

TOWN OF WARWICK PLANNING BOARD
February 19, 2025

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, February 19, 2025 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Michael Brown

Application for Final Approval of a proposed 3-Lot conventional subdivision, situated on tax parcel S 53 B 1 L 8; parcel located on the eastern side of Cascade Road 2100 feet south of Birdsall Lane, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Kirk Rother, P.E.

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

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: The Planning Board on February 21, 2024, classified the action as Unlisted and declared their Intent to be Lead Agency and commence coordinated review with the NYSDEC. A short EAF Part 2 was adopted on July 17, 2024 identifying the following areas of potential impact:

- a. Aesthetic Resources – Site is in the Ridgeline Protection Overlay.
- b. Adverse Changes to Natural Resources – Application is within Biodiversity Overlay District and contains federal wetlands. Property is suspected to contain Northern Long-Eared Bat.
- c. Potential for erosion, drainage problems – site contains steep slopes.

The Applicant has provided a Part 3 EAF – addressing the potential impacts as listed above. We have reviewed the EAF and conclude that it is well written and thorough and recommend adoption of the Negative Declaration and Part 3 EAF.

Comment #2: Applicant to discuss project.

Kirk Rother: The application is for a proposed 3-Lot conventional subdivision. It is situated on approximately 109 acres. It is located on the eastern side of Cascade Road and south of Birdsall Lane, in the MT zone. We are here before the Planning Board seeking final approval.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 02/13/24 advisory comments for OCDOH review, Indiana bat, and shared driveway

Chairman Astorino: Does this application need OC Department of Health approval?

Laura Barca: No. It was just an advisory comment.

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

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

Kirk Rother: It is located outside the archeological sensitive area. We identified that on the Part 3 EAF.

Chairman Astorino: Laura, please make verify that.

Laura Barca: Yes.

Comment #8: §137-21.K(2)(a)[1] Applicant to demonstrate safe emergency access for flag lots. Please add a fire truck turnaround area for Lot 2.

Chairman Astorino: Laura and I went out to the site yesterday. We met with the Fire Chief. We had a discussion regarding what he wanted. We were talking about a 12-foot-wide drive in. Lot #2 and Lot #3 are to have a turnaround on each lot for the trucks.

Kirk Rother: Ok. Laura had sent me a template of that.

Chairman Astorino: Ok. It makes sense to do. He wanted to make sure the trucks could get in and make a turnaround to get out for each of those lots.

Kirk Rother: Yes. Will do.

Chairman Astorino: We will verify with the fire department.

Comment #9: Tree cutting or removal note, only permitted during October 1st through March 31st for Indiana Bat species protection note should be added to the plans.

Kirk Rother: Ok.

Comment #10: 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #11: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note12.

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

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

Comment #14: The liber and page for any applicable filed declarations must be shown on the plans.

Comment #15: Any required items must be bonded (performance bond, landscape bond, etc.).

Comment #16: Payment in lieu of parkland for two lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #17: Payment of all fees.

Kirk Rother: We are ok with Comment #10 through Comment #17.

Chairman Astorino: Ok. We will list Comment #10 through Comment #17 for the record. Do any Board members or Professionals have any comments or concerns? Let the record show no comment from the Board and Professionals. This is a public hearing. If there is anyone in the audience wishing to address the Michael Brown Subdivision application, please rise and state your name for the record?

Ralph Bonnema: I live at 28 Sunset Terrace. My daughter received a notice. She has the land next to it. She just received the notice today. She didn't have time to find out about it. I am here on her behalf to see what is going on. We have concerns about the water and water runoff. The water could go to the County Park, other lands, and Buttermilk Falls Road. It could go down to the Town's water supply. I have concerns about the water impacts.

Chairman Astorino: Laura, please explain the Storm Water Pollution Prevention Plan (SWPPP) process.

Laura Barca: The Applicant's Engineer has prepared a Storm Water Pollution Prevention Plan (SWPPP). That includes specific stormwater erosion control devices that prevents the water from running onto anyone else's property.

Ralph Bonnema: This water would go to Buttermilk Falls Road. I know that land.

Chairman Astorino: That is why the SWPPP is in place.

Ralph Bonnema: Right. That was my concern. Maybe it is not for today. I don't know what the plans would be 20 years from now.

Chairman Astorino: As of right now, this is it.

Ralph Bonnema: Right.

Laura Barca: This is all that would be built there.

Ralph Bonnema: Ok. That was my concern. Thank you.

Chairman Astorino: Is there anyone else wishing to address the Michael Brown Subdivision application? Let the record show no further public comment. Do any Board members or Professionals have any comment or concerns? Let the record show no comment from the Board and Professionals.

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

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

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Adopting Part 3, Adopting Negative Declaration and Authorizing Filing of Same

Name of Action: Brown Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed 3-lot conventional subdivision. The project is located on Town of Warwick Tax Map as Section 53 Lot 1 Block 8, on Cascade Road, Town of Warwick, Orange County, New York; and

Whereas, the Planning Board on or around February 21, 2024 classified the action as an Unlisted action and commenced coordinated review with the following agency:

- a. New York State Department of Environmental Conservation

Whereas, a Lead Agency Notice of Intent was distributed to all involved agencies on or around February 21, 2024; and

Whereas, the Planning Board assumed lead agency having received no objections its lead agency coordination and has reviewed the Short Environmental Assessment Form (EAF) Part 1 for the action dated January 30, 2024; and

Whereas, the Planning Board on or around July 17, 2024 adopted a Part 2 Environmental Assessment Form, identifying the following areas of potential large impacts:

- a. Aesthetic Resources – Site is within the Ridgeline Protection Overlay
- b. Adverse Changes to Natural Resources – Site is within the Biodiversity Overlay District and contains federal wetlands. The

- property is suspected to contain Northern Long-Eared Bat.
- c. Potential for erosion, drainage problems – Site contains steep slopes.

Whereas, the Planning Board is in receipt of significant public and interested agency comment regarding the potential impacts of the project and the Planning Board has considered such input and testimony; and

Whereas, The Planning Board has reviewed the Short Environmental Assessment Form (EAF) for the action including the Part I dated January 30, 2024, and Part II dated July 17, 2024; and

Now Therefore Be It Resolved, that the Planning Board adopts the EAF Part 3 as prepared by the applicant, which sets forth the Planning Board's review and analysis of the various information and testimony received, and provides an assessment of the likely magnitude of impacts, the geographic scope of impacts, the duration of impacts, the probably of impacts occurring, the number of people affected by potential project impacts and other relevant considerations of environmental consequences that are likely to occur as a result of the action;

Be It Further Resolved, that based upon the Part 3 and other relevant project submissions, the Planning Board hereby adopts a Negative Declaration of Environmental Significance indicating that significant

adverse environmental impacts are unlikely and that an Environmental Impact Statement shall not be required; and

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

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

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

Mr. Showalter makes a motion on the Michael Brown Subdivision application, granting conditional Final Approval of a proposed 3-Lot conventional subdivision, situated on tax parcel S 53 B 1 L 8; parcel located on the eastern side of Cascade Road, 2100 feet south of Birdsall Lane, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration and EAF Part 3 was adopted on February 21, 2024. Approval is granted subject to the following conditions.

1. State Historic Preservation Office (SHPO) letter needed due to the proposed land disturbance associated with this subdivision.
2. §137-21.K(2)(a)[1] Applicant to demonstrate safe emergency access for flag lots. Please add a fire truck turnaround area for Lot 2.
3. Tree cutting or removal note, only permitted during October 1st through March 31st for Indiana Bat species protection note should be added to the plans.
4. 911 addresses must be obtained from the Building Department and then shown on the plan.
5. 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, Note12.
6. Surveyor to certify that iron rods have been set at all property corners.
7. Surveyor to sign and seal the plan with proposed metes and bounds.
8. The liber and page for any applicable filed declarations must be shown on the plans.
9. Any required items must be bonded (performance bond, landscape bond, etc.).
10. Payment in lieu of parkland for two lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
11. Payment of all fees.

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

Kirk Rother: Thank you.

Review of Submitted Maps:

Canna Planet Dispensary

Application for Site Plan Approval and Special Use Permit for the use and construction of a 1,975 square-foot retail cannabis dispensary building Use #74, situated on tax parcel S 63 B 1 L 1.1; project located on the northern side of NYS Route 94 825 feet east of Sanfordville Road (172 NYS Rte. 94S), in the OI zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler, Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: 1. This is a Type 2 Action which states that the reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, is not subject to review. The Planning Board may enter the determination in to the record by motion and vote. No further SEQRA action is required.

Process

2. The proposed use is within 500 feet of NYS State Route 94 S and an Agricultural District and therefore requires referral to Orange County Planning Department for GML 239-M review. **Referral sent. Response received 1/25/25.**

Lighting

3. If any new outdoor lighting is proposed, the proposed location, height, orientation, type of illuminating device, bulb type and wattage, and photometric data of all outdoor lighting fixtures, as required in §164-43.3 shall be provided.

Landscaping

4. If any new landscaping is proposed, a landscaping plan per §164-46(G)(3)(n) should be provided with the following:
 - a. A landscaping plan showing all proposed changes to existing natural land features, including size and type of plant material, the number, size, types, and locations of all trees shrubs, and ground covers to be added.
 - b. A planting schedule and a landscape maintenance plan shall be included. Trees to be saved shall be noted on site plans, and appropriate measures shall be outlined to protect the tree stock from damage during construction.

Design Guidelines

5. Signs. If any new signage is proposed for the site and/or building, details shall be provided in accordance with §164-43.1. Please also note §11.7 of the Town of Warwick Design Guidelines.
6. Design. If any façade/exterior alterations are proposed, plans, including exterior colors and materials, they should be provided for our review.

Mr. McConnell makes a motion for the Type 2 Action.

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

Comment #2: Applicant to discuss project.

Brian Friedler: This project is located at 172 Route 94 South. It is right across the street from Pennings Orchard. It is proposed to take place where the old restaurant use to be. There would be no ground disturbance. There is an existing parking area and septic system that would be used. The only thing that would be changing is some of the interior work inside the building.

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 – 01/13/25 no advisory comments

Comment #7: OCDOH – The restaurant received approval from NYSDEC on 01/16/15 and OCDOH on 04/07/15. Applicant to confirm that reapprovals are not required.

Brian Friedler: Ok.

Comment #8: NYSDOT – pending comments

Comment #9: Planning Board to determine if a site inspection is necessary.

Chairman Astorino: Yes. We would need to see what is out there and see how it would be played out. Does the Board agree?

Mr. McConnell: Yes.

Ms. Garby: Yes.

Mr. Purcell: Yes.

Chairman Astorino: We will schedule a site visit.

Comment #10: Applicant to clarify the status of the wetland restoration being coordinated with USEPA.

Chairman Astorino: That would be something that we would need to know if that has been done.

Brian Friedler: I spoke to the owner about that last week. He was going to reach out to the USEPA.

Chairman Astorino: Has anything been done?

Brian Friedler: Yes.

Chairman Astorino: Ok.

Kirk Rother: Ben, I am pretty sure the soil was removed. I don't know if the USEPA has signed off on the replanting. Brian, I could give you the email of the person that is handling that.

Brian Friedler: Ok. Thank you.

Chairman Astorino: Ok. Keep us apprised about that.

Brian Friedler: Yes. It is something like he would have to wait 3 years before he would get the sign off on the plantings.

Chairman Astorino: Ok. We would need a letter from the USEPA stating that has been done.

Brian Friedler: Ok.

Chairman Astorino: Do you have any questions on the comments?

Brian Friedler: No. Could we be set for a public hearing.

Chairman Astorino: Let us wait until after we have the site visit.

Brian Friedler: Ok.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? We will list Comment #11 through Comment #26 for the record.

The Planning Board and Professionals discuss scheduling a site visit. A site visit has been scheduled for Monday, March 10, 2025 @ 6:00 p.m.

Brian Friedler: Thank you.

Comment #11: All existing and proposed signage must be shown on the plan. The location and detail for any proposed signage should be added to the plans.

Comment #12: The septic system's functionality must be confirmed by a New York Professional Engineer.

Comment #13: Applicant to provide additional information on shared parking for other existing buildings on property.

Comment #14: Detail for proposed parking spaces should be included.

Comment #15: Parking calculations appear to be correct; however, 19 spaces are shown in note 14 and 20 spaces are shown in the Parking Space Requirements. Applicant to clarify.

Comment #16: All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped.

Comment #17: The plan should show the location and related signage for handicapped accessible parking spaces.

Comment #18: If no ground disturbance is proposed, a note should be added to the plan.

Comment #19: Add a note to the plans stating that there is one building on this property being proposed to be used as a dispensary, which is the former restaurant or the existing building in the middle of the property.

Comment #20: §164-46.J (76) Any Designed Shopping or Community Business District use located on a lot, any lot line of which lies within 100 feet of a residence or a residential district boundary, shall be screened along such lot line. Screening shall consist of a type of fencing or hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than six feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district.

Comment #21: In accordance with §164-46.J (155(b)), the hours of operation for Sunday, shown on Sheet 1, Note 11 must be updated.

Comment #22: Town of Warwick Standard Notes for utilities, limits of disturbance, and access onto a state highway note should be added to the plans.

Comment #23: §164-46.J(155(d)) Cannabis Retail Dispensary should submit copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act.

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

Comment #25: Any required declarations must be added to the plan.

Comment #26: Payment of all fees.

Juanita Geronimo

Application for Site Plan Approval for the use and construction of the removal of an existing 1-bedroom dwelling and the construction of a new 4-bedroom dwelling, located within “A Designated Protection Area” of Longhouse Creek, situated on tax parcel S 65 B 1 L 59.1; project located on the eastern and western side of Buttermilk Falls Road, 1000 feet west of Cascade Road (24 Buttermilk Falls Rd.), in the MT zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler, Friedler Engineering. Chris Collins, Architect.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

1. Danielle Dreyer: This is a Type II Action as per §617.5(c)(11) which states that construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections is not subject to review. The Planning Board may enter the determination into the record by motion and vote. No further SEQR action required. Although this is a Type II Action, we note that construction is taking place within 45 feet of Longhouse Creek, a designated protection area per Section 164-22A(4). This designation requires that the proposed action acquires site plan approval.

Process

2. The proposed use is within 500 feet of an Agricultural District and therefore requires referral to Orange County Planning Department for GML 239-M review.

Lighting

3. Lighting details are not required for a single-family dwelling application.

Landscaping

4. Landscaping details are not required for a single-family dwelling application.

Design Guidelines

5. Design details are not required for a single-family dwelling.

Mr. McConnell makes a motion for Type 2 Action. Seconded by Mr. Showalter. Motion carried; 5-Ayes and 0-Nays and 0-Absent.

Comment #2: Applicant to discuss project.

Brian Friedler: There is an existing one-bedroom dwelling located on the site. The Applicants propose to remove that dwelling and construct a larger house a little bit off Buttermilk Falls Road to give it a little bit more of a buffer from the dirt road. That puts us within 100 feet of Longhouse Creek.

Chairman Astorino: Is that located way up on the property?

Brian Friedler: Yes.

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: Planning Board to determine if need a site inspection.

Chairman Astorino: Would the Board like to do a site visit?

The Planning Board and Professionals discussed scheduling a site visit. The site visit has been scheduled for Monday, March 10, 2025 @ 5:00 p.m.

Mr. McConnell: Are you going to remove the structure that is there completely?

Chris Collins: Yes. The existing house is close to Buttermilk Falls Road. It doesn't meet the current setbacks. By taken the house down, we would meet the setbacks by pushing it away from the road.

Mr. McConnell: Ok. You would be constructing a new foundation and everything. Is that correct?

Chris Collins: Yes.

Mr. McConnell: Ok. We would need to take a look at the disturbance.

Chairman Astorino: Yes.

Comment #8: The soil testing for the septic system design must be witnessed by the office of the Planning Board Engineer.

Brian Friedler: Ok.

Comment #9: Please update the 911 address on Sheet 1, note 1.

Brian Friedler: Ok.

Comment #10: The limits of disturbance is shown in square feet, please add in acres.

Comment #11: Proposed driveway should comply with §A168-19 Driveways requirements of town code.

Comment #12: Driveway sight distance must be shown on the plan.

Brian Friedler: We are ok with Comment #10 through Comment #12:

Comment #13: Applicant to show driveway complies with §79-3 Construction Specifications of town code.

Brian Friedler: Since it is an existing lot, could we waive Comment #13?

Chairman Astorino: We will talk about that at the site visit.

Comment #14: Applicant to show buildable area §137-21.A.

Comment #15: Applicant to show square rule §137-21.K(1).

Brian Friedler: We ask the Board for a waiver of Comment #14 and Comment #15.

Chairman Astorino: We will talk about that at the site visit.

Comment #16: Include note on the plans: §164-46J (114): One-family dwellings shall not exceed one building on each lot.

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.” Sheet 1, Map Note.

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 #16 through Comment #18.

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

Brian Friedler: We ask the Board for a waiver of Comment #19. It is a very rugged and long property.

Chairman Astorino: We would make that determination at the site visit.

Brian Friedler: Ok.

Comment #20: Please add the declaration information for the Ridgeline Overlay and Biodiversity Notes to the plan.

Comment #21: Payment of all fees.

Brian Friedler: We are ok with Comment #20 and Comment #21.

Bob Krahulik: Mr. Chairman, this house is located on a private road. I believe a 280(a) variance would be required.

Chairman Astorino: Even if it is existing?

Bob Krahulik: Town Law for 280(a) states that no permit for the erection of any building shall be issued...

Chairman Astorino: Even if it is existing?

Bob Krahulik: It is for any building.

Chairman Astorino: Ok.

Bob Krahulik: It is going to be a total tear down.

Chairman Astorino: I understand that. There is an existing house there now. They would be taking that down and rebuilding another house. We will make a note to that effect. We will research that.

Bob Krahulik: We could give you a referral letter to the ZBA. You could decide if you want to go or not.

Chairman Astorino: This Board is ok with a consensus for a referral letter to the ZBA for 280(a) variance if it is needed. We will research that.

Brian Friedler: Ok.

Mr. McConnell: Are there any changes being made to the driveway? Is it going to have to be extended because you are moving the house further back?

Chris Collins: The driveway goes where it is going to go. They don't even want a garage. It would be a driveway for them to park.

Chairman Astorino: The 280(a) variance is to allow access off a private road. We will give you the referral. We will research that. Does the Board or Professionals have anything further?

Brian Friedler: Ok. We ask the Board to set the application for a public hearing?

Mr. Astorino: We could do that.

Mr. Showalter makes a motion to set the Juanita Geronimo Site Plan application for a public hearing at the next available agenda.

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

Brian Friedler: Thank you.

Warwick Isle Subdivision Section 2 and 3

Application for Final Approval for filing a 33-Lot Cluster subdivision in Sections, Section II and Section III to consist of a proposed 27-Lot Cluster subdivision, situated on tax S 3 B 1 L 6.212; parcel 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. Conditional Final Approval was granted on 4/6/11 and Final Maps for Section I (7-Lots) was finalized on 4/3/24.

Representing the Applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Danielle Dreyer: It is our understanding that a Negative Declaration was previously issued for the entire 33 lot subdivision in 2006. We advise the Planning Board to reestablish itself as lead agency, and recirculate the revised plans and EAF Part 1 to all involved and interested agencies due to the time that has passed. The Board shall consider the changes that are proposed for the project and any changes in circumstances affecting the property that may have occurred since the original Negative Declaration, if any. The Planning Board can then decide whether to amend or rescind the original Negative Declaration.

- a. If there are no adverse impacts that differentiate from those originally assessed for the project, it is our recommendation to amend the original Negative Declaration.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Kirk Rother: Warwick Isle has been around since the year 2004. Originally, it was proposed to be a 36-Lot Cluster subdivision. As we went through the process, it got reduced to 33 lots due to an area of archeological sensitivity. Rather than working around it and given its location, it was best to eliminate 3 lots. We moved with the Planning Board forward from that point with a Negative Declaration on the 33 lots. We received Preliminary approval on the 33 lots and Board of Health approval on the 33 lots. We came back before the Planning Board for Final approval. The Board granted conditional Final approval on the 33 lots. That was right in the throws of the recession. At that time, the Applicant did not want to file a 33-lot map and pay all of the fees and bonds that were associated with it. We came back before the Board. We rolled back the Final approval on the 33 lots. We asked to file the map in three sections. Section 1 consisted of 7 lots with 6 buildable lots with the 7th lot to be the remaining land. Section 2 and Section 3 would be the balance of the 27 lots roughly split in half. We kept on receiving extensions on the Preliminary approval for the whole project and conditional Final approval on Section 1 for many years. We finally wrapped up filing the map for Section 1 last year. The road has now been

built. All of the Declarations have been recorded. The offers of dedication have been done. The open space has been recorded. The County driveway entrance permit is in place for the permanent entrance. The Applicants have built one house. The 2nd house is under construction. The Applicants are looking to get Final approval on Section 2 and Section 3. Section 2 and Section 3 have been submitted to the Board of Health. Filing the map in sections has triggered it to go back to the Board of Health. The new Board of Health regulations is that is an approval is more than 5 years old they would want us to retest the wells. There was one well that has been tested. We are expecting Board of Health approval within the next 45 to 60-days. After that, we would come back before the Board for Final approval. We submitted it now to start that big slow-moving wall rolling.

Chairman Astorino: Danielle, we have Resolution for the Type 1 Action. Should we act on that this evening?

Danielle Dreyer: Yes.

Mr. McConnell makes a motion for the Type 1 Action.

Seconded by Ms. Garby. The following Resolution was carried 5-Ayes and 0-Nays and 0-Absent.

617.6

State Environmental Quality Review (SEQR)

Resolution

Establishing Lead

Agency Type 1

Action

Name of Action: Warwick Isle Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of an application for Final Subdivision Approval of Phases 2 and 3 consisting of 27 lots of 33 lots that received preliminary approval in 2006, the remaining six having received final approval in 2011; and

Whereas, the proposed project is substantially similar to the project that was previously the subject of a Negative Declaration and approved in

2006; and

Now Therefore Be It Resolved, that the Planning Board hereby notices its intent to assume Lead Agency Status for the review of this action.

Be It Further Resolved, that upon receipt of an adequate Full EAF Part 1, that the Planning Board Secretary is directed to circulate a lead agency notice of intent form along with the EAF and a copy of the application to the following involved agencies:

- Orange County Department of Health

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.

Chairman Astorino: Do any Board members or Professionals have any comments or questions? Let the record show no comment from the Board and Professionals. We will list Comment #3 through Comment #24 for the record.

Kirk Rother: Could the Board set us for a public hearing?

Connie Sardo: Are you going to get me the Part 1 EAF?

Kirk Rother: Yes. The EAF format has changed since the year 2004. Max and Danielle asked me to take the information from the original EAF because nothing has changed on the project. We would put that information into the new EAF form. I will give that new EAF form to you for circulation. I will get that to you within a day or two.

Connie Sardo: Ok.

Chairman Astorino: We could set it for a public hearing for the next available agenda. I am sure you will be back to go over these plans first. Is that correct?

Mr. McConnell: You are expecting with the OC Department of Health approximately 45 to 60 days. Is that correct?

Kirk Rother: Yes. I know that you can't act on the application until we are done with the Board of Health.

Mr. McConnell: Then, why set it for a public hearing?

Chairman Astorino: It saves them from coming back for an additional meeting. What is the Board's discretion? Does the Board want to set the Warwick Isle

Mr. McConnell makes a motion to Set the Warwick Isle Section 2 and Section 3 Subdivision application for a Final Public Hearing at the next available agenda.

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

Kirk Rother: Thank you.

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. OCDOH Plan approval is limited to 5 years. OCDOH approval for Sections 2 and 3 is pending.

Comment #6: There should be a table added showing the lot number and the 911 address for each lot.

Comment #7: Sheet 1, note 15 states that there is no further subdivision of Lots 1 to 6. This note must be revised to states that there is no further subdivision of any lot.

Comment #8: Sheet 1, note 18 provides the irrevocable offer of dedication for Section 1. Please update the note to state that dedication is for Section 1.

Comment #9: Sheet 1, note 24 describes how the temporary cul-de-sac(s) will be removed; a detail should be added.

Comment #10: Sheet 1, note 28 states that no Certificates of Occupancy shall be issued until the structure on Lot 32 has been removed. Please provide status. This must be completed before a CO can be provided for Lot 1.

Comment #11: The proposed fence along Lot 2 must be completed before a CO will be issued for Lot 2.

Comment #12: Sheet 1, please add the timing of when the affordable houses are required to be constructed to the plans.

Comment #13: Stormwater Plan previously reviewed was for the entire subdivision; NOI was completed, MS4 form signed and submitted prior to the construction of Section 1.

Comment #14: The curtain drain and drainage easements shown on Sheet 2 are missing the following information: easement D is also in favor of Lot 9; please confirm the others.

Comment #15: The declarations for aquifer overlay notes, agricultural overlay notes, Model Home, Marketing Plan, Open Space, Private Road Notes and Homeowners Association are shown on Sheet 1. (Confirm that all declarations are included.)

Comment #16: Sheet 1, note 18 indicates that an irrevocable offer of dedication has been filed in the Orange County Clerk's Office (08/08/23 at liber 15463 and page 459. This filing was for Section 1 of the roadway. Applicant to provide irrevocable offer of dedication for Sections 2 and 3.

Comment #17: Applicant to provide drainage easement descriptions for Sections 2 and 3.

Comment #18: The Homeowner's Association will be responsible to maintain the roadway, including snow plowing, before and after Town accepts roadway dedication, and post and rail fencing maintenance. The HOA document was filed in the Orange County Clerk's Office on 02/26/24 at liber 15532 and page 495.

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

Comment #20: Payment of parkland fees for Sections 2 and 3.

Comment #21: A new declaration must be filed that states that there is no further subdivision allowed for any lot in this subdivision.

Comment #22: Application to provide declaration information for the drainage easements.

Comment #23: Posting of appropriate bonds (Performance Bond, Stormwater Maintenance and 3-year Landscape Bond).

Comment #24: Payment of all fees.

Other Considerations:

1. **Kenneth Brown “Chapter 150”** – Previously discussed at the 1/15/25-PB Meeting. Planning Board to discuss scheduling a site visit. Project is located at 141 Brady Road, in the CO zone.

The Planning Board and Professionals discussed scheduling a site visit for the Kenneth Brown Chapter 150 application. The site visit has been scheduled for Wednesday, March 19, 2025 @ 5:00 p.m.

2. **Student Bus Co.** – Previously discussed at the 1/15/25-PB Meeting. Planning Board to discuss scheduling a site visit. Project is located at 19 Lake Station Rd, in the OI zone. Application for Site Plan Approval & SUP for a proposed school bus yard for buses and repurpose of existing residence into an office building.

The Planning Board and Professionals discussed scheduling a site visit for the Student Bus Company application. The site visit has been scheduled for Wednesday, March 19, 2025 @ 6:00 p.m.

3. **Sibilla Subdivision** – Received letter from Brian Friedler, P.E., dated 1/21/25 addressed to the Planning Board in regards to the Sibilla Subdivision – requesting Re-Approval + 6-Month Extension on conditional final approval of a proposed 4-Lot Conventional subdivision, situated on tax parcel SBL #27-1-116; parcel located at 7 Skysail Lane, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 2/21/24. *The Applicant has stated that the Re-Approval + 6-Month Extension is needed because of the Article 78 proceedings.* Re-Approval of Conditional Final Approval becomes effective on 2/21/25. The 6-Month Extension becomes effective on 8/21/25.

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

The Re-Approval of Conditional Final Approval becomes effective on 2/21/25.

The 6-Month Extension becomes effective on 8/21/25.

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

4. PB Minutes of 1/15/25 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 1/15/25.

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

5. PB to discuss canceling the 2/24/25-Work Session & PB Meeting of 3/5/25.

Mr. McConnell makes a motion to cancel the 2/24/25-Work Session & PB Meeting of 3/5/25.

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

Correspondences:

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

Connie Sardo: No.

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 February 19, 2025 Planning Board Meeting.

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