

TOWN OF WARWICK PLANNING BOARD
December 17, 2025

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, December 17, 2025 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.

PUBLIC HEARING OF GTI Warwick 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. Continued Public Hearing from the Planning Board Meeting of 11/19/25.

Chairman Astorino: We did not receive all the information we were looking for from O&R. We will be adjourning this public hearing without date. It will be re-noticed and re-published. Any comments, concerns from the board, professionals? Do any members of the public would like to speak on the O&R? No. Seeing none, I'd like to have a motion to adjourn GTI, Warwick Opportunities, LLC, without date.

Mr. McConnell makes a motion to adjourn the GTI Warwick Opportunities, LLC/O&R Utilities substation Public Hearing without date.

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

Review of Submitted Maps:***Brian & Michelle Alexander***

Application for Site Plan Approval for the use and construction of a demolition of an existing single-family dwelling and construction of a new single-family dwelling, located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 76 B 1 L 24.2; project located at 11 Walts Way, in the SM zone and TN-O district, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering. Jeff DeGraw, Architect.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a Type 2 Action. It is not subject to SEQRA. Does not require GML-239 review. Lighting, landscaping and design guidelines are not applicable to single-family detached homes.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Jeff DeGraw: There's an existing single-family home on 11 Walts Way. My client's bought it. It's pretty bedraggled. And I'd like to take it down and put up a new home in its place.

Chairman Astorino: Sounds good.

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 – pending

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

Chairman Astorino: What's the Planning Board's pleasure on this? Seems pretty straightforward. I don't believe there's a need for site visit. You're taking a home down and putting one back up. Anybody feel we should be out there?

Mr. McConnell: Is the height of the new one the same as what's coming down?

Jeff DeGraw: It's a little taller. I don't know the exact number on it,

Chairman Astorino: We could get a line-of-sight.

Jeff DeGraw: Yes.

Chairman Astorino: Does anyone want to do a site visit?

Mr. Showalter: No.

Chairman Astorino: Ok. We are not going to do a site visit.

Comment #8: Please provide a copy of the OCDOH-approved plans and letter.

Comment #9: Show and label required setback for well.

Comment #10: Set back distances, to the proposed dwelling and proposed septic system, should be shown and labeled on the plan.

Comment #11: Sheet 1, Soil Erosion Control Note #3 must be updated to say that disturbed areas shall be seeded with temporary seeding if there is no additional disturbance within 7 days (not one month).

Comment #12: Gravel Construction blanket should be utilized during construction as erosion & sedimentation control measure. Add to plan and include detail.

Comment #13: Applicant to confirm that there will be no direct point source (i.e. stormwater) discharges to Greenwood Lake.

Comment #14: Proposed site grading and contours should be added to the plan, swale at proposed SSDS.

Comment #15: Speed limit and driveway sight distance must be shown on the plan.

Comment #16: Detail for proposed driveway should be added to the plan with note stating driveways designed in compliance with A168-19 of the Town Code and that the grade for the first 25 feet shall not exceed 8%.

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

Brian Friedler: We are ok with Comment #8 through Comment #18.

Comment #19: Applicant to provide a private road use and maintenance agreement.

Jeff DeGraw: : It's an existing. Maybe fill us in on that. It's an existing.

Chairman Astorino: Is there an agreement on the road? Do you know of now?

Jeff DeGraw: I have no idea.

Brian Friedler: I'm not sure.

Chairman Astorino: Is there an HOA? Who plows it? Usually what we have done in the past, if nobody knows, you just reach out to everybody on the road saying, you know, it's existing. This gets a little dicey. Bob, what we have done was reach out to the residents and ask them how this was done? Is there an agreement in place? Can we draw up an agreement to try to clear this up? That's what we have done in the past.

Bob Krahulik: I could shed a lot of light on this. The houses on Walt's Way are technically part of the Forest Park Homeowners Association. Historically, many of the owners on Walt's Way refused and did not pay Homeowners Association common charges. I think ultimately the Homeowners Association sort of gave up on maintaining the road because nobody was paying.

Brian Friedler? Ok.

Chairman Astorino: Now that they're before the Planning Board how do we handle this?

Bob Krahulik: You could either go to the Homeowners Association and ask them whether or not they are maintaining it because I might be wrong. It is part of Forest Park. I do know that much. Or you're supposed to make a good faith attempt to get private homeowners on that road to enter into a road maintenance agreement and then report back to us on whether or not you were successful. We have in the past accepted a road maintenance agreement signed by just one homeowner who agrees to maintain the whole thing.

Jeff DeGraw: I'll work on that.

Mr. McConnell: Is there's an HOA in place?

Chairman Astorino: It is Forest Park Association.

Mr. McConnell: What is Forest Park?

Chairman Astorino: It's an Association. It is not an HOA. Is that correct?

Bob Krahulik: It is an HOA.

Mr. McConnell: It must have a set of bylaws, constitutes, etc... a road maintenance must be addressed there. Is that correct? If it is, do we have a copy of that?

Bob Krahulik: I have a copy of it. A copy hasn't been submitted to this board.

Mr. McConnell: If you'd brought a homeowner there, would you have a copy of it?

Bob Krahulik: The problem is that the homeowners on Walts Way stopped paying their dues. The Association stopped plowing the road. From what I understand, it's a free-for-all now. Unless the applicant can shed some light on what's going on.

Jeff DeGraw: To be honest, we really don't know.

Chairman Astorino: You guys do some digging. Let us know. Bob, could the Association sue the Walts Way residents to make them comply?

Bob Krahulik: They could. That's one option.

Chairman Astorino: What I'm saying is, it's like an unsafe situation if the road doesn't get plowed. Or you're relying on a homeowner that one day said, I'm not doing it. Correct?

Bob Krahulik: I think the Homeowners Association said, we're not doing it. And it's not getting done unless the homeowners are getting together informally and hiring their own snow plow.

Jeff DeGraw: I doubt our client even knows about this.

Chairman Astorino: Can you guys dig into that, please?

Jeff DeGraw: Yes.

Bob Krahulik: One other technical issue. It's on a private road. Before a building permit is issued, you're supposed to get a 280A approval. Which, since you're before the Planning Board, the Planning Board can grant that approval. You should amend the application to seek not just site plan approval from the board, but also 280-A approval since you're performing construction on a private road.

Brian Friedler: Ok. Is that even though that's an existing driveway, an existing house?

Bob Krahulik: I would say so because you're knocking the whole thing down. What the law says, 280A says, before a building permit shall be issued.

Brian Friedler: Ok. Because we had a similar thing on Buttermilk Falls. I don't know what it was. Or maybe it was dealt with?

Chairman Astorino: But this board can do that. Bob, is that correct?

Bob Krahulik: Yes.

Chairman Astorino: You are not going to the ZBA. You're staying here.

Brian Friedler: We have to do an amended application. Is that correct?

Bob Krahulik: Amend the application just to say site plan approval and 280-A approval, construction on a private road. And then under 280-A, the Planning Board is charged with the responsibility to make sure there's adequate ingress and egress for property owners as well as emergency service vehicles.

Brian Friedler: Ok.

Bob Krahulik: If you're going to do a site visit, that's one of the things you want to look into?

Chairman Astorino: Let's get a little more information.

Bob Krahulik: Ok.

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

Comment #21: Any applicable performance bond and/or landscape bond and associated site inspection fees shall be provided.

Comment #22: Provide Private Road repair bond to planning board engineer's specifications in the event the Applicant's construction activities cause damage to the private road.

Comment #23: Payment of all fees.

Brian Friedler: We are ok with Comment #20 through Comment #23.

Chairman Astorino: You guys need to do a little digging; we will go from there.

Brian Friedler: Are we able to be set for a public hearing?

Chairman Astorino: I personally would like to get some information on the road. Does the board want to do a site visit out and see what we're talking about?

Mr. McConnell: Until the issue with the road maintenance came up, I was of the opinion that, no, we don't really need to. That's why I asked about the placement.

Chairman Astorino: I think if we see the road and the conditions, it may make sense. We just don't know that yet. I think in my opinion is I'd like to hold off on setting it for a public hearing. What does the board want to do?

Mr. Showalter: Yes. I agree with you on that.

Chairman Astorino: All right. Get us the information that we need. Then you would get in touch with Connie on scheduling a site visit.

Brian Friedler: Ok. Thank you.

Jeff DeGraw: Ok. Thank you.

Brady & DiGuilio Subdivision

Application for Sketch Plat Review of a proposed 3-Lot Conventional Subdivision Lot Line Change for two existing dwellings located on Bowen Road and Brady Road with a new proposed dwelling to be located on Bowen Road a/k/a Mark & Pamela DiGuilio Subdivision, situated on tax parcels SBL # 64-1-75 and 76; parcels located at 88 Bowen Road & 204 Brady Road, in the MT zone and RL-O #2 district, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: So last time we were here, we had made a decision that we were going to hold off. The board made that decision on adopting a part two until after the site visit had occurred. This seems like minor application. I think the board wanted to make sure there were no issues on the ground. That was back several months ago. So it is now back. I believe the site visit was not held. That was originally scheduled.

Brian Friedler: It was held.

Connie Sardo: It was held.

Max Stach: It was held. Oh, okay. That was my mistake. So it's a good thing that I prepared a Part 2 EAF and Negative Declaration for the board's consideration. Unless at that site visit the board observed anything that would make it identify a potential large impact as identified in a Part 2EAF. I prepared it, and I did not identify any potential large or moderate impacts.

Chairman Astorino: Thank you.

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

Seconded by Ms. Garby. The following Resolution was carried 4-Ayes and 0-Nays and 1-Absent.

617.6

State Environmental Quality Review (SEQR)

Resolution Adopting Part II EAF and Negative Declaration

Name of Action: Brady & Diguilio Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for the subdivision of two existing lots identified on the Town of Warwick Tax Map as Section 64, Block 1, Lots 75 and 76, located at 88 Bowen Road and 204 Brady Road. The project site is within the Mountain Zoning District and the Ridgeline Overlay District. The applicant is proposing a three-lot conventional subdivision, in which Lots 1 and 2 contain existing single-family dwellings and an additional residence is proposed for the newly created Lot 3; and

Whereas, on September 17, 2025, the Planning Board assumed lead agency status for uncoordinated SEQR review and classified the action as unlisted; and

Whereas, the Planning Board received a draft Short Environmental Assessment Form (EAF) Part 2 prepared

by the Town Planner, recommending that no moderate or large impacts are likely to result from the action.

Now Therefore Be It Resolved, that the Planning Board hereby adopts the Short EAF Part 2, as prepared by the Town Planner; and

Be It Further Resolved, that based upon the 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 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.

Comment #2: Applicant to discuss project.

Brian Friedler: It is for a proposed 3-Lot subdivision on the corner of Brady Road and Bowen Road. Back on October 27th, we received ZBA variances for a lot area. That is pretty much it.

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 – pending comments
Comment #7: ZBA – variances needed for Lots 2 and 3 lot area and Lot 3 minimum lot width. The Lot 2 front yard setback is an unchanged existing nonconforming measurement. (Sht 5 10/27/25 ZBA Resolution)

Comment #8: The soil testing for the proposed septic system on Lot 3 must be witnessed by the office of the planning board engineer.
Comment #9: Town of Warwick Standard Notes must be added to the plan. Lighting Note on Sheet 5 should be updated to the language of the standard note.

- a. On Sheet 1 Agricultural Protection Notes should be numbered with proper spacing.
- b. Ridgeline overlay notes must be added to the plan.

Comment #10: Silt fence should be added and labeled to Sheet 3.

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

Applicant requesting waiver.

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

Comment #13: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Map Note.)

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

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

Comment #16: The date filed, liber, and page must be shown on the drawings for Biodiversity Notes, Agricultural Protection Notes and Ridgeline Overlay Notes.

Comment #17: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #18: Any required items must be bonded (performance bond, landscape bond, etc.).

Comment #19: Payment of all fees.

Brian Friedler: We are ok with Comment #8 through Comment #19.

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 wish to be set for a public hearing at the next available agenda.

Brian Friedler: Yes.

Ms. Garby makes a motion to Set the Brady & DiGuilio Subdivision application for a Final Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Organigrow 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, situated on tax parcel SBL #46-1-34.222; property located at 104-106 State School Road, in the OI zone and within the AQ-O District, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: : So last time we were here, the board noticed its Intent to declare Lead Agency and must give Involved Agencies 30 days to respond. 30 days has not passed since that last meeting, so the board can take no further SEQRA action tonight. A Part 2 EAF was attached to our previous memo and this memo, which gives the applicant an opportunity to begin addressing environmental concerns. Additionally, we noted a response was received from Orange County Planning, but that was for the lead agency coordination request. We still need a response for the 239-GML referral. Lighting details have not yet been provided, but they were discussed at the site visit. We recommend the applicant replace any exterior forward-throwing light fixtures with full cutoff LED fixtures with color temperature of 3000 K or less. Further, we discussed a few small stands of native shade trees to be added at strategic locations along the street frontage. Per the Town of Warwick Design Guidelines, as the site is existing, we recommend that formal buffers would be excessive. However, we recommend that a low hedger wall be placed along any road parking where parked vehicle headlights would shine into a public right-of-way.

Brian Friedler: Ok.

Comment #2: Applicant to discuss project.

Chairman Astorino: If you can do better than was Max had said?

Brian Friedler: Max has said it all.

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

Brian Friedler: Ok.

Comment #7: Planning Board to determine if a site inspection is necessary. 11/24/25

Chairman Astorino: We went out there. Do any Planning Board members or Professionals have any comments, concerns on this site? We had talked about it. It Seemed pretty straightforward when we were there. Okay.

Comment #8: Revise north arrow direction on sheet 1.

Brian Friedler: Ok.

Comment #9: Applicant to update drawings to show road widening and walkway.

Brian Friedler: Ok.

Chairman Astorino: Brian Friedler: Ok.

Chairman Astorino: We talked about that road that circles out that's on their property. We had a meeting with the owner, the town, to discuss going forward. They agreed they will basically abandon that road, make that seed and hay, and go straight out. They will widen it six feet, two feet on one side, four feet on the other, or eight feet on the other. Something like that. In that vicinity. And do all of that to make that a safe access in and out. And that will all be done by the applicant.

Mr. McConnell: Okay.

Chairman Astorino: So that's why it's here. I just wanted to let the Board know. That's what we're doing.

Laura Barca: It will be done by the owner not the applicant.

Chairman Astorino: Ok. It will done by the owner of the site. And all of the equipment that was parked there is already being parked in the back. And that will be, I'm sure, that's on there, too.

Comment #10: Please update parking sign height to 7-ft.

Comment #11: Applicant to provide source of the water usage data.

Comment #12: Applicant proposing four can-lite 12", 1800 CFM carbon filters to control odors. Provide further description of how these filters will be incorporated into the HVAC systems (recirculation vs. exhaust to outdoors). Provide room list with pressure relationships along with indoor filtration and exhaust filtration requirements. Provide description of where exhaust air will be discharged to (outdoors) and what type of exhaust fans will be used.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

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 #10 through Comment #16.

Chairman Astorino: Do any Board members or Professionals have any comments? You just need to review the data for filters and everything, right, Laura? Before we do that?

Laura Barca: Yes. We added that comment and we're requesting additional information.

Chairman Astorino: Ok.

Brian Friedler: Ok. In the previous submission, we did send in specifications for new lights. It was in the last submission.

Chairman Astorino: Ok. Did you add the cut sheets?

Brian Friedler: Yes/ I thought I did cut sheets

Max Stach: We'll take a look at them.

Brian Friedler: Ok. Regarding the landscaping, we added some trees.

Max Stach: Ok. We will take a look at that.

Brian Friedler: Ok. Thank you.

UrbanXtracts Phase 2

Application for Site Plan Approval and Special Use Permit for the use and construction of Cannabis Manufacturing & Distribution, situated on tax parcel SBL #46-1-51.2; project located on the southern side of John Hicks Drive 100 feet west of State School Road (41 & 43 John Hicks Drive), in the OI zone, of the Town of Warwick.

Representing the Applicant: Jerry Casesa from HV Realty. Eric Rogge, P.E.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: In my memo, I had a mention that it wasn't clear whether or not a Full EAF was distributed. I did hear back from Connie. The NOI was distributed. Has that been more than 30 days?

Connie Sardo: Yes.

Max Stach: The Planning Board does have an EAF Part 2 and Resolution for their adoption tonight. Additionally, we wanted to verify that the applicant should provide a cut sheet for any proposed exterior luminaires to verify that fixtures are full cutoff and 3000K or less color temperature or less. There are a couple of proposed plantings that are not NY native. We recommend that alternatives be installed.

Jerry Casesa: We do have the lighting and the fixtures on the plan.

Jerry Casea: So we're going to go through those concepts again. And there are a couple of suggestions for that. I think we'll probably get to that.

alternatives be installed. So we do have the lighting and the fixtures on the plans. You have the lighting models.

Eric Rogge: I did not include the cut sheets. Do you need the cut sheets as well? I'll get those.

Jerry Cassesa: And then the planting, that comment, do we have a copy of those?

Eric Rogge: I don't have that. I'll have to get a copy of those.

Chairman Astorino: It doesn't have to be done tonight.

Jerry Casesa: Ok.

Ms. Garby makes a motion for Assuming Lead Agency and adopting the EAF Part 2.

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes and 0-Nays and 1-Absent.

617.6

State Environmental Quality Review (SEQR)

Resolution Assuming Lead Agency and Adopting a Part 2 EAF

Name of Action: UrbanXtracts

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan approval for the adaptive reuse of the Honor Housing Unit of the former Mid-Hudson Correctional Facility, for a cannabis manufacturing and distribution facility, and staff housing, on a lot identified on the Town of Warwick Tax Map as Section 46, Block 1, Lot 51.2, located on John Hicks Drive in the Office Industrial zoning district; and

Whereas, on September 17, 2025, the Planning Board noticed its intent to declare lead agency to all identified involved agencies and has since received no objections; and

Whereas, the Planning Board is in receipt of a draft Part 2 Full Environmental Assessment Form (EAF), prepared by the Town Planner recommending the following areas of potential environmental concern:

- Impact on Land
- Impact on Groundwater
- Impact on Surface Water and Flooding
- Impact on Plants and Animals
- Impact on Agricultural Resources
- Impact on Transportation
- Impact on Historic and Archaeological Resources
- Other Impacts – site may cause an increase in odor that is otherwise unnatural to the surrounding area.

Now Therefore Be It Resolved, that the Planning Board hereby assumes lead agency status and adopts the Full Environmental Assessment Form Part 2 as prepared by the Town Planner.

Comment #2: Applicant to discuss project.

Eric Rogge: I will run you through the major changes since the last time we were here. There really weren't big things. We expanded the landscaping, the streaming landscaping around the north side and the northwest side and the south, the east side. We tried to shield it as much as possible. We pulled it in. We also changed out a lot of the plants for shaded, shade tolerant and for, I think it was deer resistant. We used some Cornell guidelines for deer resistance. Apparently, deer, they'll eat anything. You've got to pick the least. We tried to find the best one based on the local Cornell offices and so we proposed all that. We have also included the detailed lighting plan which we will also include the cut sheets for that. Related to the odors, we've been talking with our client and they have cannabis specialists that they work with in Canada and the United States. We've been talking about this whole odor thing and I sent Laura kind of a rundown of what their current strategy is at the greenhouse and basically it is a, it's like a disinfection system they use. It uses hydrogen peroxide and UVC to treat the air when it circulates and it periodically opens to the fresh air outside based on solar radiation loading. It's all computer controlled; I think you saw those computers when we did the tour. Every once in a while, it exchanges the air and it treats.

Chairman Astorino: Is this something new you're looking at installing?

Eric Rogge: No, it's already in there. That's what they're using at the current greenhouse and we're proposing to use it at the new greenhouse.

Chairman Astorino: Okay. You will use the same system?

Eric Rogge: Yes. It will be the same system. Though I know, I just want to mention that the greenhouses are, the building permit is already in for those and they're kind of not part of this application. We're showing them on here just to show like zoning compliance for the lot as a whole.

Chairman Astorino: Okay.

Eric Rogge: And I did see the comment about the air filtration, the main building, I guess it would be building, the H block building. We'll have to talk to our architect about that to kind of get a little more details on that.

Jerry Casesa: The systems will be inside the main building. It is extremely, it's much easier to contain and treat when it's a greenhouse like they're telling us. It's not really that well of a sealed system. There is leakage. So that is, that is something that is hard to obtain complete mitigation. There'll be attempt to minimize it, but it cannot, we can't guarantee it'll be 100% contained. That's just the structure and obviously in the outdoor plants as well. But both of those applications are kind of under the right to farm.

Chairman Astorino: I believe our attorney did reach out just to get some feedback from Ag and Markets.

Jerry Casesa: We did the same and we expect to get a, I'm not sure if it's going to be a white paper or a declaration from Ag and Markets and OCM regarding its protection under the right to farm.

Chairman Astorino: That's what we're looking into also. When you get it, please provide it.

Jerry Casesa: You know those two areas. We're still going to mitigate the best we can in the greenhouse.

Chairman Astorino: Okay. And you provided those documents to HDR, correct?

Jerry Casesa: Yes.

Eric Rogge: We also looked into the deodorizers that we talked about at the other meeting and they were strongly discouraged by all of the experts

Chairman Astorino: Could you provide documentation to us for that?

Laura Barca: We agree with that.

Chairman Astorino: Okay. I just want to say that we did a hard look, we looked at it and they didn't work for this, this and this reason.

Mr. McConnell: What were they strongly discouraging?

Eric Rogge: The use of like an aerosol deodorizer?

Jerry Casesa: Deodorizer or any kind of chemical misting because it affects the terpenes of the plants they had. There was a very technical review of that.

Mr. McConnell: But you are going to make a statement somewhere that they're going to do their best to mitigate within the limits of the technology.

Chairman Astorino: Yes. I think we need.

Mr. McConnell: I'd like to see a statement.

Chairman Astorino: HDR is reviewing the greenhouses. The outdoor grow. Laura just said they agree with that, but I'd like to see some statement from either HDR or the applicant so that we have it in our files and it is on the record that we did take a look at it, but it does not work because... And as far as the main buildings, what are you using? Show us.

Jerry Casesa: All right.

Chairman Astorino: Laura. I know these comments are these comments. We did a site visit out there and I will say it is a very impressive setup.

Mr. McConnell: Yes.

Chairman Astorino: You can't say enough about the technology that you have there and how well run it is. I have to say that it is at the top. It was very impressive. I think every board member would agree to that. Does the Applicants have any comments? These are all the same comments from the last time. We will list Comment #3 through Comment #24 for the record. We still have not received service capacity letters. Did you send them out to the emergency services such as to the Police, Fire, etc..

Jerry Casesa: No. We did not. We were looking at the water.

Chairman Astorino: You need to send out the service capacity letters to the emergency services.

Jerry Casea: Ok.

Chairman Astorino: All right. We are just waiting to see something from Ag and Markets. You were previously set for a public hearing. Once we receive your information from Ag and Markets.

Connie Sardo: Send out those service capacity letters.

Chairman Astorino: You have 30 days for them to respond. So that's a little bit of a problem.

Jerry Casesa: My feeling is doing the public hearing helps us get that comments in as well.

Chairman Astorino: I agree. But if there's no significant public comment, the Planning Board can act on it.

Jerry Casea: Okay. Thank you.

Laura Barca: You would still need to make a submittal that responds to HDR's comments and NPV's comments.

Chairman Astorino: We discuss that at a work session. And if you get your Ag and Markets stuff, please provide that to us as soon as possible.

Jerry Casesa: As soon as I get it, we'll put it through the portal?

Laura Barca: Yes.

Mr. McConnell: Are the Ag and Markets being stuff that we don't want to proceed beyond until we get that?

Chairman Astorino: I personally wouldn't want to proceed because if we have a public hearing, we heard a lot about the odors initially. If you have the right to farm, that clears that. You can grow it. There's not much you're going to do on the outside to grow it.

Mr. McConnell: The argument that will be made is that the right to farm was never meant to cover substances which at the time the right to farm was drafted were illegal to grow. That's why they're not jumping on this and responding right away because they're going to make new law with it by saying it does include stuff that was illegal at the time we drafted it.

Jerry Casesa: We believe that they did add it subsequently. We are waiting for that document to show that.

Mr. McConnell: Lawyers are very conservative and they don't want to add stuff until there's enough pressure to add it. I'm just concerned that Ag and Markets may not be, Johnny, on the spot in terms.

Chairman Astorino: I think we should give at least some time, personally.

Jerry Casesa: This is the area the town decided this product should be.

Chairman Astorino: If it's a farm operation noted by the state, it's a farm operation. We just want to do our due diligence.

Jerry Casesa: We understand completely.

Bob Krahulik: So the issue is not whether they can grow.

They can. That's confirmed. The issue is to what extent can we regulate their operation to minimize the odors. Ag and Markets might say you can't do a thing on your right to farm. Or they might say you can do all you need to do in order to ensure air quality. We don't know the answer yet.

Chairman Astorino: We don't.

Jerry Casesa: We will do whatever is available now, but it will not 100% mitigate it. That has to be known. There's nothing out there that can do it now. Especially an outdoor grow.

Mr. McConnell: Somebody's working on it.

Chairman Astorino: I'm sure.

Eric Rogge: The outdoor grow is only limited to two months a year anyway.

Jerry Casesa: The outdoor grow is in September and October.

Chairman Astorino: And there's certain times when the odor is present, correct?

Eric Rogge: But it's only for that time frame.

Chairman Astorino: As you are just pointing that out, put a little narrative together stating that is when the most odor occurs. Explain it.

Laura Barca: If that information can be added onto the plan as notes or a narrative?

Jerry Casesa: Okay.

Laura Barca: Because that's what is presented is whatever is on the site plan. If there's different pieces of paper, they kind of don't travel along with the plan.

Jerry Casesa: That's understood.

Laura Barca: If it's on the plan, that's where it's most meaningful.

Jerry Casesa: And obviously the resolution of final approval will have stipulations like that as well, right?

Laura Barca: Correct.

Jerry Casesa: Ok. Thank you.

Chairman Astorino: Get your stuff together. You will be back.

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 – 10/15/25 environmental – bats, water usage/recycling, farm worker housing

Comment #7: OCDOH – 08/28/25 Migrant Labor Housing application requirements met, tour of facility by OCDOH after renovations needed to grant Worker Housing Permit.

Comment #8: NYS OPRHP – pending

Comment #9: Office of Cannabis Management. Copies of three licenses submitted for Adult Use – Cultivator, Processor, and Distributor.

Comment #10: Planning Board to determine if a site inspection is necessary. 09/08/25.

Comment #11: Applicant to submit a wetlands delineation survey.

Comment #12: Service capacity letters are required to be submitted.

Comment #13: On Sheet 9 of 14, there is a proposed monument sign. Please add a detail to the plan for this monument sign that are in compliance with Section 164-43.1.H(2)(d).

Comment #14: The existing water/sewer usage should be noted separately from the proposed water/sewer usage.

Comment #15: Provide further description of HVAC systems for indoor cannabis manufacturing and packaging buildings. Provide room list with pressure relationships along with indoor filtration and exhaust filtration requirements. Provide description of where exhaust air will be discharged to outdoors and what type of exhaust fans will be used. The application proposes greenhouse exhaust fans for temperature control without describing how odor transmission to the outdoors will be mitigated. Propose a filtration strategy for air exhausted from the greenhouses to outdoors if necessary to comply with Town of Warwick Zoning Law §164-48 and NYS OCM 9 NYCRR §125-1(a)(1).

Comment #16: §164-48 Performance Standards: 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 #17: §164-46 J(86): A manufacturing use must not create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor, disturbance to radio and television reception, glare, harmful discharge or storage or dispersal of liquid or solid waste, or other forms of nuisance in a manner or amount as to adversely affect the surrounding area. Applicant to demonstrate compliance. Please add this note to the plan.

Comment #18: Planting Schedule should include size at planting, Town Code defines tree planting as minimum is 1 1/2" caliper, with §164-43.2A(7) noting one canopy tree of 3" caliper.

Comment #19: Consider shade tolerant species for the north side of the building.

Consider a species that fits in the space available while not blocking the windows.

Boxwood is susceptible to deer browse. Consider other species. Also, there appears to be a window well or other structure in the planting strip. Please confirm if this is on the ground surface.

Comment #20: There seems to be plants at the base of each post of the trellis. Please confirm how plants are to be planted where these posts are located in impervious areas (sidewalk/patio). If plants are to be located at the base of each post, provide a detail on where and how that is to be accomplished.

Comment #21: Consider understory plants for the trees in the patio area and at the entrance to provide visual interest and additional habitat.

Comment #22: Any required declarations must be added to the plan.

Comment #23: A Landscaping Bond as well as the associated site inspection fee must be posted.

Comment #24: 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: John Tomaini, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Comment #2: Applicant to discuss project.

Max Stach: I thought about this one. I think when we had done the last Chapter 150, we determined that it was an Unlisted Action. We determined it as Unlisted because there was excessive clearing beyond what was required for constructing a single-family home. It was tough for me to make a determination at this point until I understand the extent of clearing that was conducted relative to the size of the house, the driveway and the septic fields. If it is reasonably related to the amount of clearing to those features on the site, I would say it would be a Type 2 Action because it is intended to be a single-family home. If it is excessive beyond what would normally be associated with a single-family home with a size being proposed, the septic fields and all other, of usable recreational yard, if it's beyond what is reasonable, and that's the Board's opinion, I would say is Unlisted. I would just need to see on the map or at a site visit for some way to judge that or for the board really to judge that for me to make a recommendation to you. I cannot make a recommendation on classifying this action at this time. I can say that GML 239 N review is not required because it's not a site plan, subdivision or special use permit applications, lighting, landscaping, and Design Guidelines are not relevant to this application.

Chairman Astorino: Okay. With that being said, at the work session there was a lot of trees that were dead dying that you explained to us.

Laura Barca: There was a forest fire on Mount Eve in October of 2013. I have not been to the site. I have seen photographs of the inside of the tree where the outside may look okay but the inside of the trees is burnt out. It's also my understanding that the applicant hired a certified forest ranger to go in and assess the trees prior to removal. We don't have documentation of that. That is what we understand what had happened.

Mr. McConnell: Does that documentation exist? Was there a written report?

John Tomaini: No there was no written report. I was educated by the forester on the trees. We walked the site prior to me purchasing the site. I was concerned of lightning strikes because I saw a lot of burned trees. I had a friend come up take a look at the site we saw that the site was burned. He said it was burned. I said what do you mean it was burned? I called the landowner. He said there was a forest fire up here. It was all burned up. At that point, I hired a forester to come take a look at the trees. My pre-existing home was on Mount Peter Rd. I hand-toothed it in to my chagrin as the Ash trees all died around me.

On this lot, I wanted to make sure that I'm building my personal home that there were no trees within falling distance. They were all over a hundred feet tall and dying. There were single tubes that went up with just big pieces of broccoli at the top and they're bent and they were falling and one actually took down my shed from the neighbor. I brought a construction shed up. The tree just snapped and broke. It's still there and my beat-up shed is still there. I made sure I wanted to keep whatever trees I could. There was no keeping the trees as if I did keep any in the middle shallow rooted trees on that rocky soil would have led them to fall on my house or ancillary pool or something to that nature. I do like trees.

Chairman Astorino: I didn't see it on this plan. Is there a way I mean you can show us where your house is going to go? Is there is there a plan with landscaping to show where you can put some more trees? The reason being is that this is a recommendation to the Building Department for a reclamation plan.

John Tomaini: Looking at the plan, the actual house is located here. Here are the setbacks the trees. If these trees fall down, they would hit the house.

This was already cut. One third of this was cut by the prior owner. What I had cut, there is no other plan. But we want to put trees back.

Chairman Astorino: Tell your engineer that you could keep all of that on there and What you're going to do with your home. Show us where you're putting the trees. Show us a plan as to where the trees would be going back. You would need to state on the plan, how many tree, what type of trees, and where you would put the trees.

John Tomaini: Okay.

Chairman Astorino: That's what we need to see because then you come back to us and we'll say okay great you took out these trees they were dangerous dead dying whatever putting these back we can give a recommendation to the to the Building Department and move forward. I don't know if a public hearing would be required for this?

Bob Krahulik: A public hearing is not required.

Chairman Astorino: It doesn't seem like it would be. Pass this along to your engineer or you could call us. We need to see a remediation plan with everything you have there. show the plan things that you're going to put there. Show us a plan with all the trees that are going back and where they're going to be placed.

John Tomaini: Okay. It's nice to be able to look at the drawing and say hey we're going to put some trees along the outer edge. In the yard, this is the backyard down there or in the front yard. I don't know that right now. There are all exposed rocks. I can make a good guesstimate of where we could put stuff but the end result may be a little different than what I put on the plan. Do you have a recommendation of how many trees we're going to have to put back or would a half a dozen trees or a dozen cedar trees be in good faith?

Chairman Astorino: Have your engineer show us something because I'm not going to say six trees, 50 trees. I don't know that. Your engineer would take a look at the lot and at least make an effort to put them back.

John Tomaini: Ok. I do want trees on the property. I just don't want them falling on the house.

Mr. McConnell: Mr. Chairman it may be worthwhile to have his engineer look at adjacent land to see what's there.

Chairman Astorino: I agree.

Mr. McConnell: See what the density of the trees was. Otherwise, I'm concerned about being in a position where we're giving a wink and a nod to something that shouldn't have been done without a permit. We can't make him put them all back. That cow left the barn. So I'd like to have some basis for the estimate of where to put or how many or whatever.

Chairman Astorino: That's what I mean. Let their engineer show it all on a plan.

Mr. McConnell: But I'd like them to reference what is around.

Chairman Astorino: I don't know if you can reference around you because they're probably all dead Ash trees that are around and you're not putting the Ash trees back.

Mr. McConnell: Then you would get somebody to put it in writing.

Chairman Astorino: That would be fine. They could dig and say well they're dead. We're not going to do that because of x y and z and this is what we propose.

Mr. McConnell: Right.

Mr. Showalter: To my fellow board members and people in the room, I have been to this lot. I toured it extensively with the previous owner. At that time, the lot was a tough lot. And at the time, I will share with everybody that that lot had the fire damage and had basically all the Ash trees were dead and dying and it was covered with vines. It was like going through a burnt jungle. In this case, what I would recommend to my fellow board members is to recommend to the applicant to finish up cleaning up the clearing. It is rocky. This gentleman's going to have some work putting that house in for one. Number is that this lot is difficult to plant on. He's going to have to do some filling and adjustments to make it feasible to plant something on his yard. I believe he is trying to make it as nice as he can because it would be his personal home. What I would recommend though is that we have him recommend that he plants native trees to our area to make it blend in. I also agree that it's going to be difficult to do a lot of planting. I do think he should be allowed once we're through with him to continue cleaning it up to make it nice.

Chairman Astorino: Roger, that will be part of the remediation plan. You and Dennis both had valid points. Do you understand what we are asking you to do?

John Tomaini: Yes. We're going to wind up with a lot of rocks. As we get some kind of a little yard going on and I can see it fit to start planting some trees we're going to and we're going to plant native trees red cedars and white cedars and some smooth birch when we see the trees that were there that were burned out and we'd like to take over replenish those.

Chairman Astorino: Have your engineer show them on the plant and we'll review it.

John Tomaini: Okay.

Chairman Astorino: Ok. We will list Comment #3 through Comment # 29 for the record. Kirk will address these comments. Do any Board members or Professionals have any further comments or concerns? Let the record show no further comment from the Board or Professionals. We will wait for your engineer to resubmit a plan with the plantings.

John Tomaini: Is there another meeting?

Chairman Astorino: Kirk will get what is needed done. It would then go onto a Work Session.

John Tomaini: I'm just asking as far as like the building permits.

Chairman Astorino: No building permits until this is done.

John Tomaini: Okay.

Chairman Astorino: What's going to happen is that Kirk will take these comments and get it on a plan. Our board will review it at a work session. If we find everything to be adequate, you would come back to the Board so that we could do a recommendation to the Building Department. It would then go to the Building Department.

Connie Sardo: Give those comments to Kirk Rother. He will address them for the Board.

John Tomaini: Absolutely. Ok.

Chairman Astorino: What is the Board's pleasure on doing a site visit?

Mr. Showalter: I know what it is. I don't need to go.

Chairman Astorino: Anybody?

Mr. McConnell: I'd like to see it.

Chairman Astorino: Ok. What that means is the board will get a hold of Kirk and we will schedule a site visit. We would take a look at the site. Hopefully some of the snow will be gone. We can see exactly what you're talking about with the rocks and the outcroppings

Mr. McConnell: Let's just keep in mind the rocks part of it the gentleman has already said that there were trees over a 100 feet tall. The rocks didn't come after the trees went down.

John Tomaini: No. The trees were dug in between the rocks. They were actually very shallow root and the root balls were there.

Mr. McConnell: Were they planted or they were voluntary?

John Tomaini: No. They were just grown.

Mr. Showalter: They were native plantings. There are some rocks there and a tree was growing in the middle of the rocks. It's a difficult lot.

Mr. McConnell: We're not expecting him to improve the soil content in order to make trees but 100-foot trees existed there for a hundred years.

Chairman Astorino: We will schedule a site visit. We will reach out to your engineer. Give him these comments to address.

John Tomaini: Okay. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending

Comment #6: OC Planning Department – pending

Comment #7: Applicant to provide if an existing well or septic exists on the property

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

Comment #9: Applicant to clarify when the trees were cut. Note that the EAF cites Indiana bats and the allowable tree clearing window is November 1st – March 31st. (Forest fire in October 2013 (Mount Eve) burned out the centers of the on-site trees; certified forest ranger confirmed for the owner.)

Comment #10: Applicant should run USFWS IPAC and consult with the NYSDEC Natural Heritage Program with regard to rare species. (Forest fire in October 2013 (Mount Eve) burned out the centers of the on-site trees; certified forest ranger confirmed for the owner.)

Comment #11: NYSDEC ERM cites the presence of wetlands on Lot 16-1-50; Applicant to clarify if the wetland has been delineated.

Comment #12: Applicant should place the property lines on the NWI mapper page.

Comment #13: Delineate the total limits of disturbance and provide the area in SF and in acres.

Comment #14: Applicant to clarify if modification to previously shared driveway is complete, and how much of driveway shown on plans will remain.

Comment #15: Applicant to show properties within 300 ft on plans.

Comment #16: A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans (intermediate SWPPP). Proper soil erosion controls such as silt fence and stone construction entrances should be depicted on the plans including applicable soil and erosion control notes.

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: Town of Warwick Standard Map Notes to be added to the plan, including Chairman signature block, utility notes, limit of disturbance, lighting, and biodiversity conservation notes.

Comment #19: The plan should add a table listing the Town of Warwick Overlay Protection districts, and, which districts are applicable to this site (agricultural, ridgeline and biodiversity protection districts)

Comment #20: The site plan should state the bldg. finish floor elevation and provide proposed grades.

Comment #21: Site plan should follow requirements of §150-4. Uses for which permit is required.

Comment #22: Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).

Comment #23: §150-4(A)5. A performance bond may be required to ensure conformance to all applicable standards and requirements.

Comment #24: A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate, including installation.

Comment #25: Notes from the 2017 Roven Specht Lot Line Change drawings must be added:

- a. The 911 address
- b. Driveway notes, including reference to the common driveway use and maintenance agreement and the sight distance easement
- c. Agricultural notes
- d. Flag lot shall be permitted for the use and maintenance of single-family homes only.
- e. Ridgeline notes

Comment #26: The declaration information for the agricultural, ridgeline, and biodiversity protection overlays must be added to the plans.

Comment #27: Surveyor to certify that iron rods have been set at all property corners.

Comment #28: Surveyor to sign and seal drawing.

Comment #29: Payment of all fees.

Other Considerations:

1. Planning Board Minutes of 11/19/25 for PB approval.

Mr. McConnell makes a motion to approved the PB Minutes of 11/19/25.

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

2. Planning Board to discuss canceling the 12/22/25-W.S. & PB Meeting of 1/7/26.

Mr. McConnell makes a motion to cancel the 12/22/25-W.S. & PB Meeting of 1/7/26.

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

Correspondences:

1. Email letter from Village of Warwick Mayor Newhard addressed to the Planning Board, dated 11/25/25 in regards to the Blain Town Square project.

Chairman Astorino: We have that letter.

Mr. McConnell: Max, did you make any progress on what I requested?

Max Stach: Not significant progress to report.

Mr. McConnell: Okay.

Max Stach: I should be able to before the next workshop.

Mr. McConnell: Excellent

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 not public comment.

Chairman Astorino: I just want to welcome Danielle Dreyer back.

Danielle Dreyer: Thank you.

Chairman Astorino: I would also like to say to the board members and professionals thank you for an outstanding year. Merry Christmas! Happy Holidays! Happy New Year! It is a pleasure working with each and every one of you.