

TOWN OF WARWICK PLANNING BOARD

November 19, 2025

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

A regular meeting of the Town of Warwick Planning Board was held Wednesday, November 19, 2025 at the Town Hall, 132 Kinross Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF GTI Opportunities LLC

Application for Site Plan Approval and Special Use Permit for the use and construction of a utility substation, yard, transmission and distribution lines *a/k/a Orange & Rockland Utilities, Inc.*, situated on tax parcel S 46 B 1 L 48.21; parcel located 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: Adam Rodriguez, Applicant's Attorney. Jennifer O'Keefe, O&R Utilities Project Manager.

Connie Sardo: Mr. Chairman, we have received the certified mailings for O&R Substation.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: : Max Stach: The board has adopted a Part 2. The applicant did submit a Part 3, but they submitted it yesterday. So we need some time to go through that and report on the planning board on the suitability. Additionally, we had one other comment in our memo regarding the Visual Impact Analysis. Particularly, the Visual Impact Analysis shows views during leaf-on conditions. We question whether the board will accept the leaf-on analysis. A leaf-off analysis might show more visibility, particularly on Lower Wisner Road.

Chairman Astorino: Okay. Thanks. Do any Board members have any comments? Would you like to see the leaf-off analysis? I mean, I think it's tucked away pretty well there.

Mr. Showalter: Yeah, I agree with you, Ben.

Chairman Astorino: Okay. Something we can still discuss.

Comment #2: Applicant to discuss project.

Adam Rodriguez: I represent the applicant in these two applications, Orange and Rockland Utilities. The application before you, as you're aware, if you've been before it before, is for site plan approval and a special use permit to construct a transfer substation here. The substation will be on parcel of approximately 3.4 acres.

There's going to be three transformers. Let's see. On a site plan. You can see the three transformers there depicted. Capacity's going to be 138 kilovolts, which I think is sort of more a long-term goal. I think it's about half of that in the near term, as anticipated.

No variances are required. We have representatives here, as you can see, from O&R and CHA, the engineering consultants. So if the board has any questions or would like a more in-depth explanation of the technology, what's going to happen there, we're certainly willing to provide that.

If not, I would ask that the hearing be opened and any comments be received.

Chairman Astorino: Absolutely. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending comments

Comment #6: OC Planning Department – 07/11/25 advisory comments: time of year limited tree clearing, minimize tree removal due to nearby wetlands, replace trees with native species.

Comment #7: Town of Warwick Standard Notes for limits of disturbance and lighting notes should be included on the plans.

Comment #8: §164-46J(31): Public utility, transportation and communication uses shall be subject to such conditions as the Planning Board may impose to protect and promote the health, safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. This comment will remain and any approval will be subject to this requirement.

Adam Rodriguez: Yes.

Comment #9: §164-46J(81): No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard, noise or vibration, smoke, dust, electromagnetic or other disturbance, glare, liquid or solid refuse or wastes or other substance, condition or element in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulation of this section limiting dangerous and objectionable elements at the point of the determination of their existence. Please add this note to the plans.

Comment #10: Applicant does acknowledge need for a Freshwater Wetlands/Article 24 permit from NYSDEC. Still incomplete on how long the timber mats are expected to remain in place – “duration of the construction” does not answer the question, please express as a range of months, if appropriate.

Comment #11: Grading and construction fence extends past the property line on the south and east property line (sheet 9). Applicant to clarify. Applicant indicated that an easement is being obtained; please add to the plans.

Comment #12: Applicant indicated that deer fence detail, including an access gate will be added, please clarify the location within the plan set.

Comment #13: The location of the sound survey seem to be quite far from the sensitive receptors identified as well as the property line. Please explain why sound survey was performed at the two locations identified. Neither seem to be near sensitive receptors (residences) or at the property line. Please provide the distance measurements from the sound survey locations to the sensitive receptors and property line. Please provide ambient noise levels at property line and sensitive receptor locations. Please include rationale for sound survey locations in the report.

Adam Rodriguez: We have no objections with Comment #13 through Comment #20.

Laura Barca: Comment #13 through Comment #20 relates to noise. Those comments could be listed for the record.

Comment #14: The Evaluation of Future Site Sound Emissions does not provide an assessment of corona noise (hissing or crackling when air around high voltage conductors becomes ionized).

Comment #15: The Evaluation of Future Site Sound Emissions states that, “Site sound will also be significantly lower in level than the existing ambient sound in the area, making ORU sound likely to be inaudible at residential receptors.” Clarify if audibility was assessed on a spectral basis and the assumed background noise conditions.

Comment #16: Please confirm the height of the sound sources being modeled match the heights provided on Page 3 of the Evaluation of Future Site Sound Emissions report. Please provide CadnaA files to show how the ground cover was modeled.

Comment #17: The Criteria section of the report states that the code does not specify property line of source or receptor. Please note that the code applies to property line of the proposed project. The report should be updated accordingly where applicable.

Comment #18: The Criteria section of the report states “There were no Orange County codes regarding noise that could be found.” Not sure if we requested this before but I think this should be removed.

Comment #19: Please provide the following distances: (1) distance measurements from the sound survey locations to the sensitive receptors and property line, and (2) distance measurement between the sources and the property line as well as the sensitive receptors.

Comment #20: Although SEQR guidelines were mentioned, construction noise analysis was not provided. It would be helpful to have an explanation for not including a construction analysis or provide either a qualitative or quantitative analysis. Reports states construction would be limited to day time hours; please provide length of construction and year of completion. See also Town of Warwick code §100A-3. and provide applicable notes to the plan.

Comment #21: Please confirm the 911 address with the building department.

Adam Rodriguez: Yes.

Comment #22: Electrical and pipe jacking drawings are currently pending review.

Adam Rodrguez: Yes.

Comment #23: Please provide reference to the crossing specific subsurface investigation and/or Geotechnical Data Report, describing the materials the contractor should expect to encounter at the depths planned for the subject conventional bore crossings.

Chairman Astorino: So, we're waiting on that. Is that correct?

Adam Rodriguez: Yes. They've been provided. It is under review.

Chairman Astorino: Okay, that was yesterday, right?

Adam Rodríguez: Correct.

Laura Barca: Correct.

Comment #24: 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 of 20

Adam Rodriguez: Yes.

Comment #25: Applicant to submit certification of iron pin placement from surveyor.

Adam Rodriguez: That has been provided.

Comment #26: Surveyor to sign and seal drawing.

Adam Rodriguez: That has been submitted.

Comment #27: Applicant to provide a Performance Bond for any proposed erosion control or drainage infrastructure. A Landscape Bond will be required for any proposed plantings. Site inspection fees will be determined based on the amounts of the bonds.

Adam Rodriguez: Yes.

Comment #28: Payment of all fees.

Adam Rodriguez: Yes.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? This is a public hearing if there is anyone wishing to address the O&R Utilities substation application, please rise and state your name for the record.

Bob Schluter: Yeah, just one side. Just the side that's facing our house.

Chairman Astorino: I don't know what the Planning Board's feeling? It doesn't seem like an unreasonable request. Is that something that can be done?

Jennifer O'Keefe: I am Orange and Rockland's Project Manager. I'm not the security expert, but we did take your concerns to the security folks. We did in-depth look through different products.

The engineering team did look through different products. Security's concern is we need to see through the fence, unfortunately, so it's not just climbing. We have a one-inch requirement.

We can't find any slats that will go in it that would protect climbing and allow us to see through. We've looked at sheeting in the past, but we've had problems with them flying off and up into the lines and into the bus and causing outages. So that's unfortunately not a solution. I think there was a little misunderstanding with your request to look at... We don't have a subcontractor yet. We're out to bid. We don't have a contractor.

Generally, that material is procured by the contractor, which was... We don't have it in stock that I can share with you. If I did, I'd be happy to share with you and say, hey, what can we come up with?

Bob Schuler: It's not like you do these every day. I understand.

Jennifer O'Keefe: That is something that is procured by the contractor. The fencing entirely is part of the bid package that goes out with it. We don't have one yet.

Chairman Astorino: Is there something that can be provided?

Jennifer O'Keefe: We propose some additional planting. We have some additional planting proposals. We've gone back and forth with our tree folks. There are a few problems here. We have to protect the station from a security standpoint and from a breaching standpoint and so that we can see through. We do patrol our stations.

Bob Schluter: When you say see through, you are very aware of the elevation, the retaining wall. The fence sits up on a retaining wall.

Jennifer O'Keefe: It's level with the road where our security would be.

Bob Schluter: That would be from the inside.

Jennifer O'Keefe: Yes.

Bob Schluter: But from our side, where my view is, I'm looking up, looking at this fence, and there's a retaining wall. Why is there the need to see through? Is that so that a security guard who's walking the perimeter of the fence can look through and see if somebody's inside? All you can see from the outside is the inside of the substation. Three sides of the substation you can clearly see because there's no slats. Why would the fourth side need to be transparent?

Jennifer O'Keefe: We did discuss that. We did let them know. There's only one side that is a concern right now.

Bob Schluter: It's on a retaining wall so it's not at great level.

Jennifer O'Keefe: It's pretty short right there. It is climbable. We did look at that also. We said, hey, is it realistically climbable? Can we look at it two-inch fence?

Bob Schluter: It gets bigger as it goes across.

Jennifer O'Keefe: At the roadside, it's pretty shallow. We did look at it. We did pull up all of these scenarios and discuss all of these concerns. We have gone to lengths to try and find a solution for you. Plantings under transmission lines are also a problem. We looked at different plantings but they're a risk to our lines and reliability.

Bob Schluter: There's species that, because we have the transmission line running through our property right now, so every year they come through to make sure there are no plants that are incompatible species. We always honor that. Everything's good.

Chairman Astorino: I just thought of something as a hunter. They have these hunting blinds that actually can see through the material. They would block a view coming in but you can see. Whichever way you put them, you can see through them. I don't know if that's even a viable thing or something.

Mr. McConnell: I think that might address what she was saying about cheating and worrying about blowing. I would think plantings would be the solution.

Chairman Astorino: This gentleman has a very valid concern. Now it's brought to the board's attention and we... Listen, you have 18 people here. I think one of the 18 can definitely come up with something.

Go to the joint board and figure something out and provide it to the board that screams from that side.

Mr. McConnell: This can't be the first time that this issue has arisen.

Chairman Astorino: I really don't think it's a major issue but it's an issue that should be addressed.

Mr. McConnell: It's not a major issue unless you're living in this house.

Chairman Astorino: Do you understand what I'm saying? I think where the substation is being placed is a great location. It really is. I truly think something can be done to do mitigate this.

Bob Schluter: Just on the one side. If it was two sides, now some nefarious actor could do... But on one side any security person has a 270-degree view.

Chairman Astorino: How about this? No action is going to be taken today.

Mr. McConnell: Has the 150-foot strip of woods that you referenced, has that been taken down already?

Bob Schluter: No, because they don't have an easement yet. I'm still negotiating the easement agreement with them.

Mr. McConnell: So, if they were to preserve, would it be possible?

Bob Schluter: They can't because there's incompatible species, that whole thing. There can be no trees under these transmission lines. Okay, so these trees would end up underneath the transmission lines. Usually screening like that, the closer it is to the user, the shorter it has to be because a line of sight. That transmission line goes right through our property, right on the side of our house.

Jennifer O'Keefe: Can we pull up that plan? It would be right here. From an angle, I think from the driveway entrance it definitely would be visible down the corridor. But from your home, because it's at an odd angle, I don't think it would be visible. I think it's on a screen.

Chairman Astorino: Can you show a line-of- sight?

Bob Schluter: We can point to it right here. So, this is the 150-foot line. This is my driveway. Here's my silos. Here's my house. So, I look right down this thing.

Jennifer O'Keefe: I thought the house was down here?

Bob Schluter: No, because here's the barn and there's the silo. So, the house is right here. A

Jennifer O'Keefe: We can do some more plantings in this area.

Bob Schluter: This is your existing transmission. So, that's a 100-foot wide right of way. So, if you can do tall plantings right at the outside of that 100 foot, that would help block through.

Jennifer Schluter: Absolutely.

Chairman Astorino: That would probably settle your concern.

Jennifer Schluter: We can certainly add some plantings there.

Chairman Astorino: Show on the plan some plantings. Show what they are. Put some fairly tall ones in at initial planting.

Jennifer O'Keefe: We'll get with our tree folks. We'll give you the best blocking. We'll show you a plan.

Chairman Astorino: Get a good planting schedule to the Planning Board. I don't want to see four-foot trees. Let's get some trees as tall as we can.

Bob Schluter: Four pages of this is the restoration plan. We've been back and forth. So, if your team can come out and we can say, alright, this is the species that would be here. This is the line-of-sight from the house.

Chairman Astorino: When you do that, can you please notify our secretary, our Planning Board and professionals. I don't think the whole Planning Board needs to go out. If somebody is available, we will go out and understand what is going on.

Jennifer O'Keefe: Sure. Absolutely.

Chairman Astorino: Mr. Schluter, do you have anything else?

Bob Schluter: I'm good. Thank you.

Chairman Astorino: Any board members? Any more comments or concerns from the Board at this point? Alright, so the question is to you. When will you provide all of the rest of the documentation to us to review? Because we could do one or two things. We could schedule the public hearing, adjourn the public hearing to a date, which would be December 17th. Or January.

Adam Rodriguez: Absolutely. As I understand it, the only thing we're really waiting for then would be any modified plan that shows the additional planning. So, I suspect we can have that on the 17th. When would the board need that?

Connie Sardo: By the 25th of November.

Adam Rodriguez: By the 25th of November.

Jennifer O'Keefe: We have some rough stuff done already.

Chairman Astorino: If it's rushing you, don't do it because we'll have the first meeting in January. That way there, we're not coming here again and just pushing you off. That's the only caveat I'm saying here. If you need some time to do those rough plantings and you're going to have a site visit, you may want to push it back a little. We'll do the first meeting in January. One second. You're pushing it. I mean, I don't know. If you've got Thanksgiving coming, personally, I think I would push for January.

Jennifer O'Keefe: This is something we can do very quickly.

Adam Rodriguez: Yeah, we're pretty confident.

Jennifer O'Keefe: This is not a big length. We can probably have it uploaded this week.

Adam Rodriguez: I think worst case, if we can't get in in time, we could always send a communication and ask to be...

Chairman Astorino: Well, now here's the problem. If I schedule the public hearing tonight for the 17th, you're having the public hearing on the 17th. We're coming. We're going to do the same thing; say we weren't ready and blow you off. If you want, if you know time is tight, let's push it to the first meeting in January, then you know we're golden and you'll have the public hearing and we can take action. That's my opinion.

Adam Rodriguez: We're pretty confident that we'll have everything by the 25th. Would someone care to make a motion to set the O&R project for a public hearing on the 17th of December

Mr. McConnell makes a motion to adjourn the GTI Warwick Opportunities/O&R Utilities Substation application to the Planning Board Meeting of 12/17/25.

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

Chairman Astorino: Mr. Schuler, this is your notice. They will not be sending another notice. The public hearing for O&R will be on the Planning Board meeting of December 17, 2025.

Bob Schluter: I got it. It's written down.

Adam Rodriguez: Thank you.

PUBLIC HEARING OF Loren & Katja Andreo

Application for Site Plan Approval and Special Use Permit for the conversion of a single-family dwelling into a two-family dwelling. The property contains an existing 4-bedroom primary dwelling. The Applicant is proposing to extend the existing dwelling, creating a separate one-bedroom living area, which will be utilized by family members, situated on tax parcel S 49 B 1 L 62.41; parcel located at 23 Wawayanda Road, in the RU 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 Andreo public hearing.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: This application is a Type 2 Action pursuant to SEQRA.

Comment #2: Applicant to discuss project.

Brian Friedler: The proposed application currently exists as a single-family home. The Applicants are trying to convert it to a two-family house by building this addition. It's going to be a one-bedroom addition.

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

Comment #6: TW Building Department – 09/24/25 approvals needed for 5th bedroom; pool permit expires on 11/28/25

Chairman Astorino: You will need to contact the Building Department.

Brian Friedler: Ok.

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

The Planning Board discussed if a site visit was needed. The Planning Board determined that a site visit wasn't necessary.

Comment #8: The septic system is being analyzed by Applicant to confirm if it has capacity to accommodate a five-bedroom residence; 1,500-gallon tank is present and confirming the length of the leach field.

Comment #9: Any required soil testing for the septic system must be witnessed by the Office of the Planning Board Engineer.

Comment #10: Applicant to add new 911 address for new residence.

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

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

Comment #13: Please add the Aquifer Protection Overlay Notes and Biodiversity Notes to the plan. Also, add the declaration information for the plans. Sheet 1 notes
Comment #14: Payment of all fees.

Brian Friedler: We are ok with Comment #8 through Comment #14.

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

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

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

Mr. Kennedy makes a motion on the Loren & Katja Andreo application, granting conditional Site Plan Approval & Special Use Permit for the conversion of a single-family dwelling into a two-family dwelling. The property contains an existing 4-bedroom primary dwelling. The Applicant is proposing to extend the existing dwelling, creating a separate one-bedroom living area, which will be utilized by family members, situated on tax parcel S 49 B 1 L 62.41; parcel located at 23 Wawayanda Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. The Planning Board deemed the application a Type 2 Action. Approval is granted subject to the following conditions:

1. The septic system is being analyzed by Applicant to confirm if it has capacity to accommodate a five-bedroom residence; 1,500-gallon tank is present and confirming the length of the leach field.
2. Any required soil testing for the septic system must be witnessed by the Office of the Planning Board Engineer.
3. Applicant to add new 911 address for new residence.
4. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
5. Surveyor to certify that iron rods have been set at all property corners.
6. Please add the Aquifer Protection Overlay Notes and Biodiversity Notes to the plan. Also, add the declaration information for the plans. Sheet 1 notes
7. Payment of all fees.

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

Brian Friedler: Thank you.

Review of Submitted Maps:

Caiafa, Garazzo & Sofiley LLC

Application for Final Approval of a proposed Lot Line Change with no proposed construction, situated on tax parcels SBL #24-1-35.22 and 24-1-36; parcels located at 111 Glenwood Road and 197 Glenwood Road, in the RU/MT zones, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Dareen Stridiron, PLS.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max: This is a Type 2 Action exempt from SEQRA.

Comment #2: Applicant to discuss project.

Darren Stridiron: This is a lot line change on 111 and 197 Glenwood Road. This one-line change, out of all the lines that are on the property, the 197 Glenwood Road would go from 46.7 acres to 9.6 acres and 111 Glenwood Road would go from 18.3 acres to 55.49 acres. No proposed construction is on this plan and we have submitted some changes from the last meeting.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/09/25 no advisory comments.

Comment #6: TW Building Department – Lot 35.22 open permit for 34447 for dirt removal; Lot 36 expired permit for renovations

Darren Stridiron: What would you like us to do on that?

Chairman Astorino: Expired permit, they should take care of the dirt permit. We know what you're doing so that's still open. That hasn't been closed out yet.

Darren Stridiron: Ok.

Comment #7: OCDPW: letter received 09/23/25 – No impacts to Right of Way

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

The Planning Board discussed if a site inspection was necessary. The Planning Board determined that a site inspection would not be necessary.

Comment #9: A bulk table must be added to the drawings, including all existing and proposed data, Section-Block-Lot. Please correct the tax ID for Proposed Lot 2.

Darren Stridiron: Ok.

Comment #10: The locations of the existing well and septic system for Lot 24-1-36 shall be shown on the plan.

Darren Stridiron: Ok.

Comment #11: Please clarify what filed map 302.13 is and what information is included on it.

Darren Stridiron: Would that be on the narrative? The letter that goes in the description or on the map itself?

Laura Barca: On the map itself.

Darren Stridiron: Thank you.

Comment #12: Applicant to include all applicable standard notes on plans, including: overlay protection districts table (biodiversity and agricultural overlay), utilities, lighting, and driveway notes.

Comment #13: Applicant cited liber and page of the construction easement, please submit a copy of this document.

Comment #14: Please submit a copy of the drainage easement made with Orange County that has been filed in the Orange County Clerk's Office.

Comment #15: Please include Proposed Lot 1 and 2 to reference the 911 addresses in Notes 5 and 6 (tax IDs will change when the new lots are created).

Comment #16: 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, General Note 6 (second note 6).

Comment #17: A description must be provided for the proposed lots or the land to be transferred.

Comment #18: Surveyor to certify that iron rods have been set at all at property corners, including existing property corners, unless an iron rod has already been installed (complete Town of Warwick form).

Darren Stridiron: We are ok with Comment #12 through Comment #18.

Comment #19: The liber and page for the Agricultural and Biodiversity Overlay Notes must be added to the plan.

Darren Stridiron: Is that a submission to the clerk's office for a new liber and page?

Bob Krahulik: I'll review it before you record it. Once it's recorded, then we'll make sure the recording information appears on the plan before it's signed.

Darren Stridiron: Ok.

Comment #20: Payment of all fees.

Darren Stridiron: Yes.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? Let the record show no comment from the Board and Professionals. Does the Applicant request to waive the public hearing?

Darren Stridiron: Yes.

Mr. Kennedy makes a motion to waive the public hearing.

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

Mr. Kennedy makes a motion on the Caiafa, Garazzo & Sofiley LLC lot line change application, granting conditional Final Approval of a proposed Lot Line Change, situated on tax parcels SBL #24-1-35.22 24-1-36; parcels located at 111 Glenwood Road and 197 Glenwood Road, in the RU/MT zones, of the Town of Warwick. The Planning Board deemed the application a Type 2 Action. Approval is granted subject to the following conditions:

1. TW Building Department – Lot 35.22 open permit for 34447 for dirt removal; Lot 36 expired permit for renovations
2. OCDPW: letter received 09/23/25 – No impacts to Right of Way
3. Planning Board to determine if a site inspection is necessary.
4. A bulk table must be added to the drawings, including all existing and proposed data, Section-Block-Lot. Please correct the tax ID for Proposed Lot 2.
5. The locations of the existing well and septic system for Lot 24-1-36 shall be shown on the plan.
6. Please clarify what filed map 302.13 is and what information is included on it.
7. Applicant to include all applicable standard notes on plans, including: overlay protection districts table (biodiversity and agricultural overlay), utilities, lighting, and driveway notes.
8. Applicant cited liber and page of the construction easement, please submit a copy of this document.
9. Please submit a copy of the drainage easement made with Orange County that has been filed in the Orange County Clerk's Office.
10. Please include Proposed Lot 1 and 2 to reference the 911 addresses in Notes 5 and 6 (tax IDs will change when the new lots are created).
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, General Note 6 (second note 6).
12. A description must be provided for the proposed lots or the land to be transferred. A copy of proposed deed and description shall be submitted for Planning Board Attorney's review.
13. Surveyor to certify that iron rods have been set at all at property corners, including existing property corners, unless an iron rod has already been installed (complete Town of Warwick form).
14. The liber and page for the Agricultural and Biodiversity Overlay Notes must be added to the plan.
15. Payment of all fees.

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

Darren Stridiron: Thank you.

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.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application at the last meeting, you noticed your Intent to declare Lead Agency. 30 days has passed since you did that. We have received no responses objecting to this board declaring Lead Agency. I have prepared a Resolution for your consideration that will have this board assume Lead agency status and adopt a Part 2 Environmental Assessment form and identifying four areas of potential impact as well as concerns of voter impacts to the surrounding recreational department. Additionally, the application has not received response from Orange County Planning. We are still awaiting lighting details to be provided if any exterior lighting is proposed. We have requested a landscape plan. The applicant has indicated that the site is existing and they are not proposing landscape to be installed. We are noting that the Town of Warwick Design Guidelines for Commercial Buildings does require landscape buffers between the buildings and the roadway as well as general landscaping.

Chairman Astorino: We will set a site visit for this one and I think we can discuss that out to see where that would work the best.

Brian Friedler: Okay.

Mr. McConnell makes a motion for the Unlisted Action and adopt the Part 2 EAF.

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

617.6

State Environmental Quality Review (SEQR)

Resolution Adopting the Short Environmental Assessment Form, Part II

Unlisted Action

Name of Action: Organigrow, LLC

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit approval on Town of Warwick tax lot Section 46 Block 1 Lot 34.222 located at 104-106 State School Road. The project site is within the Office Industrial (OI) zoning district. The applicant is proposing to reuse an existing 10,000 square foot institutional structure for indoor cannabis production and distribution; and

Whereas, on October 15, 2025, the Planning Board noticed its intent to declare lead agency status to the following agencies and has since received no objections:

- Cannabis Control Board; and
- Orange County Planning Department; and

Whereas, the Planning Board has determined that the proposed project is an Unlisted Action and has identified the following areas of potential environmental concern:

- Potential impact on land

- Potential impacts on traffic
- Potential impact on existing water supplies
- Potential impact on historic and archeological resources
- Potential increase in odor that may reduce the enjoyment of a recreational resource

Now Therefore Be It Resolved, that the Planning Board hereby assumes lead agency status and adopts the Short Environmental Assessment Form, Part II, as prepared by Nelson, Pope & Voorhis, dated November 19, 2025; and. **Be It Further Resolved**, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Brian Friedler: Like you said, they're trying to use an existing building for indoor cannabis grow area. There's no proposed exterior work. There's no lighting proposed. There's no signage. There's no outdoor signage. They're just using that building as is to use it to grow.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending comments.

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 to determine if a site inspection is necessary.

The Planning Board discussed scheduling a site visit. A site visit has been scheduled for Monday, November 24, 2025 @ 5:00 p.m.

Chairman Astorino: Would we be able to get inside the building?

Brian Friedler: Yes.

Bob Krahulik: Can you talk to the owner about a lingering issue that's ownership of the roadway that cuts through the southwest portion of the property?

Brian Friedler: Yeah, so I'm sure that he'll be at the site visit.

Bob Krahulik: Ok. Whether they'd be willing to grant an easement to the town for the continued use of that parcel. Not the parcel, but the road. Or would they be willing to convey a fee by deed so the town owned it outright.

Brian Friedler: Ok. I'll talk to him and see. But I'll make sure that he's at the meeting on Monday. So

Bob Krahulik: They can keep the triangle. We would like to do something about the road.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns. Let the record show no comment from the Board and Professionals. We will list Comment #8 through Comment #22 for the record. We will see you at the site visit on November 24, 2025 @ 5:00 p.m.

Brian Friedler: Ok. Thank you.

Comment #8: Applicant has verified a record of Indiana bat in the project vicinity. Applicant to confirm that there will be no tree removal. Applicant should also run USFWS IPAC to verify any records of federally-listed species.

Comment #9: The wetlands near the site, under the NWI jurisdiction, are wetlands nearby (to the south) but no wetlands mapped within or immediately adjacent to the proposed facility area. Applicant to add the location of the wetlands to the site plan.

Comment #10: The survey should be updated to current conditions of the existing roadway (Wickham Woodlands Drive).

Comment #11: Applicant to provide easement or right-of-way for Town Road on this property.

Comment #12: Existing lot coverage is not changing (58%) versus the bulk requirements of 40%.

Comment #13: Detail for proposed parking spaces should be included. Update painted symbol for the ADA parking space.

Comment #14: Update sign to current requirements, including 7-ft height.

Comment #15: The 911 addresses for all buildings on the property must be shown on the plan. (confirming with Building Department).

Comment #16: Water and wastewater usage projections must be shown on the plan for the proposed use. Applicant to provide source of the water usage data.

Comment #17: Applicant to update odor control note; presently says "odor".

Comment #18: 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 #19: Surveyor to certify that iron rods have been set at all property corners.

Comment #20: 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 #21: Applicant to provide any required Performance and/or Landscaping Bonds, as well as any site inspection fees.

Comment #22: Payment of all fees.

Sibilla Subdivision #2

Application for Sketch Plat Review of a proposed 4-Lot Conventional subdivision, situated on tax parcel S 27 B 1 L 116; parcel located on the southern side of Amity Road 460± feet west of C.R. 1, (7 Skysail Lane) in the RU zone, of the Town of Warwick. Previously discussed at the PB Meeting of 7/16/25.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

General Informational Comments:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: The Planning Board adopted a Resolution on July 16th to Notice its Intent to declare Lead Agency. The applicant provided full EAF Part 1. We have prepared full EAF Part 2 identifying several areas of potential environmental impact and provided a Resolution for that purpose to you tonight. No response has been received from Orange County Planning for GML Review. If any outdoor lighting is proposed, that has not yet been submitted. If any landscaping is proposed, that also has not yet been submitted.

Mr. McConnell makes a motion for the Unlisted Action and adopting the Full Part 2 EAF.

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

617.6

State Environmental Quality Review (SEQR)

Resolution Adopting the Full Environmental Assessment Form, Part II

Unlisted Action

Name of Action: Sibilla Subdivision #2.

Whereas, the Town of Warwick Planning Board is in receipt of an application by Amy and Thomas Sibilla (“Project Sponsor”) for Subdivision of a 35.7 acre property into four total lots with access from a shared driveway off of Skysail Lane, an existing private road (“Proposed Action”); and

Whereas, on July 16, 2025, the Planning Board noticed its intent to declare lead agency status to the following agencies and has since received no objections:

- NY State Department of Environmental Conservation; and
- NY State Office of Parks, Recreation and Historic Preservation; and
- Orange County Planning Department; and
- Orange County Health Department; and

Now Therefore Be It Resolved, that the Planning Board hereby assumes Lead Agency status and classifies the action as Unlisted; and

Be It Further Resolved, that the Lead Agency adopts a Full Environmental Assessment Form, Part II, as prepared by Nelson, Pope, Voorhis, dated November 19, 2025, identifying the following areas of moderate or large environmental concern:

- Impact on Land: The site contains steep slopes and exposed bedrock; the project sponsor proposes construction for more than one year; the project may result in soil erosion.; and
- Impacts on Surface Water: The site contains federal and DEC wetlands; the project may cause soil erosion or otherwise impact downstream waterbodies; and
- Impact on Groundwater: The proposed action may require new water supply wells or create additional demand on supplies from existing water supply wells; the widening of the existing driveway may impact existing private wells in the vicinity of the project area; and
- Impact on Flooding: The project may exacerbate existing flooding on neighboring properties; and
- Impact on Plants and Animals: The site has the potential to contain Indiana Bats; and
- Impact on Agricultural Resources: The project is located within an Agricultural District; and
- Impact on Aesthetic Resources: The project site is located within five miles of the Appalachian Trail, a federal scenic resource; and
- Impact on Historic and Archeological Resources: The project may occur adjacent to a historic or archaeological resource; and
- Impact on Traffic: The project may degrade pedestrian and bicycle accommodations and add traffic to an existing private road (Skysail Lane) that does not meet Town Road standards and/or proposes the widening and use of a driveway that may be unsafe for existing and future users due to limited site distance; and
- Consistency with Community Character: The proposed driveway may be inconsistent with the local natural character, particularly where stone walls and trees are disturbed; and

Be It Further Resolved, that a Determination of Significance will be made at such time as the Planning Board has received all information it deems necessary to determine whether the action will or will not have a significant impact on the environment.

Comment #2: Applicant to discuss project.

Brian Friedler: The application is for a proposed 4-Lot subdivision and with this application, there's also improvements to be done to the common driveway.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 05/20/25 advisory comments on coordinating with OCDOH, location of test pits should be included on site plans, limited tree clearing to protect Indiana Bat.

Comment #6: TW Building Department – 05/02/25 no open permit or violations.

Technical Comments:

Comment #7: Planning Board to schedule a site inspection when appropriate.

Chairman Astorino: I know we've been out there before. I think we should go out again. This one would probably have to be done on a Saturday or something. I don't know if you want to set it tonight? What is the Board's pleasure?

The Planning Board discussed to schedule a site inspection. The Planning Board has scheduled a site inspection for Saturday, December 6, 2025 @ 10:00 a.m. weather permitting.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? Let the record show no comment from the Board or Professionals. We will list Comment #8 through Comment #29 for the record. Brian, we will see you at the site visit on December 6th @ 10:00 a.m.

Brian Friedler: Ok. Thank you.

Comment #8: Applicant to provide all existing easements and/or maintenance agreements to any portion of the access.

Comment #9: Applicant to submit a comprehensive list of all waivers required for this project (§137-30), including an explanation of why each waiver is being requested in accordance with the standards in §137, Article VI (and any other applicable standard), including any waivers pursuant to §137-26(B), 137 Appendix E, and any others. Please add a table of all waivers required to the subdivision plan.

Comment #10: §137 Appendix E: The proposed design, method of construction and type of materials to be used shall be shown on the plan and is subject to the approval of the Engineer before construction as well as after the work is completed.

Comment #11: §137-18(M): Roads in open-development areas. The following standards will apply to roads and common drives within an open-development area subdivision (as designated by the Planning Board according to the provisions of § 280-a of Town Law of the State of New York) consisting of two or more dwelling units or lots:

- a. All open-development area subdivisions shall surface any and all common roads and drives in accordance with the Specifications for Open-Development Area Roads as appended to this chapter.
- b. In the alternative, a subdivider may submit surfacing specifications other than those referenced in Subsection M(1) above, for the approval of the Planning Board upon the advice of the Town Engineer.
- c. No certificate of occupancy shall be granted for any dwelling unit serviced by an open-development area road until that road is constructed according to the approved specifications for the full length connecting to the public road and certified as complete by the Town Engineer.

Comment #12: The Surfacing note added to Sheets 3 and 4 is not acceptable; a paved surface is required.

Comment #13: Applicant to show snow storage areas on the plans.

Comment #14: Submit soil test data, together with a letter by the applicant's engineer certifying that the soil data remain valid, and that there have been no field changes or other factors that require updated testing as of the date of the submission.

Comment #15: Applicant to confirm that the 911 addresses remain valid.

Comment #16: Applicant to provide a detailed construction, sequencing and staging plan, with appropriate notes/narrative/photographs, describing how the paved width will be installed, including what measures will be taken to avoid adverse impacts to stone walls, trees, existing vegetation, and other features.

Comment #17: An existing conditions plan/survey should be added to the drawing set.

Comment #18: Add a table of impacts comparing the installation of common driveway to the full Town of Warwick code requirements and a common driveway as modified for this application. Please include impacts to trees, stone walls, boulders, utility poles, drainage, grading, proposed retaining walls, etc.

Comment #19: Traffic Review Letter, showing traffic conditions on site to be reviewed.

Comment #20: Applicant to provide a SWPPP in accordance with NYSDEC GP-0-25-001 and Town of Warwick requirements. Requirements for an intermediate SWPPP per the town code are mostly met by the updated plan set, but please include the following items:

- d. Notice of ground disturbance per § 164-47.10.E.1
- e. Identification of on-site storage location for SWPPP information per § 164-47.10.E.3.d.3
- f. Identification of SWPPP implementation responsibilities per § 164-47.10.E.3.e.7

Comment #21: The access must be paved in its entirety; a note and detail shall be added to the plan set.

Comment #22: Applicant to submit a well testing and monitoring report. Submit test data, together with a letter by the applicant's consultant certifying that the hydrogeologic data remain valid, and that there have been no field changes or other factors that require updated testing as of the date of the submission.

Comment #23: 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 01, Map Note.

Comment #24: Applicant to provide a line-of-sight profile for each proposed new house location.

Conditions of Potential Approval Comments:

Comment #25: Surveyor to certify that iron rods have been set at all property corners.

Comment #26: The liber and page for the Agricultural and Biodiversity notes (Indiana Bat), as well as the Shared Common Driveway Agreement must be added to the plan.

Comment #27: A performance bond and site inspection fees for the Common Driveway improvements must be submitted.

Comment #28: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #29: Payment of all fees.

Warwick Isle Amended Final Approval Section I.

Application for Amended Final Approval for Section I for 7 proposed Cluster lots subdivision, situated on tax parcels S 3 B 3 L 5 and L 32, (Old tax parcel SBL #3-1-6.212); parcels located on the northern side of Merritts Island Road at the corner of C.R. 1, in the SL zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 4/6/11 and Final Maps for Section 1 (7-Cluster Lots) was finalized on 4/3/24.

Representing the Applicant: Kirk Rother, P.E., Mr. & Mrs. Bogert, Owners.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application originally received the Negative Declaration on April 6, 2011. The changes proposed for the application are unanimous. We have prepared a Resolution on our recommending it for the board's consideration that would reaffirm your original Negative Declaration.

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

Seconded by Mr. McConnell. 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: Warwick Isle Amended Final

Approval – Section I

Whereas, on or around April 6, 2011, the Town of Warwick Planning Board acting as Lead Agency, adopted a Negative Declaration of Environmental Significance pursuant to 6 NYCRR 617, determining that no significant adverse environmental impact would result from the proposed action and that an Environmental Impact Statement would not be required; and

Whereas, the Planning Board finds that the proposed project changes are insignificant and do not substantively affect the conditions and circumstances related to its prior determination; and

Now Therefore Be It Resolved, that the Planning Board reaffirms the Negative Declaration of Environmental Significance previously adopted in connection with the above-referenced action.

Comment #2: Applicant to discuss project.

Kirk Rother: Warwick Isle, as the board is aware, is a 33-Lot Cluster subdivision. Three of those lots were supposed to be affordable homes. The map was proposed to be filed in three Sections with one affordable house in each Section. Mr. and Mrs. Bogert are currently building Section 1 and in Section 1, Lot 5 was identified as the affordable home. Those initial lot identifications were done by me with the prior owner of the property without a whole lot of consideration given to where the lots were placed. So in Section 1 there's a lot, Lot 32, that fronts on Merritts Island Road. The Bogert's would like to move the affordable home from Lot 5 to Lot 32 thinking that would just be a better use of that piece of land.

Chairman Astorino: As we discussed at the work session, I think the board agrees that that lot is perfect for that I think it fits well.

Comment #3: Conservation Board comments: no comments received

Comment #4: Architectural Review Board: no comments received

Comment #5: OCDOH granted approval for Section 1 of this subdivision on August 5, 2022 for water supply and sewage disposal. Drawings will need to be re-signed.

Kirk Rother: Yes.

Comment #6: § 164-46J(100)(c): Affordable units must be located in areas that are not less desirable than market-rate units and must be equally accessible to public amenities. The Planning Board may consider financial hardship and development costs when determining feasibility. Applicant to include this note on the plans.

Kirk Rother: Ok. As far as just adding the language of the note. Is that correct?

Chairman Astorino: Yes.

Bob Krahulik: At some point we want you to articulate just what the hardship is. It doesn't have to be anything too complicated, but something.

Chairman Astorino: But is it a hardship? I think the lot they're putting this house on isn't really a hardship for the applicant. I think it makes sense.

Kirk Rother: I think there's two parts to it, right? One is the lot and then the other part was the cost of construction

Bob Krahulik: Right.

Chairman Astorino: Okay.

Kirk Rother: So, part 2 stay tuned, it's coming up next. And Bob is prepared to speak to that.

Bob Krahulik: Ok. Great.

Comment #7: § 164-46J(100)(d): Affordable units must be integrated into the development and match market-rate units in design, appearance, and quality. Feasibility will be evaluated based on financial and economic factors. Applicant must confirm compliance.

Mr. Bogert: : We would like to ask the Board to waive the necessity of equal, or the wording of equal materials used. As you know, there's a whole calculation that we can actually sell this unit for and right now when you do the math, we can really only sell this house for less than \$400,000 and we've estimated our cost to build this house around \$650,000 which is a substantial loss to us. We would obviously make the house look the same as the other. We would like to use some more of economical materials and supplies to help with that hardship

Chairman Astorino: That seems absolutely acceptable.

Mr. McConnell: : Do we have some manner to make a table that would be comparative, so that for instance, and I'm just talking through my hat now because I'm not in this business, but whereas the market would ordinarily visualize a granite countertop but that would cost X amount of dollars, but visually, using a composite, synthetic whatever is the appropriate language has a very similar appearance or aesthetic, but would cost X minus something. Is that something you can put together so that we've got something more than just sort of vague, we're going to make it look the same but cost less?

Mr. Bogert: I think we did plan to put together like a spec sheet When we submit the whole house to be approved by the Town before it's built.

Mr. McConnell: Since this is new to us, it might be helpful to have, if not actual samples of materials, then something that a salesman carries with them when he's trying to sell you the materials. You know what I'm saying? So that we're not in a position of somebody in the future coming, man you guys got it wrong, they pulled the wool over your eyes, so I'd like to have as much assurance as I can from my own experience and observation so that I'm comfortable with it.

Bob Krahulik: It's a tricky issue

Mr. McConnell: I agree

Bob Krahulik: Timing is also tricky because that house isn't going be built next week or next month or probably within six months, The mechanism that has been discussed, there's a lot of flexibility here the applicant doesn't want to build a house that doesn't conform to the requirements of the law either. They don't want to get halfway through it only to find out that we have an issue. We think a mechanism that would work would be submission of plans and specifications together with the contract and the contract price to the Town Supervisor who would run the numbers, make sure that the price of the house that's being offered complies with the affordable home requirements, number one and number two, that the plans and specifications materially conform to the decision of this board, which gives them a little bit of flexibility

Mr. McConnell: So you're saying the Supervisor is going to cover my butt.

Bob Krahulik: That's one way of looking at it.

Chairman Astorino: But I think to Dennis' point I get that it goes to the Town Board. I don't think the Supervisor makes the final call to the Town Board, correct?

Bob Krahulik: This is the first one coming online. Everybody's open to suggestions and ideas I don't know if we all want to start looking at swatches of countertops.

Chairman Astorino: I think Dennis was asking though, if a kitchen is going to cost you more than the general market homes, you're selling for \$900,000 that kitchen is a \$45,000 kitchen or \$50,000 kitchen, whatever. Okay, so in this house, now it's a \$15,000 kitchen because of this. Instead of custom oak cabinets, it is off the shelf kitchen cabinets. I think instead of a hardwood floor, maybe the vinyl floor, that's what I think we're looking for, that's all I'm sure Kirk, your engineer, can provide that with no time at all.

Kirk Rother: General categories of where savings would be are siding and windows.

Chairman Astorino: That's a good idea. We provide it to this board. We have something as a basis as Dennis pointed out.

Mr. Showalter: You're discontenting. You're showing off a similar house. It's lesser material. It's a luxury material.

Mrs. Bogert: I think you guys understand the goal of this project too is to bring a luxury product, a luxury house and high efficiency and all this. So, when we look at what we want to put in these homes or what the target is for these homes is going to be a bit different than what we can quite frankly afford to put in the affordable house. We are even going how detailed do you want that list to be?

Chairman Astorino: I would think in more general that a bathroom in the main house is X number of dollars because of this, this and this. The bathroom in this is that's what you're not putting in a cast iron claw foot tub. You're putting in a standard tub. You're not putting in the high-end stuff. It would be something to that effect.

Kirk Rother: The only thing that concerns me a bit is using actual dollars because this might not happen for two or three years.

Chairman Astorino: We understand that. You would use percentages.

Kirk Rother: We use percentages.

Chairman Astorino: I think Dennis, and I'm not speaking for Dennis, just wants something to say, yeah, we looked at it, we understand the economics of it, that's all. I agree with that. You could make it happen.

Comment #8: All notes referencing that Lot 5 was the affordable home must be updated to indicate that Lot 32 is now the affordable home (i.e., Marketing Plan, notes on plan including the Affordable Home note, etc.).

Kirk Rother: Yes.

Comment #9: The Table associated with §164-46J(100)(e) shows that Affordable Unit 1 must be built after Market-Rate Unit 10 has been built; Affordable Unit 2 must be built after Market-Rate Unit 23 has been built; and Affordable Unit 3 must be built after Market-Rate Unit 24 has been built. On Sheet 1, please add the timing of when the affordable houses are required to be constructed to the plans.

Kirk Rother: : I'll add the table. I'm not intimately familiar with it, but Bob seems to think that the conversation he had with Mr. Krahulik and Jesse, the first one was 15 instead of 10.

Bob Krahulik: I ran the numbers once. I'd have to go find that spreadsheet Laura ran the numbers and I think she came up with slightly a different count. You understand the concept.

Kirk Rother: Just verify it. It might not be that number.

Chairman Astorino: We understand that. That note has to change

Kirk Rother: Ok.

Comment #10: § 164-46J(100)(i)[2]: The Planning Board will require compliance with affordability rules as a condition of the special use permit. A deed rider must be executed, and the certificate of occupancy will not be issued until the deed restriction is recorded. Applicant to include this note on the plans.

Kirk Rother: Ok.

Comment #11: The same declarations for Warwick Isle, Section 1 must be submitted as part of this application: drainage easements, aquifer protection notes, agricultural protection notes, model home notes, open space notes, sectionalizing plan note, homeowners' association note, no further subdivision, etc.

Kirk Rother: : Laura, when you say submitted, do you just want copies of all those?

Laura Barca: Yes.

Kirk Rother: They're all referenced on the cover page. They're all recorded.

Laura Barca: Right, but in Connie's world this is a completely separate application.

Kirk Rother: Ok. No problem:

Comment #12: Surveyor to certify that iron rods have been set at all property corners. Completed as part of the Section 1 filed map.

Kirk Rother: Yes. It was completed.

Comment #13: Payment of parkland fees for Section 1. Completed as part of the Section 1 filed map.

Comment #14: Posting of appropriate bonds (Performance Bond, Stormwater Maintenance and 3-year Landscape Bond). Completed as part of the Section 1 filed map.

Kirk Rother: Yes.

Comment #15: Payment of all fees.

Kirk Rother: Yes.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? Bob, could we waive the public hearing for Amended Final Approval for Section I?

Bob Krahulik:

Mr. Kennedy makes a motion to waive the public hearing.

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

Mr. Kennedy makes a motion on the Warwick Isle Section I application, granting “Amended” Final Approval for Section I for 7 proposed Cluster lot subdivision, situated on tax parcel S 3 B 3 L5 and 32 (Old tax parcel SBL # 3-1-6.212); parcels located on the northern side of Merritts Island Road at the corner of C.R. 1, in the SL zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 4/6/11 and Final Maps for Section 1 (7-Cluster Lots) was finalized on 4/3/24. A SEQRA Resolution Reaffirming Negative Declaration for Mended Final Approval – Section I was granted on November 19, 2025. Approval is granted subject to the following conditions:

1. OCDOH granted approval for Section 1 of this subdivision on August 5, 2022 for water supply and sewage disposal. Drawings will need to be re-signed.
2. § 164-46J(100)(c): Affordable units must be located in areas that are not less desirable than market-rate units and must be equally accessible to public amenities. The Planning Board may consider financial hardship and development costs when determining feasibility. Applicant to include this note on the plans.
3. § 164-46J(100)(d): Affordable units must be integrated into the development and match market-rate units in design, appearance, and quality. Feasibility will be evaluated based on financial and economic factors. Applicant must confirm compliance.
4. All notes referencing that Lot 5 was the affordable home must be updated to indicate that Lot 32 is now the affordable home (i.e., Marketing Plan, notes on plan including the Affordable Home note, etc.).
5. The Table associated with §164-46,J(100)(e) shows that Affordable Unit 1 must be built after Market-Rate Unit 10 has been built; Affordable Unit 2 must be built after Market-Rate Unit 23 has been built; and Affordable Unit 3 must be built after Market-Rate Unit 24 has been built. On Sheet 1, please add the timing of when the affordable houses are required to be constructed to the plans.
6. § 164-46J(100)(i)[2]: The Planning Board will require compliance with affordability rules as a condition of the special use permit. A deed rider must be executed, and the certificate of occupancy will not be issued until the deed restriction is recorded. Applicant to include this note on the plans.
7. The same declarations for Warwick Isle, Section 1 must be submitted as part of this application: drainage easements, aquifer protection notes, agricultural protection notes, model home notes, open space notes, sectionalizing plan note, homeowners’ association note, no further subdivision, etc.
8. Surveyor to certify that iron rods have been set at all property corners. Completed as part of the Section 1 filed map.
9. Payment of parkland fees for Section 1. Completed as part of the Section 1 filed map.

10. Posting of appropriate bonds (Performance Bond, Stormwater Maintenance and 3-year Landscape Bond). Completed as part of the Section 1 filed map.
11. Payment of all fees.

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

Kirk Rother: Thank you.

Other Considerations:

1. Planning Board Minutes of 10/15/25 for PB approval. (Approved)

Mr. McConnell makes a motion to approve the Planning Board Minutes of 10/15/25. Seconded by Mr. Kennedy. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

2. Planning Board to discuss canceling the 11/24/25-W.S. & PB Meeting of 12/3/25. (Canceled)

Mr. McConnell makes a motion to cancel the 11/24/25-W.S. & PB Meeting of 12/3/25.

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

Correspondences:

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

Connie Sardo: No.

Chairman Astorino: I'd like to bring up Black Walnut/Thunderbird Farms application. We discussed it at our work session. The applicant requested a meeting with Laura; Bob and myself was in it. We discussed the parking the wood chips, their protected area. They're going to go to SHPO to see what they say about the parking and the wood chips on there for the overflow parking. As we talked about at the work session, putting a note on the plans if there is a commercial kitchen. After looking at the project the parking area and Laura you're going to verify this. They're very adamant that the initial parking area that's item 4, it beats all the requirements for the parking for the "restaurant, eating establishment"

Bob Krahulik: Based on the number of spaces, not necessarily the material.

Chairman Astorino: That's absolutely correct. I think, and we can discuss this at a later date, I just want to inform the board where we are. I think the gravel there will be fine at this point in time I don't know It's something the board has to think about whether you want to have asphalt.

Bob Krahulik: One thing that was discussed. I don't know if the applicant necessarily agreed to this yet, was a condition or note in the map that said if they install a commercial kitchen inside, they first have to come back to get amended site plan approval from the planning board. This way it starts out low-key with sort of that farm market feel and before they escalate the operation to the next level, we can take a second look at it and maybe require curbing and blacktop and other.

Mr. McConnell: Can we actually compel that? Could they look at and say no?

Bob Krahulik: You can't compel that, but you could say then you know what, we're going to require all these improvements right up front.

Mr. McConnell: Ok.

Bob Krahulik: They're the ones looking for a concession not us.

Chairman Astorino: Just a heads up, that's why they were off the agenda this evening. We didn't feel it was worth it to bring them on to charge them for what we talked about.

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 November 19, 2025.

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