, 2025. Approval is granted subject to the following conditions:

1. Sheet 3, there is swale being directed at a soil stockpile area; please adjust the location(s) so that the swale is not being directed toward the stockpile area.

2. In Driveway Pavement section detail, subbase material foundation course, shown as Dense Graded Aggregate Base should have 6-in. thickness, pursuant to §A168-19.
3. Applicant to show square rule §137-21.K(1) for all three lots. Applicant requesting waiver. (Waived).
4. Surveyor to certify that iron rods have been set at all property corners.
5. Surveyor to sign and seal the survey plan with proposed metes and bounds.
6. The date filed, liber, and page must be shown on the drawings for Biodiversity Notes, Agricultural Protection Notes and Ridgeline Overlay Notes to be recorded to the Planning Board Attorney's review.
7. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
8. Payment of all fees.

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

PUBLIC HEARING OF Edens Ground LLC

Application for Site Plan Approval and Special Use Permit for the use and construction of a proposed 5,000 s.f. soil based, organically grown, indoor craft cannabis grow facility located in an existing building structure, *a/k/a Organigrow LLC.*, situated on tax parcel S 46 B 1 L 34.222; property located at 104-106 State School Road in the OI 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 Organigrow 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 adopted a Part 2 EAF at its November meeting, identifying potential impact on land, potential impacts on traffic, potential impact on water supplies, potential impact on historic and archeological resources, and potential impact from odor. The applicant had submitted a Part 3 draft Environmental Assessment form. We have reviewed that. We believe it satisfactorily addresses those issues and are recommending a negative declaration of environmental significance. We provided a resolution that would adopt the Part 3 and negative declaration.

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicants are proposing a soil-based organic indoor cannabis grow facility in one of the existing buildings located on the property.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 09/24/25 no violations

Comment #6: OC Planning Department – 10/23/25 environmental constraints, agricultural impacts, wetlands, water supply, stream protection, historical and archeological sites, and traffic

Comment #7: Planning Board site inspection conducted on November 24, 2025.

Comment #8: Please show the minimum roadway width proposed and a cross-section detail. Please update note on plan: Woodland Way improvements to be completed by the property owner by June 01, 2026.

Comment #9: Applicant to provide source of the water usage data.

Comment #10: Please provide square footage of growing space, number of carbon filters proposed, and specifications stating how much each carbon filter is able to treat.

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

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

Comment #13: Prepare description for Town Board consideration of the Irrevocable Offer.

Comment #14: Please add Aquifer Protection Overlay notes and Biodiversity Overlay Notes to the plan. Also add the declaration information after these notes are filed in the Orange County Clerk's Office.

Comment #15: Applicant to provide a Landscaping Bond, as well as the associated site inspection fee.

Comment #16: Payment of all fees.

Brian Friedler: We are ok with Comment #3 through Comment #16.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns. Let the record show no comment from the Board and Professionals. This is a Public Hearing. If there is anyone in the audience wishing to address the Organigrow Site Plan & Special Use Permit application, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion for adopting the Part 3 EAF and Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Adopting EAF Part 3 and Issuing a Negative Declaration

Name of Action: OrganiGrow, LLC

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for environmental review of a Site Plan and Special Use Permit application for the proposed reuse of an existing 5,000 square foot structure as an indoor cannabis grow facility, located on a lot identified on the Town of Warwick Tax Map as Section 46, Block 1, Lot 34.222, located at 104-106 State School Road, Town of Warwick, Orange County, New York; and

Whereas, on or around October 15, 2025, the Planning Board classified the action as Unlisted and commenced coordinated SEQR review by distributing a Lead Agency Notice of Intent to all identified involved agencies; and

Whereas, on or around November 19, 2025, the Planning Board assumed lead agency status and adopted a Part 2 Short Environmental Assessment Form (SEAF) that identified several areas of potential moderate or large impact; and

Whereas, the Planning Board has reviewed a draft SEAF Part 3 prepared by the Project Sponsor and revised by the Town Planner, dated December 29, 2025, which provides an assessment of the likely magnitude of impacts, geographic scope of impacts, duration of

impacts, probability of impacts occurring, number of people affected and other environmental consequences of the action.

Now Therefore Be It Resolved, that the Planning Board hereby adopts the draft SEAF Part 3, finding that it adequately addresses the impacts identified in the Part 2 SEAF; and

Be It Further Resolved, the based on the foregoing analysis as well as the testimony of the applicant and the information gathered during the course of site plan review, the Planning Board hereby issues a Negative Declaration of Environmental Significance, determining that the proposed action will not result in a significant adverse environmental impact and that an Environmental Impact Statement will not be prepared; 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, including filing of the Negative Declaration.

Mr. Showalter makes a motion to closed the public hearing.

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

Mr. Kennedy makes a motion on the Edens Ground LLC application, granting conditional Site Plan Approval and Special Use Permit (VOTE 5-0-0) for the use and construction of a proposed 5,000 s.f. soil based, organically grown, indoor craft cannabis grow facility located in an existing building structure, *a/k/a Organigrow LLC.*, situated on tax parcel S 46 B 1 L 34.222; property located at 104-106 State School Road, in the OI zone and AQ-O District, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on January 21, 2026. Approval is granted subject to the following conditions:

1. Please show the minimum roadway width proposed and a cross-section detail. Please update note on plan: Woodland Way improvements to be completed by the property owner by June 01, 2026.
2. Applicant to provide source of the water usage data.
3. Please provide square footage of growing space, number of carbon filters proposed, and specifications stating how much each carbon filter is able to treat.
4. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1 map note
5. Surveyor to certify that iron rods have been set at all property corners.
6. Prepare description for Town Board consideration of the Irrevocable Offer.
7. Please add Aquifer Protection Overlay notes and Biodiversity Overlay Notes to the plan. Also add the declaration information after these notes are filed in the Orange County Clerk's Office.
8. Applicant to provide a Landscaping Bond, as well as the associated site inspection fee.
9. Payment of all fees.

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

Brian Friedler: Thank you.

Black Walnut Creek

Application for Site Plan Approval and Special Use Permit for the use and construction for commercial agriculture farm market over 4,000 s.f. , museum village and eating and drinking establishment, situated on tax parcel S 4 B 1 L 2.46; project located on the northern side of Van Sickle Road 375± feet north of the intersection at Pulaski Highway (13 Van Sickle Road a/k/a 6 Sodrck Lane), in the AI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Keith Woodruff from Engineering & Surveying Properties. Jeremy Havens, Applicant's Attorney. Chris Collins, Architect.

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

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: We have received a no impact letter from SHPO as of December 15, 2025. That was the last piece that was outstanding for the part three EAF. We have prepared a Negative Declaration and Resolution for consideration by the board adopting the Part 3 EAF and issuing the Negative Declaration.

Comment #2: Applicant to discuss project.

Jeremy Havens: So, this application is for a site plan and special use permit, expanding what is currently a commercial farm operation to add additional uses that are permitted under the zoning code regarding historic properties. The property is a class one historic resource in that it has been registered with the federal and state historic registers and therefore qualifies for additional uses permitted under the town code. Some of the proposed uses include a historic museum village where the applicant plans to offer opportunities for interactive museum displays and exhibits throughout the property with a traditional museum space for display and exhibit and viewing and so forth by the public of historic artifacts that have been found on the property within the barn structure. An additional use that's being proposed is an eating and drinking establishment, utilizing a food truck, and a farm market in excess of 4,000 square feet.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: OPRHP: March 4, 2022 no significant archeologic materials found in proposed project area.

Comment #7: TW Building Department: 06/09/25 - 2 additions on barn require a permit, accessory structure requires a permit, maintain clear exterior walkways, fire inspection required, pending septic from 2022.

Keith Woodruff: Yes.

Comment #8: Town Law §280(a) for access from a non-public road; Applicant requesting approval from the planning board (pending Planning Board action).

Comment #9: Planning Board site inspection conducted on June 09, 2025.

Comment #10: Applicant to demonstrate that the private road agreement for Van Sickle Lane allows this type of use. Applicant to submit copies of the private road agreements. Applicant needs to update plans to show maintenance agreement for Van Sickle Road.

Jeremy Havens: Yes.

Comment #11: Museum and museum village were not added to the parking calcs. Also, the deck area appears to be approximately 2,100-sf (not 840-sf). The parking calculations should be updated. Employees are not included in the parking calculations.

Keith Woodruff: The museum and museum village were not included because those are going to be ancillary to the farm market and the eating and drinking establishment, which are going to be the primary uses of the property. So, the parking calculation was depicted on that base requirement. And as regards to the deck area, we note that it is a large deck, but we're only designating 840 square feet of the deck for seating, outdoor seating area that's going to be for the eating and drinking establishment. So, the remaining part of the deck will be for access to the sides of the building as well as any other displays that they may put up as part of their use.

Jeremy Havens: Additionally, a large part of the deck has to remain open because there will be a handicapped accessible ramp built from the deck going down to the parking area, and so a significant portion of the deck has to remain open for ingress and egress through the handicapped accessible ramp.

Chairman Astorino: We will need to see that. We will need to see how 840 square feet is going to be used and the rest is going to be compromised of handicap accessible or what have you.

Jeremey Havens: Yes. We have multiple exit doors on the floor plan.

Mr. McConnell: Would you quantify that?

Keith Woodruff: Yes.

Mr. McConnell: I mean the difference between 840 square feet and 2100 square feet kind of caught my attention.

Chairman Astorino: I agree.

Jeremy Havens: There's going to be three double door entry and exit points including the entire wraparound that's close.

Chairman Astorino: That's what they were just saying. We need to see it.

Mr. McConnell: Keith, you said that the museum and village and stuff wasn't included in the parking because there was no intention to do that at this point?

Keith Woodruff: No. They're more ancillary to the primary use of it being a farm market and eating and drinking establishment.

Mr. McConnell: But the parking now isn't calculated to include that use which you're saying is ancillary. So, when you decide, when the applicant decides to implement that use, will you be coming back to show us that you've increased the parking to accommodate that?

Keith Woodruff: No, we're saying that the museum and museum village is in conjunction with the farm market area and the eating and drinking establishment calculations. So it's not itemized to say it's going to be one car for whatever the value may be. There is no distinct correlation to a museum and museum village to figure out what the parking requirement would be. It's based upon what the planning board determines is necessary.

There's nothing in the Town Code in the Zoning Code that says this number of spaces is for a museum or museum village. So, there's no way for us to quantify that without knowing exactly how much foot traffic it would actually generate.

Mr. McConnell: Maybe this has been discussed before at the work sessions, but I don't recall any discussion about that and it just seems in my simple mind that if you're going to have additional uses that presumably are expected or hoped to encourage more people to come, that would be over and above. I'm just wondering what does our engineer think?

Chairman Astorino: Keith, what you are saying is you're coming to the farm market. You go to the museum while you're at the farm market if you so choose.

Keith Woodruff: We can work out the numbers.

Chairman Astorino: Dennis, I agree with you. There may be some people that want to go see the artifacts. I don't know. I think we're going to need to sit down and work that calculation out.

Keith Woodruff: To that point, there's also going to be people that are going to be going to the farm market and going to the eating and drinking establishment, but we've already double counted those car trips to begin with.

Jeremy Havens: In addition, the provided parking is in excess already of the required parking for the itemized uses. So, we did allow extra parking.

Chairman Astorino: Laura, would you verify that?

Mr. McConnell: Laura, do you have a number that represents the over inclusion that Mr. Havens is discussing?

Laura Barca: It is shown on the plan.

Jeremy Havens: We have four extra parking spaces in excess of what's required under the off-street parking calculation regulations.

Mr. McConnell: Do we have that number?

Chairman Astorino: Yes.

Mr. McConnell: Okay. Thank you.

Comment #12: Applicant to include width of Van Sickle Road on site plan. The plan indicates a proposed road widening by others; please clarify what the road widening will be, who will be responsible for the road widening, and when it will take place.

Jeremy Havens: The road widening is anticipated to take place by the neighboring property owner, which is R&G Farms. They own that section of the roadway and they use it and access their farm with their commercial trucks back and forth daily. And so they're the ones who already stated that they were intending to widen it. They've seen copies of the proposal.

Chairman Astorino: Bob, you'll be looking for some sort of document from them saying that they will do it in accordance with such and such by a certain time?

Bob Krahulik: We've been requesting it. There's been a lot of resistance. There's no agreement yet on what the outcome will be as far as a road maintenance agreement.

Chairman Astorino: This is a road widening. We don't know if we got to the maintenance agreement yet.

Bob Krahulik: It's all the same issue.

Chairman Astorino: Okay.

Bob Krahulik: Who's going to build it? Who's going to maintain it? Who's going to repair it?

Chairman Astorino: So, we need all that before we can go forward is what you're saying?

Bob Krahulik: Yes.

Chairman Astorino: Thank you.

Comment #13: Applicant to demonstrate that there is space for vehicles to back out into the farm road. The right-of-way should be shown and a turning radius diagram should be shown. Please provide the turning radius diagram.

Jeremy Havens: That's related to a prior proposal with proposed occasional overflow parking on the farm road that is no longer being contemplated and has been removed from the plan.

Comment #14: Applicant to remove the proposed signage along Co. Rt. 6 (Pulaski Highway). The owner does not own this land.

Keith: Yes.

Comment #15: Project Description: The Trip Gen state that there 60 parking spaces while the site plan shows 144 (60+30+54). Please explain the difference.

Jeremy Havens: Again, the original the 144 included significant additional occasional parking for special event permit use along the farm road that has been removed and therefore we're back to the 54 original parking spaces.

Chairman Astorino: That's where we are. 54 is the number.

Jeremy Havens: The trip gen covered up to 60.

Chairman Astorino: Okay.

Comment #16: Roadway serving the site – recommend to add description of Van Sickle Road.

Jeremy Havens: I don't understand the question or comment, the request. What do you mean by description of Van Sickle Road?

Laura Barca: A metes and bounds description of how it travels through the property.

Jeremy Havens: Does that go on the site plan?

Laura Barca: Add it to the site plan. Correct.

Jeremy Havens: Ok.

Comment #17: Data Collection:

- a. The section states that the PM period is expected to generate the highest number of trips – please provide the source.
- b. The text states that the volumes were grown to 2025; table header states 2024.
- c. Provide the source materials for Table 1 so the calculations can be validated.

Laura Barca: That's for your traffic. That would be the person that prepares your traffic.

Jeremy Haven: Okay. We'll have to get it from them and provide it to you.

Comment #18: Trip generation assessment: Are the restaurant employees included as part of the restaurant goers? Please share the calculation used to arrive at 1000 vehicles per direction using the 2017 simplified highway capacity calculation.

Laura Barca: That would also be for the traffic engineer.

Jeremy Havens: So you're asking us to get an explanation from the people that did the traffic analysis on that as well?

Laura Barca: Yes. That's correct.

Jeremy Havens: Okay.

Comment #19: Applicant to submit architectural renderings of exterior of buildings.

Chairman Astorino: I believe that has been done.

Comment #20: Applicant to demonstrate compliance with ADA requirements, including accessible access routes from parking areas to building entrances, ramp locations, cross slopes for parking areas, spot elevations, and appropriate signage for ADA parking spaces. The number of ADA spaces is dependent on the number of parking spaces proposed. The plan should have 8 accessible spaces; the plan shows 2; please update the plan.

Keith Woodruff: The eight spaces would be calculated based on the excess of parking based on 54 spaces. Two is required. And as far as the other ADA requirements, we'll incorporate that into the plan set as well as the ADA path through the decks.

Chairman Astorino: You are getting rid of the quote overflow parking limits there. Is that correct?

Keith Woodruff: Correct.

Chairman Astorino: Laura, Are you good with that, Laura?

Laura Barca: Yes.

Comment #21: It appears that there is a parking space in front of the access sidewalk. Suggest striping for that space to allow access. And/or to move handicap parking to make this the access aisle to provide access to sidewalk.

Keith Woodruff: Will do.

Comment #22: No grading has been provided to check if min/max slopes for accessible route are achieved. Please verify the slopes of the parking area. Also, confirm and then add a note to handicap parking detail for the min/max allowable slopes. Additional grading and/or spot elevations are required to demonstrate that the ADA parking spaces are compliant.

Keith Woodruff: Yes.

Comment #23: It is noted that the parking area is gravel. Item 4 gravel may not be considered handicap accessible if it does not meet certain standards. Accessible surfaces must be firm, stable, and slip resistant. If gravel is not compacted properly or is too large/loose, it can be difficult to navigate. Applicant to update surface cover for accessible parking to be consistent with ADA Requirements. The area of the paved/slip resistant surface should be shown and defined on the site plan.

Keith Woodruff: Will do.

Comment #24: Applicant to confirm if the sidewalk is proposed to be a part of a potential museum village feature location or the potential food truck location. Applicant to confirm if the sidewalk is consistent with ADA standards.

Keith Woodruff: Yes. Will comply.

Comment #25: Town of Warwick Standard Notes must be added to the plans for Biodiversity and SWPPP Note for Projects in the AP-O.

Keith Woodruff: Yes.

Comment #26: Applicant to demonstrate permission to place the Proposed Freestanding Sign at the intersection of Van Sickle Road and Pulaski Highway. Applicant to clarify if the sign is proposed in the right of way.

Keith Woodruff: Will remove.

Comment #27: The sign schedule is shown on C-301, however there is no sign plan showing the locations of the signs shown in the sign schedule. Please include a site plan identifying the locations of each of the signs and add a quantity total to sign schedule on Sh C-301.

Keith Woodruff: Yes.

Comment #28: Applicant to add a note to the plan stating that no commercial kitchen is permitted as part of the eating and drinking place use and one food truck is permitting by this planning board approval. If the Applicant would like to install a commercial kitchen,

amended site plan approval is required by the planning board. In addition, screening, if not already provided, will be provided for vehicles parking along farm road.

Jeremy Havens: I'd like to address that. Instead of having the applicant come back for planning board re-review, it's my understanding, please correct me if I'm wrong, the board's concern in this regard with the addition of a commercial kitchen was that if that were the case for the eating and drinking establishment use, then the board would expect the required parking lot to be paved. I respectfully request that the board add a condition to its approval stating that no permit for commercial kitchen would be issued unless the required parking lot would be paved in accordance with in accordance with specifications that would be approved by the Town's Planning Board's engineer.

Chairman Astorino: That's something we could discuss.

Comment #29: Please add a note to the plan stating that a farm stand does not allow visitors to pick their own fruit.

Jeremy Havens: This is actually a commercial farm operation, not a farm stand. They have a farm stand on their commercial farm operation. They can have people pick their own fruit if they wanted to. That's not currently part of their plan but because it's a commercial agricultural farm, not just an independent farm stand sitting on the side of a road. There would be no prohibition for them to permit visitors and so we can't add that note to the plan because it would unreasonably restrict the commercial farm operation within the ag district.

Chairman Astorino: Laura, please check on that matter.

Laura Barca: Okay.

Comment #30: Surveyor to certify that iron rods have been set at all property corners.

Keith Woodruff: We request a waiver so that we'd only set or verify the property corners closest to Van Sickle and some of the other private roads so that we don't have to place pins in the back part in the black dirt.

Chairman Astorino: : You could probably show us that on the plan when you're ready to.

Keith Woodruff: Yes.

Comment #31: The liber and page for aquifer protection, agricultural projection, and biodiversity notes must be added to the plans.

Keith Woodruff: Yes:

Comment #32: A performance bond will be required to improve the road to the satisfaction of the planning board engineer.

Keith Woodruff: Yes.

Comment #33: Applicant to post any required Performance Bond or Landscaping Bond, as well as any associated site inspection fees.

Keith Woodruff: Yes.

Comment #34: Payment of all fees.

Keith Woodruff: Yes.

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

Max Stach: I wanted to go over something. We talked about some of this thing at the last meeting. But we still have the last submission I believe is from December. Is that correct?

Keith Woodruff: I think the date's November.

Max Stach: Yes. So, one of my early comments was with regard to lighting. You do have lower levels of lighting in the front parking area there that are typically required by code. We had asked whether or not additional lighting should be warranted. This is a farm use. It's not a strip mall. I think there's some flexibility there. I think a decision needs to be made on that. Additionally, I think what we're missing is some of the details. You tell us you're going to use the WPXO fixture and you show us what the fixture is. But the WPXO fixture has options. And the one that I'm thinking about as being most critical is the color temperature. And I didn't see that designated on the plan.

Keith Woodruff: I think it was in the schedule of the fixtures itself. Typically, when we do these lighting plans, we try to stay around 3,000.

Max Stach: That would be my suggestion since there's houses right there.

Keith Woodruff: No, these were 4,000. We can go to 3,000. That's not a problem.

Max Stach: Okay. With regard to landscaping, the last version, I think at the workshop it was discussed that only one type of tree is now being proposed. And that was the black walnut.

Keith Woodruff: We have the black walnuts that are surrounding the parking area. We are still maintaining some crabapple trees. We have two of those that are going to be adjacent to the barn. We did have some Norway spruces that are going to be installed along or surrounding Sodrck Lane to provide screening to the proposed parking areas. And then we're going to maintain the existing vegetation between the parking lot and the adjoining residential properties to the greatest extent practical.

Max Stach: Are you basically doing the same one that you submitted in December?

Keith Woodruff: Yes.

Max Stach: We had raised some comments on that. Crabapple drops a lot in the parking lot. It could be a bit of a hazard.

Keith Woodruff: Right. To that point, because they are still considered a commercial agricultural operation, they're permitted to plant trees that are not necessarily designated as a native to New York. A crabapple may or may not be. Again, they're allowed to plant whatever trees they want. They're going to have to guarantee it as part of their landscaping bond. It is as long as the board is okay with that.

Max Stach: I would disagree with that statement. I don't know that there's anything that says if you're an agricultural, you can plant non-native species. I don't think that's part of the best management practice or standard agricultural rule that's been issued by Ag and Markets. I don't have a strong opinion on this. We do note that the Warwick Code does require native species. I think Norway spruce is a naturalized species, so I think that's okay. But the other ones are really not native to the area. We have suggested native alternatives. Again, as long as it's native, I don't think we're picky.

Jeremy Havens: The provision in the Code specifies that there's a strong preference for native species, but not a requirement for native species. In this particular instance, given that it's a commercial agricultural farm, they would be permitted to essentially plant and grow. If they wanted to put fruit trees on their farm, then they have the ability to do that, whether it's utilized for screening purposes or out in the middle of their fields. As a commercial agricultural farm, if they want to plant fruit trees, they would have the flexibility to do that. In this particular case, they're just using it for decorative purposes, a combination of decorative and screening.

Chairman Astorino: I totally agree with your fact that you're a farm, you want to plant trees, you want to have an operation, that's what you should be able to do. Now you're sitting in front of the Town of Warwick Planning Board, trying to have a commercial farm application with a farm market in excess of 4,000 square feet, where you're inviting the public to come to enjoy your property and your wares.

Bob Krahulik: It's a little more than that. It's also an eating and drinking situation.

Chairman Astorino: I understand that. What I'm getting at here, because we're bringing up the farm end of it, is that now, as a planning board, we'd like to see some screening that's going to survive that would probably make sense, as our planner said.

If a crabapple tree is going to be the sticking point for an application for... How many you got there? Two?

Max Stach: It's two crabapples, six birias...

Chairman Astorino: I'm just saying, I think something can be looked at for the screening end of it. You want to put an orchard on your farm, nobody's saying you can't do that. I think what our planner is saying, we need something that's going to make sense, that's going to survive, and

quite frankly, he just pointed out that when the crabapple drops the crabapples in your parking lot, somebody walks across it and twists their ankle, it may be a lawsuit to the owners. I think he's trying to do you a favor.

Max Stach: Yeah, the crabapple is the one that you can keep, because that is allowed by the code. It's the ones that are non-natives, really, are the spirea, juniper...

Chairman Astorino: That's something could be discussed.

Keith Woodruff: Yes. Those are all shrubs,

Jeremy Havens: All of those shrubs are fine. We can come up with something.

Chairman Astorino: I would think that would be perfect.

Jeremy Havens: Ok.

Max Stach: The last one is we had talked about a safety fence between the commercial farm, R&G, whatever it is, and your site. I think you said you were going to put in a split rail fence. All I could see on the plans was it says temporary fence. When I went to the details, it was orange construction fence.

Keith Woodruff: Because of the access to the back of the barn, either for emergencies or for deliveries. The applicants would like to maintain that access to that side of the barn. Otherwise, there's no other direct means of access to that. It also keeps that away from any of the residential properties that abuts the other adjacent commercial animals.

Max Stach: Could you do a split rail gate type thing? Maybe something a little bit nicer than an orange construction fence.

Keith Woodruff: We could talk to the applicant to see if that's something that they would like to do.

Chairman Astorino: I think that would be wise. It would look better on your property than the orange construction fence.

Chairman Astorino: Does the Board or Professionals have any other comments or concerns? I do have one comment for Bob. You touched on about the maintenance agreement of the road that we have not received anything. Is that correct?

Bob Krahulik: We received an existing I'll call it an easement agreement, not necessarily a road maintenance agreement. It's not clear, to me at least, who's going to be responsible for maintaining, repairing the road going forward. Apparently, a neighboring property owner has offered to improve the road, but there's no firm commitment, there's no obligation to see that through.

Chairman Astorino: We have nothing. We have no document in our hands saying they're going to do it.

Bob Krahulik: We do not.

Chairman Astorino: Could you have that provided to us?

Jeremy Havens: There is actually a recorded private road maintenance agreement for Van Sickle Lane that provides that the applicant is responsible for maintaining that road. It also has a very loose provision in it regarding the fact that the town of Warwick has the authority to enforce the agreement. It doesn't specify more specifically than that, as many of the more modern road maintenance agreements do. I've spoken with the applicants. They're talking with the neighbors. We've prepared a revised agreement. They're presenting it to see if we can get it approved so that we can meet the expectation of the Town attorney with respect to improved enforcement capacity by the Town of Warwick to ensure that it's being properly maintained, and I respectfully request that the board authorize whatever private road maintenance agreement meets the Town attorney's requirements for being sufficiently adequate.

Chairman Astorino: So, essentially what you're saying is, you have this agreement that you drew up.

Jeremy Havens: Correct.

Chairman Astorino: You bring it to the neighbors, and we don't know yet what's going to happen to it. Is that correct?

Jeremy Havens: Correct.

Chairman Astorino: Okay. To Bob and the board, I'm not comfortable right now until we see that agreement, until we know what we have. I mean, to throw it out there, and we haven't heard from the public yet either, so that's just my opinion.

Chairman Astorino: Does the Board or Professionals have any further comments or concerns? This is a public hearing. If there is anyone in the audience wishing to address the Planning Board on the Black Walnut Creek application, please rise and state your record?

Alex Retiano: My house is on 379 Pulaski Highway. I could probably point it out on the map. The lot directly to the right of Van Sickle, my house is the one directly next to that. That's my neighbor, and that's my lot right there. The establishment that's there right now, it's not overly loud, unless they have live music, in which case my kid doesn't sleep. I've tried to address that with them, and there was no real concern from my kid being able to sleep that day. A question, concern, I don't even know if it's an access. Is it two different parcels? 6 Sodrlick Lane and Van Sickle Road? I don't live on 6 Sodrlick Lane. I know that access little driveway there, I can guarantee you a lot of people are just going to zip on out there and turn a nice quiet cul-de-sac into an access road to a bar. That's not really a concern for me. It's probably a concern for somebody else. I don't even know if it's supposed to be there, but there is an access between those two roads that joins those two roads that makes it not really a cul-de-sac anymore, if the people are going to be accessing that. Frankly, my concerns are the museum and all the historical stuff is window dressing for what it really is, it's a bar right behind five houses. There's

already a bar a couple month out of the year that makes the quiet enjoyment of my property and my neighbor's property less, which drives down my property value and all that kind of stuff. Now, if this gets approved, now there's going to be a bar there all the time, which means drunk strangers behind my house, which means noise behind my house, which means less quiet enjoyment of my own property. Besides that, the traffic concerns, the road widening of Van Sickle, I don't know how that would work. I don't know how you guys plan it. I know that the only way to widen that road would be to encroach on my neighbor's property and the other woman's property that lives across the street. I know she just spent a lot of money on landscaping right on the road. She's probably not going to be happy about that if they want to widen the road.

But that is a very narrow farm road. The traffic concerns that I have are the last event that they had there at the property that they have running right now. The logistics of how they had cars coming in, the traffic was so bad that it was backed up quite a way both directions on Pulaski Highway. I don't know how much you're familiar with that part. There's a blind hill that comes up from the Goshen side. If there's five cars lined up, they're lined up right in front of my house and all it takes is one 18-wheeler to come careening over that hill and not know that there's six cars' dead stopped and blast them all into my driveway. Or into my house. I don't know if it's just logistics that need to be figured out for cars to be going in and out of there. If there's parking, maybe it'll be better than it was last time. It was a concern for me last time. So, I'm not a big fan of this going through, but I'm just one guy.

Chairman Astorino: That's what you're here for. Do you have anything else?

Alex Reitano: That's really it. Thank you so much.

Chairman Astorino: Thank you. Anyone else wishing to address the board?

Patricia Bollenbach: I reside at 11 Van Sickle Lane. I would like to say that this proposal by Black Walnut Creek is not compatible with surrounding residences. This property is part of the Sodrck subdivision consisting of an archaeological site of which no cars or vehicles are allowed to disturb. Will there be designated parking off of Van Sickle Road for emergency vehicles to pass through? Meaning, not parking on the side of Van Sickle, which is what they have done further down. Not at the entranceway. Will the music venue be enclosed per zoning codes with no amplification? How many events will be planned at maximum capacity per zoning code? Farm market location and hours of operation? Will produce be grown at that location per zoning code percentages and how much grown on site and how much brought in? Because I don't personally think there's enough land there for what he wants to do, plus grow the percentage of required produce. Location of museum structures and will school groups be coming in on buses? Will buffers be put in place or grown for privacy and noise control? Also visual with the lights as you had mentioned. How will this affect the single lane road known as Van Sickle Road? What is the plan for exiting cars? Obviously, they're going to be coming in Van Sickle. How are they going to exit? It's a one lane. Unless you drive on my lawn. It's one lane. With all of this being considered, Chiron which runs alongside of property in question may be a better option than single lane Van Sickle Road. September of 2025 which Mr. Reitano was speaking of, they had a sunflower festival. Pulaski Highway was blocked in both directions. Cars trying to turn onto Van Sickle. Locals could not leave their homes. Police were called. In closing,

this is not the location for his vision. I would like to request that this public hearing stay open. Thank you.

Chairman Astorino: Thank you. Is there anyone else wishing to address the board on the Black Walnut Creek application?

Heidi Carnevali: I live at 3 Sodrnick Lane. . I have several concerns. I was informed that the town which we have a private road. We are responsible for that road. The town had actually given us a sign that said private road dead end. I was informed that the town allowed a pass through. So when people are exiting the location that they cross over and they come down our lane.

Chairman Astorino: I think it was an emergency thing if I remember correctly. I have to look way back when we did that. I was here when that was done. I believe there was an emergency. W would have to check the minutes.

Heidi Carnivali: Because when they first opened the Sunflower Day there were like 400 cars on the lane.

Chairman Astorino: On Sodrnick?

Heidi Carnevali: Yes. They were cutting through. They were directing the cars to cut through the cul-de-sac to drive onto Sodrnick Lane. Now my question is this. If the town authorized that and somebody gets hurt...

Chairman Astorino: The town is not authorized in that. It could be done if it's a public road. This is a private road. So we'd have to look back. I don't believe anybody from the municipality said send 400 cars down Sodrnick Lane. I don't believe that.

Heidi Carnevali: That's what I was told.

Bob Krahulik: All pf the traffic is going to go out Sodrnick Lane.

Chairman Astorino: Was that their plan?

Bob Krahulik: That was the plan from the very beginning.

Heidi Carnevali: My problem is that I'm in the middle of that lane. What is happening is I've had to put cones up to block off the front of my driveway. People were using my driveway to do a turnaround. Also, when you come down Sodrnick Lane, there's like a blind spot there. If I'm coming out of my residence and I'm going towards Pulaski Highway I almost got into a head-on collision last year. Because somebody was coming in and they didn't see me. They almost hit me head-on.

Bob Krahulik: It is proposed that traffic would exit out of Sodrnick Lane. There should be no parking. If you have issues with people turning around on your property or parking in Sodrnick Lane you should call the police. They are not supposed to be doing that.

Heidi Carnevali: My concern is the traffic influx. If somebody gets hurt on the lane in front of our houses and they decide hey we want to sue, I don't think it's fair that the homeowner should be responsible for that. That's my concern. I worked hard my whole life to buy my piece of property there and having all these cars up and down the lane is outrageous. My other concern was what are the hours of this going to be? Is this going to be until 12 o'clock at night with the music and stuff like that? Because it is loud and my mom, she's 83 years old.

Chairman Astorino: Keith, I'm going to ask you this question. As far as hours of operation and outside amplified music, that is not included in this application. Is that correct?

Keith Woodruff: Hours of operation are listed as 10am to 10pm seven days a week. And that's a note on the plans. And then as far as the outside amplified music, we have the provision of the code the Special Use condition 152 which limits or prohibits the outdoor amplification of music beyond certain requirements so that they can have their special events. That is where it's all detailed in that note.

Chairman Astorino: Bob, if I'm not mistaken, 24 special events per year are allowed?

Bob Krahulik: That would be if you had a farm market or if you were a private property owner such as the Brady family and you were hosting a wedding or something like that. This is a different animal. They're going to have permission to run a restaurant, an eating and drinking establishment seven days a week. And unless you rein in that use, they are not limited to the number of days that they can have outdoor live entertainment.

Heidi Carnevali: This can go on all year? Is that correct?

Bob Krahulik: Yes.

Heidi Canevali: Okay. Is there another way that the traffic coming from there could go the other way on Chiron Road instead of going through a private lane?

Bob Krahulik: We can mention that to the applicant, but legally it was already contemplated that this access would be allowed. It was granted long before you bought your house unfortunately.

Heidi Carnevali: So again, my question would be, if somebody gets hurt in front of my house coming from the barn and they decide they want to sue me, then I could forward all the lawsuit to you guys, I guess?

Chairman Astorino: That's something we'll look into. That's the purpose of the public hearing. It is to get comments from the public.

Alex Reitano: It was just quick about the live music and her concern about it being outdoors. I can tell you from experience it doesn't matter whether it's outdoors or indoors. From my house, I don't know what house is hers. They had live music indoors and it was still about as loud as having a radio on in my house. So you can still hear even when it's indoors.

Chairman Astorino: Does that happen even when the doors are shut inside?

Alex Reitano: I believe there was a window facing R&G that was open. When I addressed the concern to them that I have a sleeping 6-month-old baby, it didn't get closed or anything, it is like having like having the radio on.

Chairman Astorino: That's something we could discuss. Thank you. Is there anyone else wishing to address the board on the Black Walnut Creek application?

Vince Morgiewicz, Jr.: I appear here now as a representative of my mother who's unable to be here tonight. I would start out by saying that she was alarmed and disappointed that her town government, she's a lifetime resident, that her town government and its officials would operate in such a manner whereas, or wherein, she was given less than 28 hours' notice that this matter even existed. And there's no way that she was able to be here for several reasons. Her initial concerns are that she didn't even know this existed and she requests that this board take no action tonight and continue this matter.

She's concerned, among many other things, about noise pollution, lighting pollution, and traffic. In the last several years, there have been events and activities held at this location which have resulted in traffic jams in excess of one mile in each direction on Pulaski Highway and she was unable to access her property in a timely manner.

Chairman Astorino: What address is your mom living at?

Vincent Morgiewicz, Jr.: 385 Pulaski Highway. It's further away than some of the other people who have commented here. But nonetheless, it's within sight distance and sound distance of this property location.

Chairman Astorino: Do you know if she hears the music?

Vincent Morgiewicz, Jr.: She hears it with the air conditioning on in her bedroom. She can't sleep at night. It's unacceptable. I would ask the board to seriously consider all of the things that this applicant wants to, activities and events that they want to conduct and I didn't know it was on a year-round basis and if it's seven days a week, 12 hours each day, you need to all think about what that would do to your property.

Chairman Astorino: Which is why we're having a public hearing.

Vincent Morgiewicz, Jr. Understood. I would ask that it be continued and no final action be made today. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Board on the Black walnut Creek application? Let the record show no further public comment. Board members, in light of what we heard, for one, the noise, traffic, what our attorney mentioned about the road maintenance agreement, and the lighting, there's some issues that we need to discuss and work out with the applicant.

Mr. McConnell: Agreed.

Chairman Astorino: Is the Board in a consensus for that?

Mr. Showalter: Yes.

Chairman Astorino: This is why we have a public hearing. We have to dig a little deeper. Can we have a motion to adjourn the Black Walnut Creek application public hearing without date until we get this information and then we'll re-notice?

Mr. McConnell: makes a motion to adjourn the Black Walnut Creek Site Plan and Special Use Permit Public Hearing without date.

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

Chairman Astorino: What that means to the residents that came out tonight, there will be a re-notice of the public hearing. We're going to request some information from the applicant, get some more information from some of the comments we heard tonight, and then it'll be re-noticed for an additional public hearing. You could always give the Planning office a call and speak to Connie. Meeting agendas are posted on the Town's website.

Jeremy Havens: Is the notice that's to be issued for next month going to be any different than what was sent this month?

Bob Krahulik: We don't know if it's going to be next month.

Chairman Astorino: We want to get this information. It sounds like we need to discuss some noise issues. We need to discuss whether a noise study needs to be done with the applicant. Whether they want to continue to have it. That's a conversation we're not going to have tonight. We need to have that conversation. That's going to be decisions made by the applicant through you, their engineer, or themselves whether they want to go through that process. I'm just spit balling here, but I'm sure we've done this in the past. We have done that with other projects similar to this one such as; Snufftown Brewery located on Union Corners Road. We asked for a noise study.

Bob Krahulik: We did the same for Blue Arrow.

Chairman Astorino: That's something that we just heard tonight from every resident that came up here and mentioned the noise. I'm not going to speak for every board member. I can almost guarantee that at the next work session, there is going to be some comments about it. Correct?

Mr. McConnell: Yes.

Jeremy Havens: Thank you/

Chairman Astorino: Thank you.

Review of Submitted Maps:***Kimberly Accola Chapter 150***

Application for recommendation to the Town of Warwick Building Department for “Chapter 150” reclamation Plan, situated on tax parcel S 40 B 1 L 25.221 property located at 79 Ryerson Road, in the RU zone, of the Town of Warwick.

Representing the Applicant: Keith Woodruff from Engineering Surveying & Properties.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This action its SEQRA classification is largely dependent on whether or not the Planning Board feels that the amount of clearing is consistent with what would normally be required for a single-family home. Based on what's shown on the plan, we are recommending that this be classified as a Type 2 action under SEQRA.

Comment #2: Applicant to discuss project.

Keith Woodruff: So, as Max alluded to, this was an existing tax parcel that the applicant had gone out and started clearing some of the trees. We have surveyed the limit of tree clearing. It's approximately 0.68 acres. Subsequent to that, they did receive a notice of violation from the Building Department for removal of trees in excess of a quarter of an acre without a building permit. As part of the Chapter 150, they're before the Board to ask for a resolution or review of the actual application.

Chairman Astorino: Basically, you showed with the house, the septic, and you added some plantings, correct?

Keith Woodruff: Correct. So, we show six trees, a mix of deciduous and evergreens. We have two red maples, one red birch, and three Norway spruces.

Chairman Astorino: Max, are you okay with that?

Max Stach: In terms of the species, I'm okay with that as long as the quantity satisfies the Board.

Chairman Astorino: I think it makes sense for the lot. The bottom line here is that they cleared it before getting a permit. It doesn't look like they did it excessively. So, that's my opinion. I drove by the lot. I totally think this is adequate, in my opinion.

Mr. Showalter: It is more than adequate.

Connie Sardo: Mr. Chairman, we received the signed escrow form from the applicant.

Chairman Astorino: Ok. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 01/08/26 notice of violation for tree clearing issued March 2025, \$500 fee not paid.

Keith Woodruff: We will take care of that.

Comment #6: OC Planning Department – not needed per NPV.

Comment #7: Existing septic plan was accepted by the Town for four bedrooms (on April 25, 2023).

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

Chairman Astorino: The Board is in a consensus that a site visit is not necessary. Keith, do you have any issue with any of these comments? They seem to be very straightforward comments.

Keith Woodruff: No, I don't see any exceptions to any of these comments.

Chairman Astorino: We will list Comment #9 through Comment #26 for the record. Do any board members or professionals have any comments or concerns? Let the record show no comments or concerns from the Board and professionals. So, this is not a formal motion. This is just a motion to recommend the site plan to the Building Department. Bob, is that correct?

Bob Krahulik: Under the Chapter 150, a public hearing is not required. What would be appropriate is a motion making a recommendation to the Building Department based on the site plan and conditioned upon the engineer's comments.

Mr. McConnell makes a motion on the Kimberly Accola Chapter 150 application, approved a recommendation to the Town of Warwick Building Department for “Chapter 150” reclamation plan, situated on tax parcel S 40 B 1 L 25.221; property located at 79 Ryerson Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on January 21, 2026. Approval is granted subject to the following conditions, which must be reviewed by the Planning Consultants:

1. TW Building Department – 01/08/26 notice of violation for tree clearing issued March 2025, \$500 fee not paid
2. OC Planning Department – not needed per NPV.
3. Existing septic plan was accepted by the Town for four bedrooms (on April 25, 2023).
4. Applicant to clarify if proposing dedication to the Town for the 25-ft right-of-way.
5. Applicable Town of Warwick Standard Map Notes must be added to the plans.
6. §164-46J (114): One-family dwellings shall not exceed one building on each lot. Please add note to the plan.
7. Sheets 2 and 3 have the same sheet number; please update the drawing numbers.

8. Provide a unique linetype to delineate the Limit of Disturbance and provide the area in SF and in acres.
9. Applicant to show properties within 300 ft on plans.
10. Sight distances from driveway onto Ryerson Road should be included on the plans.
11. Proposed contours around proposed driveway culvert indicate a flat slope. Add proposed driveway culvert inverts, slope, size, and material to the plans. Confirm conformance with §79-3.
12. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
13. Provide stump locations and quantity of trees removed for previous clearing operations per §150-5f.
14. Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).
15. A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans. Confirm proposed silt fence downstream proposed well is positioned to accommodate the equipment access paths and operations associated with drilling.
16. A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate on business letterhead, including installation.
17. The notes for the aquifer protection overlays must be added to the plans.
18. Surveyor to certify that iron rods have been set at all property corners.
19. Surveyor to sign and seal drawing.
20. Payment of all fees.

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

Keith Woodruff: Thank you.

Comment #9: Applicant to clarify if proposing dedication to the Town for the 25-ft right-of-way.

Comment #10: Applicable Town of Warwick Standard Map Notes must be added to the plans.

Comment #11: §164-46J (114): One-family dwellings shall not exceed one building on each lot. Please add note to the plan.

Comment #12: Sheets 2 and 3 have the same sheet number; please update the drawing numbers.

Comment #13: Provide a unique linetype to delineate the Limit of Disturbance and provide the area in SF and in acres.

Comment #14: Applicant to show properties within 300 ft on plans

Comment #15: Sight distances from driveway onto Ryerson Road should be included on the plans.

Comment #16: Proposed contours around proposed driveway culvert indicate a flat slope. Add proposed driveway culvert inverts, slope, size, and material to the plans. Confirm conformance with §79-3.

Comment #17: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #18: Provide stump locations and quantity of trees removed for previous clearing operations per §150-5f.

Comment #19: Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).

Comment #20: A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans. Confirm proposed silt fence downstream proposed well is positioned to accommodate the equipment access paths and operations associated with drilling.

Comment #21: §150-4(A)5. A performance bond may be required to ensure conformance to all applicable standards and requirements.

Comment #22: A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate, including installation.

Comment #23: The declaration information for the aquifer protection overlays must be added to the plans.

Comment #24: Surveyor to certify that iron rods have been set at all property corners.

Comment #25: Surveyor to sign and seal drawing.

Comment #26: Payment of all fees.

Monica Tomaini Chapter 150

Application for recommendation to the Town of Warwick Building Department for “Chapter 150” reclamation plan, situated on tax parcel S 16 B 1 L 49.2; property located at 52 Hedges Road, a/k/a Roven & Specht lot line change, in the CO zone, of the Town of Warwick.

Representing the Applicant: Kirk Rother, P.E. Mr. Tomaini, Applicant.

The following review comment submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: In a similar fashion, if the property is consistent with what is required to construct a single-family home, this would be Type 2 Action. I think when we went to the site visit, it became clear that while this is a bit more than would normally be relevant, the size of the trees, the shallowness of the bedrock in this area, and the danger of tree fall onto the home warranted a little bit larger than usual, and so we are recommending that this be a Type 2 Action.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Kirk Rother: This is an existing 4-acre parcel on Hedges Road that was part of a filed map from a few years back. Mr. Tomaini bought the property. He submitted an application for a building permit, but before that permit was issued, he started cutting trees. Got a violation.

Chairman Astorino: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 12/19/25 land clearing violation issued 11/04/25

Comment #6: OC Planning Department – not required per NPV

Comment #7: Planning Board site inspection completed on January 21, 2026.

Chairman Astorino: We had done a site visit. We asked you to add a little more, show everything you were going to do on the plan. So this is what we have. Do any board members or professionals have any comments on that?

Mr. McConnell: It was surprising. And I've heard a lot of discussion about well, the rocky soil won't support the trees, and yet there were these very large trees cut down. So apparently the rocky soil does support big trees. But the nature of nature is all things die. It seemed like sort of a circular argument that they had to come down because the soil wouldn't support them. I was upset by this one just because it was such a clear cut. I don't know how to rectify that? I think there was a discussion about replanting. Can

you show me where is that, those green circles, is that the replanting that you're referring to?

Kirk Rother: I didn't make the claim that the soil being thin is the reason the trees got cut.

Mr. McConnell: It was made. I'm not trying to point fingers. I'd like to take that out of the discussion because if they were there, they were supported for a hundred years or so.

Kirk Rother: Yes. I agree. Everything that we have shown here in these symbols is what's proposed. There are 21 trees, a mix of red cedar, paper birch, white oak, and some mix, at this corner, mix of pear and apple trees.

Mr. McConnell: Okay. What would be the land area that those trees that are being proposed? What does that land area aggregate?

Kirk Rother: In acreage?

Mr. McConnell: Yes.

Kirk Rother: I don't know.

Mr. McConnell: Square footage, acreage, however you want to express it?

Kirk Rother: Half an acre? Three quarters of an acre? This whole box here is about three acres.

Mr. McConnell: It is about 3.2 acres as I recall.

Kirk Rother: The lot is 3.9 but that includes a thousand feet of driveway. This area here was cleared with a driveway permit by the prior owner, which is the shale area that we saw there. The area of trees that Mr. Tomaini cut is roughly two acres. Maybe a little bit more.

Mr. McConnell: Okay. And he would have been permitted to do, as a matter of right, a quarter of an acre?

Chairman Astorino: No. This is a building lot.

Mr. McConnell: Okay.

Kirk Rother: He submitted a building permit application. He just jumped the gun and cut trees. This plan, this house, this septic, that's all on the site plan that's already in the building.

Chairman Astorino: Max, how about the trees that are proposed.

Max Stach: Could you verify what the trees that are proposed?

Kirk Rother: It's red cedar, acre birch, white oak, and mix of pear and fruit. Pear and apple.

Max Stach: Okay. Those are native.

Chairman Astorino: Kirk? On these comments, did you have an issue we didn't discuss?

Kirk Rother: Number 11. Performance bond. So I know 12 is regarding a landscape bond, which we understand. What would the performance bond potentially be for?

Chairman Astorino: I don't think we need it.

Kirk Rother: Okay.

Chairman Astorino: So we'll strike that. Strike Comment # 11 regarding performance bond.

Kirk Rother: Other than that, the only other two I have, Mr. Chairman, is 14 and 15 regarding surveyors setting iron rods and signing and sealing the drawing. I don't show meets and bounds on this. This is already a filed map.

Chairman Astorino: This is a recommendation to the Building Department. I don't think we would need that for this. Is that correct? We could also strike Comment #14 and Comment #15:

Laura Barca: Comment #11, #14, and #15 are stricken.

Chairman Astorino: Bob, would this be the same a recommendation to the Building Department?

Bob Krahulik: as I explained under Chapter 150, a public hearing is not required. So we are in a position to adopt a resolution approving a recommendation to the Building Department in accordance with HDR's recommendations with the exception of numbers 11, 14, and 15.

Mr. McConnell makes a motion on the Monica Tomaini Chapter 150 application, approved a recommendation to the Town of Warwick Building Department for "Chapter 150" reclamation plan, situated on tax parcel S 16 B 1 L 49.2; property located at 52 Hedges Road, a/k/a Roven & Specht lot line change in the CO zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on January 21, 2026. Approval is granted subject to the following conditions, which must be reviewed by the Planning Board Consultants:

1. TW Building Department – 12/19/25 land clearing violation issued 11/04/25
2. OC Planning Department – not required per NPV
3. Planning Board site inspection completed on January 12, 2026.
4. Plans should be updated to show previous area of disturbed land or tree clearing.

5. Site plan should follow requirements of §150-4. Uses for which permit is required. Applicant to update plans to include this section of the town code.
6. Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation.
7. A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate on business letterhead, including installation.
8. The notes for the agricultural, ridgeline, and biodiversity protection overlays must be added to the plans.
9. Payment of all fees.

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

Kirk Rother: Thank you.

Comment #8: Plans should be updated to show previous area of disturbed land or tree clearing.

Comment #9: Site plan should follow requirements of §150-4. Uses for which permit is required. Applicant to update plans to include this section of the town code.

Comment #10: Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).

Comment #11: §150-4(A)5. A performance bond may be required to ensure conformance to all applicable standards and requirements.

Comment #12: A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate, including installation.

Comment #13: The declaration information for the agricultural, ridgeline, and biodiversity protection overlays must be added to the plans.

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

Comment #15: Surveyor to sign and seal drawing.

Comment #16: Payment of all fees.

Ball Farm Section 2 Subdivision

Application for Final Approval for Section II to consist of a proposed 14-Lot Cluster subdivision and Special Use Permit for 1-Affordable Home, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick. Conditional Final Approval for Section I to consist of 4-Cluster Lots was granted on 9/18/24. Preliminary Approval for filing 14-Lot Cluster subdivision in Sections and Special Use Permit for 1-Affordable Home was granted on 5/21/25. Conditional Final Approval for Section I to consist of a proposed 4-Lot Cluster subdivision was granted on 5/21/25.

Representing the Applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA

Max Stach: This application was the subject of a Negative Declaration of environmental significance on May 21, 2025. We provided a short Resolution reaffirming that this plan, the final approval of this plan, is consistent with that previous Negative Declaration.

Mr. McConnell makes a motion for Reaffirming the Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Reaffirming Negative Declaration

Name of Action: Ball Farm Subdivision Final Approval – Section 2

Whereas, the Town of Warwick Planning Board was the SEQR Lead Agency for conducting the environmental review of the proposed subdivision and special use permit for the 14-lot, cluster subdivision known as Ball Farm Subdivision located at 56 Ball Road, Town of Warwick, Orange County, New York; and

Whereas, the Planning Board, on or around September 18, 2024, adopted the EAF Part III as prepared by the Project Sponsor and issued a Negative Declaration of Environmental Significance, indicating that no significant adverse environmental effects were likely and that an Environmental Impact Statement would not be required; and

Whereas, the Planning Board finds that there are no changes to the project that alter the basis for its prior determination and that no new information has been presented.

Now Therefore Be It Resolved, that the Planning Board reaffirms its adoption of a Negative Declaration of Environmental Significance for the action.

Comment #2: Applicant to discuss project.

Kirk Rother: As the board will recall it's 14 lot Cluster subdivision on Ball Road across from Master's Orchard. The board granted preliminary approval, final approval of Section 1 and we have been in the Department of Health for the whole project. They're reviewing both Section 1 and Section 2. Soils are done, well testing's done, we're in what we hope to be the last round. We're here tonight to start the process of final approval, identify things we need from the Town Board, which I know Laura put in her comments, and discuss whether you want to have a final public hearing.

Chairman Astorino: Do any board members or professionals have any comments or concerns? Kirk, is there anything you need to discuss? These comments are pretty straightforward. We've gone through these on this lot before.

Kirk Rother: I am good with these comments.

Chairman Astorino: We will list Comment #3 through Comment #36 for the record. As far as the public hearing, what is the board's feeling?

Mr. Kennedy: Do we have one for Section 1?

Chairman Astorino: Yes.

Kirk Rother: Yes, for preliminary approval, you have a public hearing. Remember, there's a handful of folks that were here.

Mr. McConnell: Let's do another public hearing.

Mr. Kennedy: Sure.

Mr. Showalter: I don't see the need for it, but if everybody else wants to do it, then I guess do it. But I don't see a need for it. We already did it.

Mr. McConnell: We did it for Section 1.

Kirk Rother: You did it for the whole project?

Mr. Showalter: We had the public hearing on the whole project.

Chairman Astorino: We did the whole 14 Lots.

Connie Sardo: We had done the preliminary approval and then final approval for Section 1.

Mr. McConnell: I'll withdraw my comments. I agree with what Roger had said.

Chairman Astorino: Do we have a consensus from the board that a public hearing is not necessary?

Mr. Kennedy: Yes.

Mr. Showalter: We're just sectionalizing it.

Chairman Astorino: We can go through this and we can have it without a public hearing.

Kirk Rother: Great. So hopefully we'll come back with Board of Health approval in hand to address these comments and the board can consider it for final approval.

Chairman Astorino: Perfect. Thank you.

Kirk Rother: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

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

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

Comment #7: Applicant has received NYS Parks, Recreation, and Historic Preservation letter no impact letter dated 06/10/24.

Comment #8: Planning Board site inspection conducted on October 10, 2023.

Comment #9: Design and detail for proposed rain garden must be provided.

Comment #10: Please clarify status of opting into the AP-O Overlay District with the Warwick Town Board. Applicant applying to the Town Board to opt into the AP-O Overlay District.

Comment #11: To comply with §164-46.H(7)(a)[8], please show the areas with slopes of 15% or greater on the drawings, so that it can be confirmed that these areas are avoided.

Comment #12: Sheet 1, Notes 16, 17, and 23 have been added describing the responsibilities of the Town and the HOA. Additional information needed to clarify the shape of the cul-de-sac.

Comment #13: Applicant to add to the plan with locations and landscaping table (botanical name, common name, size, quantity).

Comment #14: Applicant to file declarations for all drainage easements with the Orange County Clerk's Office. The Applicant must prepare a drainage ownership and maintenance document for the proposed stormwater infrastructure, including the detention basins.

Comment #15: Applicant must prepare a backup drainage district with the Town of Warwick Town Board in the event that the residents do not properly maintain the stormwater infrastructure, including the stormwater basins.

Comment #16: All well and septic locations to be approved by the Orange County Department of Health (OCDOH). OCDOH to witness soil testing, as well.

Comment #17: Applicant to include a detail on the plans to show a sectional view of the pipe in ROW, see §A168a. Add a note to the plans stating that the ROW must be properly restored after pipe installation.

Comment #18: Applicant to include an easement in the plan to address the pipe on parcel 219-1-1.2, shown on Sheet 3 of 11 from overall Subdivision Plan.

Comment #19: SWPPP Applicant to provide draft eNOI in Appendix A. The eNOI can be pdf'd from the website.

Comment #20: SWPPP Applicant to include a legend for the CRISPR figure provided in Appendix B.

Comment #21: Sight distance triangle descriptions and maintenance requirements must be shown on the plans.

Comment #22: 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 26.

Comment #23: Surveyor must sign and seal the plans.

Comment #24: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #25: The Ridgeline Overlay Notes must be added to the plan.

Comment #26: Affordable Housing documents must be submitted. The liber and page must be shown in the drawings.

Comment #27: The sight distance triangle must be shown on the plan, as well as the maintenance requirements and filed declaration information.

Comment #28: The notes on the Section 2 plan must be consistent with the notes on the Section 1 plan. This applies to any final changes that were made to Section 1.

Comment #29: A filed declaration (filed 07/28/25, liber 15763 page 487) states that the Applicant will develop a tree line within the 100-ft no mow buffer area. There must be an easement over the no mow area that will expire after three years of the trees being planted, where the three-year landscape bond will expire first.

Comment #30: Payment in lieu of parkland for 13 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #31: Applicant to provide the drainage easement location and information on the drawing over parcel 53-1-5.2.

Comment #32: Applicant to prepare cost estimate for landscaping bond, including installation which will include both the street trees and the trees planted within the no mow area. A data source must be submitted for the costs.

Comment #33: Applicant to submit landscape bond to the Town, in a form agreeable to the planning board attorney.

Comment #34: Applicant to prepare cost estimate for the Performance Bond, including references.

Comment #35: Applicant to submit performance bond to the Town, in a form agreeable to the planning board attorney.

Comment #36: Payment of all fees.

Tiedemann Castle LLC

Application for Site Plan Approval & Special Use Permit plus an Application for Sketch Plat Review of a proposed 3-Lot Lot Line Change, for the use and construction of Installation of a new expanding sewage disposal system, reconstruction of existing bulkheads, Demolition of the existing boathouse and construction of a new boathouse, Construction of a four-Bedroom addition to the house located at SBL #75-1-37, Construction of a seven-bedroom addition to the main house located at SBL #75-1-38, Addition to the caretaker house, Construction of a new pickle ball/basketball court, Reconfiguration of the existing lagoon, Installation of new driveways, curbing, and associated landscaping, and a proposed new pool for the locate located at SBL # 75-1-37 all located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcels SBL # 75-1-37, 38, and 40; project located at 14 Lake Shore Road, in the SM zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering. John McGloin, Surveyor. Dave Griggs, ERS Consultants. Tom Bertussi, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application, if it is considered to be a single-family home, would be Type 2 Action. During the workshop, it was indicated that the applicant may make the home available to friends and family periodically for rental. We reached out to Orange County Health Department because the SEQRA classification depends on whether or not a public water supply permit and or a public pool permit is required from the Health Department. When we asked about short-term rental use of a single-family home, the answer that we received from the Health Department is, as long as you are not offering it to the general public and advertising it for rent to the general public, you do not need those permits.

So, if it's only offered to friends and families and it's not the public, they wouldn't require a permit. So, until we have that piece of information, we can't make a determination. But based on what you said at the workshop, which is you're only making it available to friends and family, we're recommending if that is the case, that this be classified as Type 2 Action.

Chairman Astorino: Is that the case?

Tom Bertussi: At this point in time, the main castle, we're doing it only for friends and family. The guest house, we do have it every once in a while, advertised for someone else to use.

Max Stach: That changes it. I will prepare a Notice of Intent. This is going to be a Type 1 Action, which is a little odd, but that has to do with the Health Department rules. So based on their rules, we'll call this a Type 1 Action and we'll have to do a Lead Agency NOI. I did not prepare that for tonight, but I can have that for the next meeting.

Chairman Astorino: That's fine. And I think there's a lot going on here, obviously, as we discussed at the work session. I think a site visit is probably the most practical thing to do

before we even get really started. I don't know, with the weather coming, when's a good time to do a site visit? I think what we'll do is we understand we have to do a site visit. I don't know if we want to set it tonight as a board or we want to wait and see what the weather is. We can always go through Connie and you, Brian, to get that set. It just doesn't make sense to do it right now and say, we're going to do it on this date. It's going to be a foot of snow on the ground or 18 inches of snow on the ground. You can't see squat.

Mr. Showalter: Let's wait until after this potential storm goes through.

Chairman Astorino: We'll get with you, Brian, and we'll set it up.

Tom Bertussi: Were we supposed to go to the ZBA? Is that something we're going to do?

Chairman Astorino: I think before you want to go to the ZBA, let us take a look at what you got over there. Let's get started first. That's my personal opinion. I think you're wasting your time this early. That's my opinion.

Brian Friedler: Ok. We will discuss that at the next meeting.

Chairman Astorino: Let's get the site visit done first before you come back to a work session. Then we can at least discuss what we're doing out there. There's a lot going on here. We'll discuss that at a workshop.

Bob Krahulik: Can you describe what you mean by a boat launch on the southernmost portion of the property? Specifically, would that sort of encroach out into the water in front of your neighbor's house?

Tom Bertussi: Actually, it's a property that we own. We're going to cut it back and we're going to put the boat launch on the property. We're actually making the it larger and putting it in the boat ramp.

Bob Krahulik: Is a ramp going down sloping into the water for the trail?

Tom Bertussi: Yes. That would be for our boat.

Bob Krahulik: Ok.

Chairman Astorino: Do any board members or professionals have any comments or concerns? Let the record show not comment from the board and professionals. We will list Comments # 2 through 34 for the record. At this point, we need to get out there and see it before we waste any of your time. We'll set it up for a formal site visit.

Tom Bertussi: You are more than welcome to come out to the site. Thank you.

Chairman Astorino: Thank you very much.

- Comment #2: Applicant to discuss project.
- Comment #3: Conservation Board – no comments received
- Comment #4: Architectural Review Board – no comments received
- Comment #5: OC Planning Department – pending
- Comment #6: TW Building Department – 01/08/26 need updated maintenance contract for septic system.
- Comment #7: ZBA: Applicant to clarify what ZBA variances are being requested.
- Comment #8: NYSDEC/USACE: Applicant should be aware that any shoreline additions/improvements within 50 feet of Greenwood Lake (Class B) may be subject to NYSDEC Article 15.
- Comment #9: NYSDOT: confirm if any permits and approval are required
- Comment #10: OCDOH/NYSDEC?: A septic plan must be prepared and submitted that accommodates all existing and proposed wastewater.
- Comment #11: Planning Board to determine if a site inspection is necessary.
- Comment #12: Town of Warwick Standard Notes must be added to the plan.
- Comment #13: A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans. Include a table listing individual area and total Limit of Disturbance. Note that a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity may be required for activities involving one or more acre of total soil disturbance.
- Comment #14: The location of the water supply curb boxes, water lines, and any known valves must be shown on the plan.
- Comment #15: Applicant to include bulk zoning table and show setback distances for all buildings (on the three lots).
- Comment #16: Property owners within 300-ft of this property must be added to the plan.
- Comment #17: The existing and proposed use for each building/structure/feature should be shown, including the number of existing/proposed bedrooms.
- Comment #18: Applicant to provide a SWPPP, in compliance with 164-47.10 Stormwater from town code.
- Comment #19: The limits of disturbance must be shown on the plan, as well as the area of distance (in sf and acres).
- Comment #20: Proper erosion control measures, details, and notes must be added to the plan.
- Comment #21: Applicant should include a key, containing all different line types and symbols used on the plans.
- Comment #22: Remove erroneous arrows throughout the plans.
- Comment #23: Remove overlapping Line Table labels throughout the plans.
- Comment #24: Recommend utilizing different line types or styles to differentiate existing conditions from proposed improvements.
- Comment #25: Clarify proposed pickleball court grading; the top and bottom of wall elevations are called out, but no retaining wall design or details are included.
- Comment #26: Include proposed grading spot shots and contours at driveway realignment near proposed boathouse.
- Comment #27: Include FFE of all proposed structures.
- Comment #28: Speed limit and driveway sight distance must be shown on the plan.
- Comment #29: Surveyor to certify that iron rods have been set at all property corners.
- Comment #30: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Comment #31: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #32: Applicant to provide an existing shared driveway use and maintenance agreement or prepare new documents for attorney review.

Comment #33: Any applicable performance bond and/or landscape bond and associated site inspection fees shall be provided.

Comment #34: Payment of all fees.

Orange & Rockland Utilities, Inc.

Application for Site Plan Approval and Special Use Permit for the use and construction of a utility substation, yard, transmission and distribution lines, situated on tax parcel S 46 B 1 L 48.21; parcel located on the on the southern side of John Hicks Drive (95 John Hicks Dr.) in the OI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Rudy Zodda, Applicant's Attorney.

Chairman Astorino: I believe we have some SEQRA documents that we need to do so you can get your permits. Is that correct?

Rudy Zodda: Yes.

Max Stach: There is a SEQRA Resolution in your packets for the board's consideration.

Mr. McConnell makes a motion for the Part 3 EAF and the Negative Declaration.

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

617.12(b)

State Environmental Quality Review
(SEQR) Resolution Adopting Part 3 and
Negative Declaration

Name of Action: Orange & Rockland Utilities Substation

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for environmental review of a site plan and special permit application for the use and construction of a utility substation on a 4.11-acre lot identified on the Town of Warwick Tax Map as Section 46, Block 1, Lot 48.21, located at 95 John Hicks Drive, Town of Warwick, Orange County, New York; and

Whereas, on or around July 16, 2025, the Planning Board commenced coordinated SEQR review by distributing a Lead Agency Notice of Intent to all identified involved agencies; and

Whereas, on or around September 17, 2025, the Planning Board assumed lead agency status and adopted a Part 2 Full Environmental Assessment Form (FEAF) that identified several areas of potential moderate or large impact; and

Whereas, the Planning Board has reviewed a draft FEAF Part 3 prepared by the Project Sponsor, dated September 17, 2025, which provides an assessment of the likely magnitude of impacts, geographic scope of impacts, duration of impacts, probability of impacts

occurring, number of people affected and other environmental consequences of the action.

Now Therefore Be It Resolved, that the Planning Board adopts the draft EAF Part 3 as prepared by the project sponsor, finding that it adequately addresses the impacts identified in the Part 2 FEAF; and

Be It Further Resolved, that based upon the Part 3 and other relevant project submissions, the Planning Board hereby adopts a Negative Declaration of Environmental Significance, finding that significant adverse environmental impacts are unlikely and that an Environmental Impact Statement shall not be prepared; 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, including filing of the Negative Declaration and publishing notice in the Environmental Notice Bulletin.

Chairman Astorino: Max, correct me if I'm wrong. No action has been taken on this by this board. This is so the applicant can go to outside agencies DEC and such to get attainable permits for the project. They will not look at it unless this is done.

Max Stach: That is correct. Until this board adopts a Negative declaration, this applicant cannot get a permit from any other state, county or local agency.

Chairman Astorino: We cannot act on it unless we have the permits from the outside agencies.

Max Stach: Correct.

Ruddy Zodda: At this time, is the board able to put us on the calendar for public hearing?

Chairman Astorino: Come back to us at a work session with your documents. We can set it at the next meeting.

Rudy Zodda: There is just an urgency.

Chairman Astorino: I guess we could do that. Bob, is that correct? We could do that tonight.

Bob Krahulik: I would recommend setting the application for a public hearing. You're not setting it with a date?

Chairman Astorino: No, that makes sense. At least it's there and we can have a work session if everything's in we can have the public hearing.

Mr. McConnell makes a motion to set the Orange & Rockland Utilities substation application for a Public Hearing at the next available agenda.

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

Rudy Zodda: Thank you.

Other Considerations:

1. Alexander 11 Walts Way – Planning Board needs to discuss scheduling a site visit. (Brian Friedler & Jeff DeGraw). (Due to weather site visit not scheduled).
2. Sibilla Subdivision #2 (7 Skysail La.) – Planning Board needs to discuss scheduling a site visit. (Brian Friedler) (Due to weather site visit not scheduled).

Chairman Astorino: Because of the inclement weather, we will have to discuss scheduling a site visit at a Work Session once the weather breaks and we can see the sites.

3. PB Minutes of 12/17/25 for PB approval. (Approved).

Mr. McConnell makes a motion to approve the Planning Board Minutes of 12/17/25.

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

4. Planning Board to discuss canceling the 1/26/26-Work Session & PB Meeting of 2/4/26. (Canceled).

Mr. Kennedy makes a motion to cancel the 1/26/26-Work Session and PB Meeting of 2/4/26.

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

Correspondences:

- 1.) Email letter from Gail Buckland addressed to the Planning Board, dated 1/7/26 – in regards to Tomaini Chapter 150. (Noted for the record).

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 Planning Board Meeting of January 21, 2026.

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