

TOWN OF WARWICK PLANNING BOARD
March 18, 2026

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, March 18, 2026 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Orange & Rockland Utilities, Inc.

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

Representing the Applicant: Lino Sciarretta, Attorney. Mike Homenick, Engineer.

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

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This application received a Negative Declaration on January 21st, 2026. The only common outstanding is a minor issue with the landscape plan that identifies 72 instead of 27. That's a minor issue.

Comment #2: Applicant to discuss project.

Lino Sciarreta: Good evening, Mr. Chairman, members of the board, council, staff. I am the attorney for the applicant, Orange & Rockland. We have our team here tonight, as you stated, Mr. Chairman. This is a continued public hearing. We did get our NEG DEC

on this project, which is, again, a substation improvement and some other improvements associated with this. Again, you don't need to go through the project. I know you've got a busy agenda. It's a public hearing tonight. We did get comments, additional comments from HDR. And going through them quickly, I saw them. They're dated today. I would hope that we can address some of these comments before building permit. I would hope that we wouldn't hold this up for another meeting. We would love to get at least approval tonight for the project so we can proceed. It's been a couple of months. Between cancellations, this and that, we just have to get this thing moving when hopefully this board can at least approve tonight. And then with respect to these conditions, we can address these prior to building permit approval.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 06/25/25 no violations

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

Comment #7: §164-46J(31): Public utility, transportation and communication uses shall be subject to such conditions as the Planning Board may impose to protect and promote the health, safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

Comment #8: Applicant to provide anticipated maintenance for meadow/wildflower areas (mowing schedule). These should not be mowed regularly, around once a year, preferably in the late fall. Maintenance information not included on Sheet 15 or 18 of 20, or Cover Letter dated 2/27.

Comment #9: Applicant to add callout to Sheet 9 to identify easement, property lines and construction fencing.

Comment #10: The 911 address must be shown on the plan. Please confirm the 911 address with the building department.

Lino Sciarretta: We are ok with Comment #6 through Comment #10.

Comment #11: On the General Arrangement Plan, Sheet 1 of 6:

- a. Add a design clearance table
- b. Specify which portions are driveable
- c. Show expected static wires and OPGWs

Lino Sciarretta: Ok.

Comment #12: On the Grounding Plan, Sheet 1 of 6:

- a. Ensure that each fence post under transmission line is grounded to the grid
- b. Ground Note 6, please indicate the frequency that the fence posts are grounded

- c. The line type with the ----x-----x---- does not appear to be used on the drawing, please clarify

Mike Homenick: I'm a civil engineer from Arlington College. So included in the package is details of our grounding. A substation fence posts are grounded every other fence post. They're tied into a contiguous grounding system that's below grade. Basically, it's copper wires that are on both sides of the fence, inside and out. That makes the fence compliant with the National Electric Safety Code. The above-grade portion is electrically contiguous. So, it's basically from one fence post to the next with the fabric. And the way the cross-rail runs is all one component. So, for that, it's basically every other fence post.

Comment #13: On the Lightning Protection Plan, Sheet 1 of 1, please label and identify shield site or OPGW and material/size.

Comment #14: On the Fence Plan, Sheet 10 of 14, the legend shows a proposed 10-ft high chain link, please clarify where this is shown on the plan.

Comment #15: Retaining Wall Plan and Profiles Sheet 1 of 2 indicates that there is an approximate 10-ft drop and no guiderail. Applicant to clarify.

Comment #16: Please provide electrical and pipe jacking drawings.

Comment #17: Please provide reference to the crossing specific subsurface investigation and/or Geotechnical Data Report, describing the materials the contractor should expect to encounter at the depths planned for the subject conventional bore crossings.

Lino Sciarretta: We are ok with Comment #13 through Comment #17.

Comment #18: Please clarify if there is a Knox Box or if all equipment, shutoffs, and interior areas are readily accessible in the event of an emergency.

Mike Homenick: As far as the substation goes, the procedure would be that O&R would show up to the site and perform all of the de-energization and grounding before anybody would enter within the fence line. The fire department will have access fully around the station to the fire access roads. We would ask that we reduce the Knox box so that nobody enters until the...

Chairman Astorino: And that is standard industry procedure, I would imagine?

Mike Homenick: That is standard, yes.

Chairman Asstorino: Okay. So just please indicate that on the plan, that it's standard industry procedure.

Mike Homenick: Ok.

Comment #19: The Emergency Vehicle Access Plan shows a conflict with the truck and the existing guiderail. Applicant to clarify.

Comment #20: The Emergency Vehicle Access Plan shows three locations where the truck tires exit the pavement; please confirm that the non-asphalt edges can manage the weight of the truck at these locations.

Comment #21: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 01 of 20.

Comment #22: Surveyor to certify that iron rods have been set at all property corners.

Comment #23: Surveyor to sign and seal drawing.

Comment #24: Applicant to provide a Performance Bond for any proposed erosion control, drainage infrastructure, grading, and earth works. A Landscape Bond will be required for any proposed plantings. Site inspection fees will be determined based on the amounts of the bonds.

Comment #25: Payment of all fees.

Lino Sciarrettea: We are ok with Comment #19 through Comment #25.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? Let the record show no comment from the Board and Professionals. This is a Public Hearing. If there is anyone in the audience wishing to address the Board on the O&R Utilities application, please rise and state your name for the record.

Bob Schuler: I live on 69 Chancellor Lane. I am the only residence impacted by this project. And through their revisions on the landscape plan, I'm satisfied with everything. I'm satisfied with the warranty that comes with the planting. Thanks to the town for intervening and your consultant making the changes. Second item, I've come to terms with Con Edison and Orange and Rockland on the easement agreement. So that's no longer the situation. We're set to go. Thank you so much.

Chairman Astorino: Is there anyone else wishing to address the Board on the O&R Utilities application? Let the record indicate there's no further public comment.

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

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

Mr. Kennedy makes a motion on the Orange & Rockland Utilities, Inc., application, granting conditional 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. A SEQRA Negative Declaration was adopted on January 21, 2026. Approval is granted subject to the following conditions:

2. OC Planning Department – 07/11/25 advisory comments: time of year limited tree clearing, minimize tree removal due to nearby wetlands, replace trees with native species.
3. §164-46J(31): Public utility, transportation and communication uses shall be subject to such conditions as the Planning Board may impose to protect and promote the health, safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
4. Applicant to provide anticipated maintenance for meadow/wildflower areas (mowing schedule). These should not be mowed regularly, around once a year, preferably in the late fall. Maintenance information not included on Sheet 15 or 18 of 20, or Cover Letter dated 2/27.
5. Applicant to add callout to Sheet 9 to identify easement, property lines and construction fencing.
6. The 911 address must be shown on the plan. Please confirm the 911 address with the building department.
7. On the General Arrangement Plan, Sheet 1 of 6:
 - a. Add a design clearance table
 - b. Specify which portions are drivable
 - c. Show expected static wires and OPGWs
8. On the Grounding Plan, Sheet 1 of 6:
 - d. Ensure that each fence post under transmission line is grounded to the grid
 - e. Ground Note 6, please indicate the frequency that the fence posts are grounded
 - f. The line type with the ----x-----x---- does not appear to be used on the drawing, please clarify
9. On the Lightning Protection Plan, Sheet 1 of 1, please label and identify shield site or OPGW and material/size.
10. On the Fence Plan, Sheet 10 of 14, the legend shows a proposed 10-ft high chain link, please clarify where this is shown on the plan.
11. Retaining Wall Plan and Profiles Sheet 1 of 2 indicates that there is an approximate 10-ft drop and no guiderail. Applicant to clarify.
12. Please provide electrical and pipe jacking drawings.
13. Please provide reference to the crossing specific subsurface investigation and/or Geotechnical Data Report, describing the materials the contractor should expect to encounter at the depths planned for the subject conventional bore crossings.
14. Please clarify if there is a Knox Box or if all equipment, shutoffs, and interior areas are readily accessible in the event of an emergency.
15. The Emergency Vehicle Access Plan shows a conflict with the truck and the existing guiderail. Applicant to clarify.
16. The Emergency Vehicle Access Plan shows three locations where the truck tires exit the pavement; please confirm that the non-asphalt edges can manage the weight of the truck at these locations.

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 01 of 20.
18. Surveyor to certify that iron rods have been set at all property corners.
19. Surveyor to sign and seal drawing.
20. Applicant to provide a Performance Bond for any proposed erosion control, drainage infrastructure, grading, and earth works. A Landscape Bond will be required for any proposed plantings. Site inspection fees will be determined based on the amounts of the bonds.
21. Payment of all fees.

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

Lino Sciaretta: Thank you.

PUBLIC HEARING OF Warwick Isle Group, Inc. Section 2 &3

Application for Final Approval for filing a 33-Lot Cluster subdivision in sections, Section 2 and Section 3 to consist of a proposed 27-Lot Cluster subdivision, situated on tax parcel 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, County of Orange, State of New York.

Representing the Applicant: Kirk Rother from Rother Engineering.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Warwick Isle Section 2 and Section 3.

Chairman Astorino: Thank you.

The following review comments submitted by HDR:

Comment #1: Board to discuss SEQRA.

Max Stach: This application was a subject of a Negative Declaration back in April 6th of 2011. Nothing has changed substantially from that previously approved plan. So, this board does not need to take any further SEQRA action. You may want to note, however, when you are reading any possible resolution of approval that the Negative Declaration was adopted on April 6th of 2011.

Chairman Astorino: Thank you.

Comment #2: Applicant to discuss project.

Kirk Rother: Warwick Isles proposed 33-lot Cluster subdivision of approximately 83 acres of land on Merritts Island Road in Pine Island. I'm mainly going to focus on just the history of it a little bit because I think the board is pretty familiar with the project. This has been before the board since 2004. The board issued preliminary approval for the whole project in 2006. Recession came thereafter. We continued with board health approvals for the whole 33-lots that was obtained in 2009. Came back to this board at another public hearing. The Board granted final approval for the whole project in 2010. 2011, the then owner decided that to try to take on the whole project one shot would be too much. We revised the plan to file the map in three sections. On what's up on the front there, the blue lots on the right-hand side of the map were section one and six lots. The board approved that in 2011, and they rolled back the entire project to preliminary approval at that time. We kept getting extensions for the next 10 years. The property was sold to the current owners. We then went back into the Department of Health to renew the approvals for the sectionalizing plan. We got the approval for section one, I believe,

in 2022. And the planning board, Mr. Chairman, signed the maps, and we filed them in May of 2024 for section one. So, we're now here to pursue final approval in Section two and three as one map. That's everything that's in pink on the plan up there. Between the map the board approved in 2010 and this map, the layout is identical. The only change that I can recall that was made was we had to make some changes to stormwater management to comply with the current DEC guidelines.

Chairman Astorino: Thank you. Laura, do any of these comments that stand out? Because as Kirk just mentioned, the map is exactly the same as it was. I don't see any comments here. They are pretty much documented. I understand what we're doing here, but it's pretty much the same plan as we had.

Laura Barca: No.

Chairman Astorino: Kirk, is there anything you'd like to discuss?

Kirk Rother: No.

Chairman Astorino: Ok. We will list Comment #3 through Comment #22 for the record.

Comment #3: Conservation Board comments: no comments received

Comment #4: Architectural Review Board: no comments received

Comment #5: There should be a table added showing the lot number and the 911 address for each lot.

Comment #6: The proposed fence along Lot 2 must be completed prior to the signing of this subdivision map. Please update Sheet 1, General Note 29.

Comment #7: Sheet 1, please add the timing of when the affordable houses are required to be constructed to the plans.

Comment #8: Model Home Provisions note on Sheet 1 should be removed.

Comment #9: Sheet 1, Note 23 provides a summary of the easements for Section 1; there should be a similar note added for Easements C to I, which are included in Sections 2 & 3.

Comment #10: Easements D and E appear to be one easement; Applicant to clarify.

Comment #11: The declarations for aquifer overlay notes, agricultural overlay notes, Marketing Plan, Open Space, Private Road Notes and Homeowners Association are shown on Sheet 1. The offering of Warwick Isle Boulevard for Sections 2 and 3, an amended Affordable Home Note, and the Open Space note will be confirmed.

Comment #12: 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 #13: Applicant to provide drainage easement descriptions for Sections 2 and 3 prior to filing.

Comment #14: The Homeowner's Association will be responsible to maintain the roadway, including snow plowing, before Town accepts roadway dedication and until the deed has been recorded and post and rail fencing maintenance has been completed. The HOA document was filed in the Orange County Clerk's Office on 02/26/24 at liber 15532 and page 495.

Comment #15: Surveyor to certify that iron rods have been set at all property corners.

Comment #16: Payment of parkland fees for Sections 2 and 3 (27 lots).

Comment #17: A new declaration must be filed that states that there is no further subdivision allowed for any lot in this subdivision (Sheet 1, General Note 15).

Comment #18: Application to provide declaration information for the drainage easements, offer of dedication for roadway in Sections 2 and 3.

Comment #19: The status of the HOA drainage district and backup Town drainage district must be confirmed.

Comment #20: Please add Performance Bond Notes to the plan:

- a. If at any time the bond is deemed insufficient for the construction to be completed, the amount of the bond shall be increased by the amount specified by the Planning Board Engineer. No Certificate of Occupancy shall be issued until the bond is increased in the form and substance and approved by the planning board attorney.
- b. In the event that the Planning Board Engineer identifies remedial work needed to any improvements already constructed, no Certificate of Occupancy shall be issued until the remedial work is completed to the satisfaction of the Planning Board Engineer.

Comment #21: Posting of bonds similar to Section 1 (Performance Bond and 3-year Landscape Bond).

Comment #22: Payment of all fees.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? This is a public hearing. If there is anyone in the audience wishing to address the Board on the Warwick Isle Section 2 & 3 subdivision application, please rise and state your name for the record?

Carol Mindnich: I don't know if this is where to question it, but I just had a question on the lots here. Looking at the map, that first house is Lot 1. What's the weight that surrounds those? There's a couple large-acre lots.

Kirk Rother: Lot one is in Section 1.

Carol Mindnich: That's where the house is already built,

Kirk Rother: The area in blue is where the house is already built. The area in green around it all has to remain as open space. It is left to revert back to the trees.

Carol Mindnich: Ok. So, then there's lots back here in this section. This whole section here is all open space. Does it belong to one of those lots?

Kirk Rother: Everything in green is open space.

Carol Mindnich: Ok. Thank you.

Chairman Astorino: Is there anyone else in the audience wish to address the Board on the Warwick Isle Section 2 & 3 subdivision application, please rise and state your name for the record. Let the record show no further public comment. Do any Board members or Professionals have any comments or concerns? Let the record show no comment from the Board and Professionals.

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

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

Mr. Kennedy makes a motion on the Warwick Isle Subdivision application, granting conditional Final Approval for filing a 33-Lot Cluster subdivision in sections, Section 2 and Section 3 to consist of a proposed 27-Lot Cluster subdivision, situated on tax parcel 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, County of Orange, State of New York. The subdivision was subject of a SEQRA Negative Declaration of Environmental Significance on April 6, 2011. Approval is granted subject to the following conditions:

1. There should be a table added showing the lot number and the 911 address for each lot.
2. The proposed fence along Lot 2 must be completed prior to the signing of this subdivision map. Please update Sheet 1, General Note 29.
3. Sheet 1, please add the timing of when the affordable houses are required to be constructed to the plans.
4. Model Home Provisions note on Sheet 1 should be removed.
5. Sheet 1, Note 23 provides a summary of the easements for Section 1; there should be a similar note added for Easements C to I, which are included in Sections 2 & 3.
6. Easements D and E appear to be one easement; Applicant to clarify.
7. The declarations for aquifer overlay notes, agricultural overlay notes, Marketing Plan, Open Space, Private Road Notes and Homeowners Association are shown on Sheet 1. The offering of Warwick Isle Boulevard for Sections 2 and 3, an amended Affordable Home Note, and the Open Space note will be confirmed.
8. 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.

9. Applicant to provide drainage easement descriptions for Sections 2 and 3 prior to filing.
10. The Homeowner's Association will be responsible to maintain the roadway, including snow plowing, before Town accepts roadway dedication and until the deed has been recorded and post and rail fencing maintenance has been completed. The HOA document was filed in the Orange County Clerk's Office on 02/26/24 at liber 15532 and page 495.
11. Surveyor to certify that iron rods have been set at all property corners.
12. Payment of parkland fees for Sections 2 and 3 (27 lots).
13. A new declaration must be filed that states that there is no further subdivision allowed for any lot in this subdivision (Sheet 1, General Note 15).
14. Application to provide declaration information for the drainage easements, offer of dedication for roadway in Sections 2 and 3.
15. The status of the HOA drainage district and backup Town drainage district must be confirmed.
16. Please add Performance Bond Notes to the plan:
 - a. If at any time the bond is deemed insufficient for the construction to be completed, the amount of the bond shall be increased by the amount specified by the Planning Board Engineer. No Certificate of Occupancy shall be issued until the bond is increased in the form and substance and approved by the planning board attorney.
 - b. In the event that the Planning Board Engineer identifies remedial work needed to any improvements already constructed, no Certificate of Occupancy shall be issued until the remedial work is completed to the satisfaction of the Planning Board Engineer.
17. Posting of bonds similar to Section 1 (Performance Bond and 3-year Landscape Bond).
18. Payment of all fees.

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

Kirk Rother: Thank you.

Review of Submitted Maps:***Wendy L. Warnock Trustee/Trone Income Only Trust and Kenneth & Kalie Pouliot***

Application for Sketch Plat Review and Final Approval of a proposed lot line change with no new construction proposed, situated on tax parcels SBL #41-1-108 and SBL #41-1-58; parcels located at the corner side of Sutton Road at its intersection with Covered Bridge Road (16 Sutton Rd. & 78 Covered Bridge Rd.), in the RU zone of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: John McGloin, PLS.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Max Stach: This application is for a lot line adjustment. It is a Type 2 Action under SEQRA. The application is subject to GML referral. A response was received on March 12, 2026 permitting the matter for a vote of determination.

Comment #2: Applicant to discuss project.

John McGloin: Yes, the smaller lots just wishing to purchase a small strip of land to enhance their backyard. That's about it. No new construction proposed.

Chairman Astorino: Ok. Very minor in nature.

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 – 03-04-26 no violations

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

The Planning Board determined that a site visit was not necessary for this application. Chairman Astorino stated to strike Comment #7.

Comment #8: Please label two lots as Proposed Lot 1 and Proposed Lot 2.

Comment #9: Please correct the text-on-text on the garage on 41-1-58.

Comment #10: Property owners within 300-ft of this property must be added to the plan. Please add tax IDs for surrounding parcel.

Comment #11: Town of Warwick Standard Notes must be added to the plan, including lighting note and driveway note.

Comment #12: Applicant should submit the NYSDEC Enviromapper for possible NYSDEC wetlands, USACE wetland map, NYSDEC Rare Plants and Animals and the FEMA floodplain map. **(WAIVED)**

Comment #13: The 911 addresses for the three existing homes must be obtained from the Building Department and then shown on the plan.

Comment #14: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, General Note 8.

Comment #15: Surveyor to certify that iron rods have been set at all property corners.

Applicant requesting to install iron rods at points only near the lot line change. **(WAIVED)**

Comment #16: Surveyor to sign and seal the survey plan with proposed metes and bounds.

Comment #17: Applicant to confirm if offering to dedicate a right-of-way to the Town for highway purposes.

John McGloin: No.

Comment #18: Applicant to provide description for the area transferring ownership for review prior to being filed. The liber and page for this filed document must be added to the plan.

Comment #19: The date filed, liber, and page must be shown on the drawings for Aquifer Notes, Agricultural Protection Notes and Biodiversity Conservation Overlay Notes.

Comment #20: Payment of all fees.

John McGloin: We are ok with Comment #8 through Comment #20. We ask the Board to consider waiving a public hearing. There is no construction proposed.

Mr. Showalter makes a motion to waive the Final Public Hearing.

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

Mr. Showalter makes a motion to waive Comment #12 Applicant should submit the NYSDEC Enviromapper for possible NYSDEC wetlands, USACE wetland map, NYSDEC Rare Plants and Animals and the FEMA floodplain map. **(WAIVED)** and to Waive

Comment #15 Surveyor to certify that iron rods have been set at all property corners.

Applicant requesting to install iron rods at points only near the lot line change. **(WAIVED)**

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

Mr. Kennedy makes a motion on the Wendy L. Warnock Trustee/Trone Income Only Trust and Kenneth & Kalie Pouliot lot line change application, granting conditional Final Approval of a proposed lot line change with no new construction proposed, situated on tax parcels SBL #41-1-108 and SBL #41-1-58; parcels located at the corner side of Sutton Road at its intersection with Covered Bridge Road (16 Sutton Rd. & 78 Covered Bridge Rd.), in the RU zone of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on March 18, 2026.

1. Please label two lots as Proposed Lot 1 and Proposed Lot 2.
2. Please correct the text-on-text on the garage on 41-1-58.

3. Property owners within 300-ft of this property must be added to the plan. Please add tax IDs for surrounding parcel.
4. Town of Warwick Standard Notes must be added to the plan, including lighting note and driveway note.
5. Applicant should submit the NYSDEC Enviromapper for possible NYSDEC wetlands, USACE wetland map, NYSDEC Rare Plants and Animals and the FEMA floodplain map. **(WAIVED)**
6. The 911 addresses for the three existing homes must be obtained from the Building Department and then shown on the plan.
7. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, General Note 8.
8. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting to install iron rods at points only near the lot line change. **(WAIVED)**
9. Surveyor to sign and seal the survey plan with proposed metes and bounds.
10. Applicant to confirm if offering to dedicate a right-of-way to the Town for highway purposes.
11. Applicant to provide description for the area transferring ownership for review prior to being filed. The liber and page for this filed document must be added to the plan.
12. The date filed, liber, and page must be shown on the drawings for Aquifer Notes, Agricultural Protection Notes and Biodiversity Conservation Overlay Notes.
13. Payment of all fees.

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

John McGloin: Thank you.

Fred & Susan Fisher Subdivision

Application for Sketch Plat Review of a proposed 3-Lot Subdivision situated on tax parcel SBL # 33-1-4.23; parcel located at 16 Demarest Road, in the RU zone, of the Town of Warwick. The subdivision will include one existing dwelling and two proposed dwellings. The property contains 22.8 acres on the north side of Demarest Road, 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: We have prepared a Resolution designating the action as Unlisted Action and declaring the Intent of this planning board to assume Lead Agency status for the board’s discretion.

Ms. Garby makes a motion for Notice of Intent to Assume Lead Agency.

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

617.6

State Environmental Quality

Review (SEQR) Resolution

Noticing Intent to Assume Lead

Agency

Whereas, the Town of Warwick Planning Board is in receipt of an application for subdivision of a lot identified on the Town of Warwick Tax Map as Section 33, Block 1, Lot 4.23, located at 16 Demarest Road; and

Whereas, a Short Environmental Assessment Form dated February 13, 2026 was submitted by the project sponsor; and

Whereas, the Planning Board has identified that the NYS Department of Environmental

Conservation is a potential involved agency for the action:

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed action as Unlisted, and notices its intent to assume Lead Agency status for coordinated SEQR review; and

Be It Further Resolved, that the Planning Board Secretary is hereby directed to mail copies of the attached Lead Agency notice, the EAF Part I and a copy of the application to the NYS Department of Environmental Conservation.

Comment #2: Applicant to discuss project.

Brian Friedler: It's a proposed three lot subdivision off of Demarest Road. The plan is to create three lots. One will have an existing dwelling on it. The other two are designed with proposed dwelling septic and well. Two driveways will come off of Demarest Road and they will provide service to the houses.

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: Planning Board to determine if need a site inspection.

The Planning Board came to a consensus that a site visit is needed. A site visit has been scheduled April 6, 2026 @ 5:00 p.m.

Chairman Astorino: The rest of these comments we could make a determination after the site visit. Do any Board members or Professionals have any comments or concerns? Brian, are there any comments you would like to discuss this evening?

Brian Friedler: I would like to discuss Comment #9 and Comment #10 regarding the flag lot that ZBA variances are required.

Comment #8: The driveway of a flag lot must be created to provide suitable, safe, and prudent access for emergency vehicles, §137-21.K(2)(a)[1].

Comment #9: In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2].

Comment #10: Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. ZBA variances are required.

Chairman Astorino: ZBA variances are not required. The Planning Board could waive that.

Comment #11: The combined frontage of the flag lot and front lot so created must be twice the minimum frontage within that zone §137-21.K(2)(a)[2]. Requesting waiver from 500' to 173'.

Comment #12: The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2]. Requesting waiver to approx. 600-ft.

Comment #13: The driveway of a flag lot must be paved in its entirety, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-6, Proposed Lot 2.

Comment #14: The driveway of a flag lot must not exceed 15%, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-6, Proposed Lot 2.

Bob Kraulik: You have some grade to work through. Does it exceed 15%?

Chairman Astorino: I didn't think that was that steep out there.

Laura Barca: It may not be, but we'll need to see a profile for the lot that's in the back.

Brian Friedler: So the existing grade or the proposed grade can't exceed?

Laura Barca: The proposed grade.

Brian Friedler: Ok. That grade is not going to exceed 10%.

Bob Kraulik: Okay.

Brian Friedler: I have a grading plan that shows it being under about 10%.

Chairman Astorino: Ok. We will list Comment #8 through Comment #38 for the record. Do any Board members or Professionals have any comments?

Brian Friedler: Could we be set for a Public Hearing?

Chairman Astorino: We could do that. It would save you from an extra meeting. What is the board's discretion?

Mr. Showalter makes a motion to Set the Fred & Susan Fisher Subdivision for a Final Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Comment #15: Flag lots shall be permitted for the erection and maintenance of single-family dwellings only §137-21.K(2)(a)[4]. A note shall be added to the plan for 42-1-6, Proposed Lot 1.

Comment #16: There is no further subdivision allowed for a flag lot, §137.21.K(2)(c). A note must be added to the plan for 42-1-6, Proposed Lot 2.

Comment #17: Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan.

Comment #18: Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.

Comment #19: The limit of disturbance note on Sheet 1 must be updated to include the proposed area of disturbance.

Comment #20: The stormwater management notes on Sheet 5 of 5 may need to be explained or more appropriate best management practices should be included.

Comment #21: Callout for temporary soil stockpile area for Lot 3 on Sheet 3 should be next to stockpile (Sheet 3 of 5).

Comment #22: Sheet 5, Stormwater Maintenance and Inspection note. Please remove this note because the project meets the NYSDEC exception for weekly stormwater inspections.

Comment #23: Soil tests for septic systems on Lots 2 and 3 must be witnessed by the office of the planning board engineer.

Comment #24: The manmade waterbody (pond) on the Site is listed by NYSDEC as a Class B waterbody (Waters Index #855.5-236). The EAF Line 13b should be changed to reflect the NYSDEC jurisdiction of the pond and the 50-foot regulated adjacent area for the pond.

Comment #25: Tree removal, if required, should take place between 1 November and 31 March to conform with the USFWS window to protect Indiana bats.

Comment #26: The subdivision plans have a dark dashed line captioned “NWI flagged wetlands”. Applicant to clarify if there is there a wetlands delineation report. The site plans should reflect the date(s) of the wetlands delineation and the delineation firm. The EAF cites that there will be no disturbance within 100 feet of the wetland boundary – this 100-foot setback should be shown on the Subdivision Plans. The acreage of the on-site wetlands should be noted in the EAF.

Comment #27: The project area is cited in the EAF mapper as being archeologically sensitive. Applicant to clarify if there has been any archeological evaluation of the proposed disturbance areas.

Comment #28: Applicant to show driveway complies with §79-3 Construction Specifications of town code. Applicant to add this note to the plans.

Comment #29: The profiles for all driveways must be shown or a note must be added to the plan stating that the driveway is less than 10%.

Comment #30: The 911 addresses for the homes must be obtained from the Building Department and then shown on the plan.

Comment #31: All applicable Town of Warwick Standard Notes should be included on the plans; applicant to show total limits of disturbance in acres.

Comment #32: Square footage of proposed dwellings should be included on the site plans.

Comment #33: 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 #34: The surveyor must sign and seal the plan.

Comment #35: Surveyor to certify that iron rods have been set at all property corners.

Comment #36: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #27: The declaration information for the ridgeline and agricultural protection overlays has been added to the plans. Please submit a copy of these declarations for the planning board file.

Comment #38: Payment of all fees.

Wild Breads & Spreads, LLC/Christopher Smith

Application for Site Plan Approval and Special Use Permit for the use and construction of a proposed Class II Home Occupation in an existing 1,088 s.f. accessory structure for the use of a bakery, situated on tax parcels SBL #44-1-9 and SBL #205-1-5 on approximately 2.9 acres of land; project located at 73 Kings Highway (Town) and 73 Colonial Av (Village), County Route 13, in the RU zone, 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: This is a Type 2 Action under SEQRA as the construction of accessory pertinent residential structure.

Comment #2: Applicant to discuss project.

Brian Friedler This application is for a proposed Class 2 Home Occupation. He is proposing to use an existing barn that's located in the back portion of his property to bake breads. And there will also be a small-scale retail of those breads. It will be using the existing driveway that comes off of Kings Highway. And there is no sit-down?

Chairman Astorino: There will be no sit-down. You would go in pick up and leave. Is that correct?

Brian Friedler: Yes.

Chairman Astorino: Ok.
:

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 – 03/04/26 no violations.

Comment #7: Orange County DPW – pending submittal

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

The Board discussed if a site visit was necessary. The board came to a consensus to have a site visit. The site visit has been scheduled for April 6, 2026 @ 5:30 p.m.

Comment #9: The Town Road note on Sheet 1 should be updated because the property has access from a County Road.

Brian Frieder: Yes.

Comment #10: Town of Warwick Design Standards notes on Sheet 1 states that actions will take place in the future. Applicant to clarify if there will be exterior changes to the existing accessory building.

Comment #11: Applicant to clarify the proposed (apparent) utility that is proposed between the existing home and garage.

Comment #12: Applicant to describe what activities are involved with the home occupation as a note on the plan. Applicant to clarify language of the Home Occupation Map Note.

Comment #13: The square-footage of the existing home must be shown on the plans.

Comment #14: Proper erosion control measures, details, and notes must be added to the plan. Please add soil erosion control measures for all areas of disturbance (utility installation and proposed parking spaces).

Comment #15: The soil tests for the proposed septic system must be witnessed by the office of the planning board engineer.

Comment #16: The number of expected trips per day should be added to the plan. The plans should also state the number of truck trips expected per day.

Comment #17: Parking calculations must be shown on the site plans. Plans should be updated to clarify parking for the residence (how many spaces in garage and in residential driveway/parking).

Comment #18: §164-42.E.(4) states that parking spaces must be screened from adjacent residential views.

Comment #19: The performance standards §164-48, specifically (6) states that “No emission shall be permitted of odorous gases or other odorous matter...” Applicant to confirm to add notes to the plan and confirm compliance.

Comment #20: Applicant to clarify if there is any proposed signage, which must be shown on the plan. Applicant may want to consider adding small directional signage.

Comment #21: §164-46.J(7) The lot on which the home occupation is proposed must meet the minimum lot area and setback requirements set forth in the Table of Bulk Requirements for the district and any accessory structures proposed to house the home occupation similarly must meet all setback and related bulk requirements. Applicant to clarify if the 51’ setback is on the residential home.

Comment #22: Applicant to provide the width of the existing driveway on the plan to confirm that two vehicles can pass.

Comment #23: Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan.

Comment #24: Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft in length and less than 20-ft in width to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.

Comment #25: Any existing shared driveway agreement must be submitted, including any road maintenance agreement information, for attorney review.

Comment #26: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, General Note 12.

Comment #27: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

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

Comment #29: Payment of all fees.

Brian Friedler: We are ok with Comment #9 through Comment #29. We would like to request the board to set us for a Public Hearing.

Chairman Astorino: We could do that. What is the board's discretion?

Mr. Kennedy makes a motion to Set the Wild Bread & Spreads, LLC Site Plan & Special Use Permit application for a Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Tiedemann Castle, LLC

Application for Site Plan Approval & Special Use Permit plus an Application for Sketch Plat Review of a proposed 3-Lot Lot Line Change, for the use and construction of Installation of a new expanding sewage disposal system, reconstruction of existing bulkheads, Demolition of the existing boathouse and construction of a new boathouse, Construction of a four-Bedroom addition to the house located at SBL #75-1-37, Construction of a seven-bedroom addition to the main house located at SBL #75-1-38, Addition to the caretaker house, Construction of a new pickle ball/basketball court, Reconfiguration of the existing lagoon, Installation of new driveways, curbing, and associated landscaping, and a proposed new pool for the locate located at SBL # 75-1-37 all located within "A Designated Protection Area of Greenwood Lake, situated on tax parcels SBL # 75-1-37, 38, and 40; project located at 14 Lake Shore Road, in the SM zone, of the Town of Warwick. Previously discussed at the Planning Board Meeting of 1/21/26.

Representing the Applicant: John McGloin, PLS, Surveyor. Brian Friedler, Applicant's Engineer. John Ziobro, Applicant's Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This one's a little bit complicated, but I'll try to make it as simple as I can. There are three elements, I think, that are operative when considering what type of action this is under SEQRA. If this is a residence and accessories to a single-family residence, two-family residence, or three-family residence, it would be considered a Type 2 Action exempt from SEQRA review. The lot line adjustment also considered a Type 2 Action not subject to SEQRA. In the Applicant's narrative, they mention that they are going to desire to make the home available to friends and family. We would ask, generally, whether their offer to allow other people to occupy or rent rooms or buildings for occupancy is limited to friends and family or if they are asking to do so and advertise to the general public only because the Health Department maintains that at such time as you offer for rent or sale to the general public, you need to get a permit from the Health Department for the pool, and that the state has classified the initial approval of a public pool permit as a Type 1 Action. So, if the Applicant would clarify that one point, this will either be a Type 1 Action, in which case the Applicant has to submit a full EAF, or it will be a Type 2 Action and exempt from SEQRA.

John Ziobro: I represent Mr. & Mrs. Bertussi. I spoke to them about it. They do not intend to mass market this property to any third parties, just to their families and friends and close acquaintances.

Chairman Astorino: That would make it a Type 2 Action.

John Ziobro: Yes, sir.

Chairman Astorino: Ok. Thank you.

John Ziobro: You're welcome.

Comment #2: Applicant to discuss project.

John McGloin: So, basically what's happening is there is a new boat house proposed as part of the project and a pickle ball court. The lagoon will be, at least upon permitting, partially filled, and Greenwood Lake would actually be increased in size with more surface area than is proposed to be filled. There's a proposed pool shown for the lower tax lot. There's a proposed addition shown on the lower tax lot to the structure that's there. There is a proposed addition on the main house along with a proposed breezeway connecting... would actually give cover from folks walking from the breezeway into the pool house. Also, as part of this application, there's a brand-new septic system proposed up here, which is between Lakeshore Road and State Highway 210, along with excessive landscaping, which is yet to be designed. It's in process. I think that covers it.

Chairman Astorino: It was a very eye-opening site inspection this evening. It was very nice, very well thought out by the Applicant. I would like to point that out. At this point, I know you're off to the ZBA.

John McGloin: That's what we're hoping.

Chairman Astorino: I'm going to do this. We are going to list Comment #3 through Comment #29 for the record. Does the Applicant or Professionals have any questions on these comments?

Brian Friedler: I just think that there has to be a clarification on the bedroom count?

Chairman Astorino: Why don't we do this? We can refer to the ZBA. But as our engineer pointed out this evening, I think some stuff should be cleaned up on this plan before it's sent to the ZBA. That's my opinion. That's Laura's opinion. So the Planning Board will refer you to the ZBA. Before you go to the ZBA and make an application to the ZBA, clean up this plan and run it through our Professionals first,

Brian Friedler: Okay.

Chairman Astorino: I think that makes a lot of sense. There is a lot going on here. It's very well thought out, in my eyes, from what I had seen at the site visit. As I said, at the site, that's something you could discuss with the ZBA to take a look at that.

John Ziobro: Just for the record, I will be asking the ZBA to come back to the site visit as well just to give you a heads-up on that.

Chairman Astorino: If you could offer this, because I'll offer them up now. If the ZBA would like our Professionals to go out there to answer questions for them...

John Ziobro: That will not be a problem.

Chairman Astorino: I think our Professionals would be more than willing to do that. It makes sense to keep the project moving. Because there's a lot going on. I understand that. But I think having some knowledge, which the three of them sitting here obviously do, it may help the process along.

John Ziobro: My plan will do anything that it takes in order to get this approved. It has to be paying more Professionals to be there.

Chairman Astorino: I don't even think it's a dollar amount, John. I think it's their expertise and what's going on.

John Ziobro: And it's very helpful. If we could solve something right there on site, it's much better than coming here. We want all the professionals to be there if necessary. We prefer them to be there.

Chairman Astorino: You will be back to the Planning Board. You will get referred to the ZBA from this board. And we'll go from there. Any comments? You have any questions? I think right now it's a little pointless to discuss any further. Okay. Thank you.

John Ziobro: Thank you very much. And thank you for your time for coming out today. It was appreciated.

Chairman Astorino: It was a very interesting site visit. It's a great piece of property.

John Ziobro: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending

Comment #6: TW Building Department – 01/08/26 need updated maintenance contract for septic system.

Comment #7: NYSDEC/USACE: Applicant should be aware that any shoreline additions/improvements within 50 feet of Greenwood Lake (Class B) may be subject to NYSDEC Article 15.

Comment #8: NYSDOT: confirm if any permits and approval are required

Comment #9: OCDOH/NYSDEC?: A septic plan must be prepared and submitted that accommodates all existing and proposed wastewater.

Comment #10: The Town of Warwick Standard Notes must be added to the plan.

Comment #11: A stormwater management plan, in compliance with §164-47.10 of the town code must be included on the plans. Include a table listing individual area and total Limit of Disturbance. Note that a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity may be required for activities involving one or more acre of total soil disturbance. Stormwater Management Plan not included in SWPPP appendices or other submitted documents. Note to be added to either Stormwater Management Plan or Site Plan regarding NYSDEC SPDES general permitting.

Comment #12: The location of the water supply curb boxes, water lines, and any known valves must be shown on the plan. Recommend identifying locations of water supply curb boxes, water lines and any other know valves and fading color of existing improvements.

Comment #13: Applicant to include bulk zoning table and show setback distances for all buildings (on the three lots).

Comment #14: Property owners within 300-ft of this property must be added to the plan.

Comment #15: The existing and proposed use for each building/structure/feature should be shown, including the number of existing/proposed bedrooms.

Comment #16: Applicant to provide a SWPPP, in compliance with 164-47.10 Stormwater from town code.

Comment #17: The limits of disturbance must be shown on the plan, as well as the area of distance (in sf and acres).

Comment #18: Proper erosion control measures, details, and notes must be added to the plan. Recommended identifying erosion control measures on the Erosion Control Plan, and adding a Legend.

Comment #19: Remove erroneous arrows throughout the plans.

Comment #20: Recommend utilizing different line types or styles to differentiate existing conditions from proposed improvements. Recommended to fade color of existing improvements, to allow more clarity for proposed improvements.

Comment #21: Clarify proposed pickleball court grading; the top and bottom of wall elevations are called out, but no retaining wall design or details are included. Applicant should provide more detail for grading within pickleball court. Please clarify if 30' x 60' is intended to be flat, or if it will be sloped in one direction. Retaining wall details have been provided.

Comment #22: Include proposed grading spot shots and contours at driveway realignment near proposed boathouse. Applicant should add more spot shots for clarity. Proposed contours across the site should be included, as well.

Comment #23: Include FFE of all proposed structures. For clarity, provide FFE for all proposed structures within building footprint or with a callout.

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

Comment #25: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Comment #26: 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." Added to Gdanski, plan

Comment #27: Applicant to provide an existing shared driveway use and maintenance agreement or prepare new documents for attorney review.

Comment #28: Any applicable performance bond and/or landscape bond and associated site inspection fees shall be provided.

Comment #29: Payment of all fees.

Black Walnut Creek, LLC

Application Site Plan Approval and Special Use Permit for the use and construction for commercial agriculture farm market over 4,000 s.f., museum village, and eating and drinking establishment, situated on tax parcel S 4 B 1 L 2.46; project located on the northern side of Van Sickle Road 375± feet north of intersection at Pulaski Hwy., (13 Van Sickle Road a/k/a 6 Sodrick Lane), in the AI zone, of the Town of Warwick. Previously discussed at The Planning Board Meeting of 1/21/26 - Public Hearing was adjourned "Without Date".

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

Chairman Astorino: The comments from HDR would be the last comments we had. Laura, is that correct? We don't have them here.

Laura Barca: Yes.

Chairman Astorino: They're pretty much similar to what we had. We did discuss with our Planner and our Attorney. Bob, could you discuss what we discussed at the Work Session?

Bob Krahulik: Yes. Let me just pull up the Section 164-43.3. I think one big omission on the part of the applicant at this point is the need to demonstrate that the additional special uses that are being proposed will encourage preservation of historic resources. Problem number two, that the additional special uses that are proposed are necessary to preserve historic resources. It's under section 164-43.3 of the zoning code. We really haven't seen any evidence of one way or the other on those issues.

Chairman Astorino: Ok. Thank you. Max, I know you put a Resolution together for amending the Full Environmental Assessment form.

- 1) Board to discuss SEQRA.

Max Stach: Yes. This was based on the testimony received at the last public hearing. We are recommending a revised EAF to identify the traffic and noise that was raised as associated with special events. The applicant is asking for a farm market over 4,000 square feet, which does allow them to increase the number of special events. So, I believe in workshop discussions, the Planning Board had identified that they would like that to be explored in terms of those impacts. We have a Resolution for the Planning Board's consideration.

Mr. Kennedy makes a motion for the Amended EAF Part 2.

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

Resolution Amending the Full Environmental Assessment Form, Part II

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit for the use and construction of a “commercial agriculture farm market over 4,000 square feet,” a “museum village,” and an “eating and drinking establishment,” on a lot identified on the Town of Warwick Tax Map as Section 4, Block 1, Lot 2.46 located at 13 Van Sickle Road; and

Whereas, a Full Environmental Assessment Form Part 1 was submitted by the project sponsor, dated May 28, 2025; and

Whereas, on August 20, 2025, the Planning Board noticed its intent to assume lead agency; and

Whereas, on October 15, 2025, the Planning Board assumed lead agency, classified the proposed action as Type I, and adopted a Part 2 Environmental Assessment Form identifying the following areas of potential moderate or large impact:

- Impact on Land;
- Impact on Surface Water;
- Impact on Groundwater;
- Impact on Flooding;
- Impact on Historic and Archeological Resources;
- Impact on Agricultural Resources;
- Impact on Transportation – other (the application proposes utilization of roads and drives not improved to Town standards); and

Whereas, the Planning Board has received public testimony that special events have been held at the project site that have resulted in adverse noise and traffic impacts to area residents; and

Whereas, the proposed action would increase the number of special events that could be held at the site.

Now Therefore Be It Resolved, that the Planning Board hereby amends the Part 2 Environmental Assessment Form to identify the following additional areas of potential moderate or large impact:

- Impact on Transportation – the projected traffic increase may exceed the capacity of the existing road network during special events; and
- Impact on Noise – the action may result in increased noise impacts during hosted events and peak hours; and

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to

enable it to determine whether the action will or will not have a significant impact on the environment.

Chairman Astorino: : So Jeremy, we did discuss at the work session that now the use is going to be solely on Sodrck Lane, correct?

Jeremy Havens: Correct.

Chairman Astorino: Okay. I know HDR's traffic professionals are in process of reviewing that. If there's any comments, they'll be forthcoming.

Jeremy Havens: With respect to the modification of the direction of flow of traffic from Van Sickle Lane as an entry point and Sodrck Lane as an exit point, which was the point and focus of the initial traffic study, the modification to make Sodrck Lane the sole entry and exit point was already addressed and the changes that would be implicated have already been addressed in an updated report that was submitted to the Planning Board on February 24th for review, with comments from the traffic professionals that did the original study. So, it would be my assumption that that's already been reviewed.

Chairman Astorino: It's my assumption today that I spoke to HDR and they have a few comments on that and they are not complete yet and they will get them as soon as they can. They will get you the comments as soon as they can. It is a change. We are reviewing it. Correct, Laura?

Laura Barca: Correct.

Chairman Astorino: Thank you.

Jeremy Havens: With respect to your revised EAF and the motion that you just passed with respect to requests for additional documentation regarding traffic and noise. Can you articulate what that request specifically is?

Chairman Astorino: Once I get the comments, I will. As I just pointed out, we are awaiting the comments from our professionals for the traffic. If there are none, we will let you know there are none. And that's fine. If there are some, we will pass them along to you. And as far as the noise, where on the plan is the outdoor music going to be?

Jeremy Havens: We wanted to address that tonight.

Chairman Astorino: Ok.

Jeremy Havens: I'm glad you brought that up. It doesn't specifically identify on the plan where outdoor music would be in association with special farm market event permits. But we did want to present to the planning board a proposed location.

Chairman Astorino: Perfect.

Jeremy Havens: We have also consulted with a sound engineer at Tim Miller Associates and obtained some information from them with respect to prior similar studies that they have done regarding the noise

level that would be generated by a live rock concert, assuming that would be sort of a worst-case hypothetical scenario for outdoor music.

Chairman Astorino: That's exactly what we discussed.

Jeremy Havens: Mr. John Dahlgren from Tim Miller Associates confirmed that in prior on-site testing that they've done at different locations for form market-type event where they did have a rock concert being reported that it would generate approximately 75 decibels at 100 feet of distance.

Chairman Astorino: Are you going to provide that data to this board for this site? Is tht correct?

Jeremy Havens: When you say provide that data...

Chairman Astorino: You're going to have an area where the applicants are going to have their live music, correct?

Jeremy Havens: Correct.

Chairman Astorino: You're going to spell it out on the plan?

Jeremy Havens: Correct.

Chairman Astorino: This is going to be a fixed location.

Jeremy Havens: It's going to be in excess of 100 feet from any property line.

Chairman Astorino: Okay, but that's great. But I guess this board... You guys are ladies, sorry. Correct me if I'm wrong. That's fine, but we need a synopsis of how they got to that point. You know what I'm saying? You said the worst-case scenario. Fine. If this gentleman is a sound expert, here's your rock band. We're going to get so many decimals. I'm not the one that's going to review this because, quite frankly, I don't know enough about it. But believe me, we have people that can review it that'll say yes, that's yes or no. It works fine. Somebody needs to provide us that documentation. It'll be reviewed by our Professionals.

Jeremy Havens: Okay.

Chairman Astorino: I think just putting it on a plan, saying we're going to be 100 feet away, we don't know that it's going to work. But if there's documentation that proves it's going to work, then it's golden.

Jeremy Havens: Fair enough. The other point that I wanted to address with respect to the additional special use, special uses that the applicant is seeking, and there was prior discussion regarding the fact at the workshop, regarding the fact that because the applicant is seeking more than just a farm market, but additional uses, including eating and drinking establishment, as well as a museum use, and that because of those additional uses, that the application would be subject to a greater level of scrutiny with respect to what the impact would have on the community and the neighborhood.

Chairman Astorino: I don't think that's the case. Our attorney pointed out that in the code, there's a certain provision of, and Bob, maybe you can explain it better than I can, that to get part of these special uses, the museum and eating and drinking establishment, there's a Section of the Code that you need to

prove that it's a benefit to keep your, I guess keep your historical nature of the property, that it's a benefit. Take the old stone house, for example. That house was falling down. It was going to implode on itself. Applicant came in. It was a historical structure.

We built the house, and it's a benefit now that the house is a museum upstairs and a restaurant downstairs. Am I correct in that, Bob?

Bob Krahulik: Yes. So those are two tests that the applicant has to establish, that these proposed special uses will, number one, encourage preservation, and number two, that they're necessary for preservation. But in addition, getting back to Mr. Haven's comment, there are also separate requirements that the applicant must demonstrate that show that the additional special uses won't have an adverse impact on traffic and noise. So outdoor concerts require an examination of traffic and noise impacts. In addition, we have to look at the special uses, such as the restaurant, and determine whether the restaurant will have an adverse impact on traffic and noise. I'm going to suggest that the noise study could be required not only of outdoor music events, but also music generated inside the restaurant. Amplified music within the restaurant should be examined to determine how loud that music will be at the property, because as we received testimony at the public hearing, there are some neighboring property owners who live in the immediate vicinity of the site who've been complaining about music.

Chairman Astorino: If this was just a farm market over 4,000 square feet, I think you'd have the exact same comments. If you take out the museum, take out the restaurant. If you were a farm market that was under 4,000 square feet, you would go under a building permit. You come to the planning board just for this reason. If there's an issue, if not an issue, that's why we have public hearings. As Max pointed out in his memo, you know, noise was brought up and traffic was brought up. Your business is growing. It's doing what you want it to do. But it's not as us sitting up here. We don't want it to impact the neighbors negatively, but we want to prove that, yes, it meets the code, and we're working toward that. This is not nothing new. This has been done to numerous applicants all through the Code. And some applicants, quite frankly, have said, we're not going to do it. We just won't have outdoor music. Okay, that's your right.

Jeremy Havens: With respect to the fact that we're seeking a farm market permit in excess of 4,000 square feet, if this were an application from scratch where it had never been done before, then I would say, okay, it should be subject to greater scrutiny.

Chairman Astorino: I don't think it is greater scrutiny. I don't know what you're saying that's greater scrutiny. The applicant has been operating as a farm market under 4,000 square feet, holding these special events for five years now already.

Chairman Astorino: Absolutely.

Jeremy Havens: And the only complaint that the town has ever heard that I'm aware of is when three people came up at the public hearing January 21st and said they're worried about traffic and noise. So, I'd also like to point out, with respect to the additional uses that we were told during the workshop meeting last week, would subject this application to additional scrutiny, I'd like to point out a couple of simple facts for the benefit of the board. The location of the property is identified on this map, highlighted in red. There are additional parcels immediately adjacent that are highlighted in yellow. Those additional parcels highlighted in yellow are in the Town of Warwick Zoning map identified as SL Zoning District, Suburban Low Density. In addition, what you're looking at is actually a blown-up version of the T&O District overlay. And so, with respect to all of those residences immediately adjacent to the applicant's property, including Ms. Bollenbach, who is the closest resident to the

backside of the barn, who was here complaining on January 21st, all of these properties are within the TN-O District. On the bulk table, you'll notice if you flip it over, business use number 37, Eating and Drinking Places, is permitted as of right within the TN-O District. So, any one of those residence properties could simply go to the Building Department and say, I'm putting up a restaurant, and open up without Planning Board review.

Chairman Astorino: I think you have to opt into the TN-OO District. I don't think you're automatically in it, if I'm not mistaken.

Jeremy Havens: That's not what the TN-O District regulations say. You have it listed in your Table of Uses, as a permitted use. There are no specified and particular Bulk Code designation for these particular uses that are permitted in the TN-O. There are specific bulk designations for other permitted uses in the TN-O, but not for eating and drinking establishments, and museum is also the same thing. Museum is also a permitted use as of right within the TN-O District.

Chairman Astorino: So, what are you saying?

Jeremy Havens: What I'm saying is, any one of these neighbors and residences immediately adjacent to the applicant's property could open a restaurant, eating and drinking establishment, or museum without even coming to the Planning Board for approval. They could simply take out a building permit and put their structure up and open for business. And therefore, I don't believe that there's any need for any heightened scrutiny of those particular uses on our applicant's 54-acre parcel, when all of those small little residential parcels would be permitted essentially to do the same thing.

Chairman Astorino: You keep saying level of scrutiny. What are you saying is scrutinized more in this application than any other application that's been before this board? I don't understand that.

Jeremy Havens: The question that I have is, we were told last week at the Planning Board's work session that you believe that this applicant is going to need to have a noise study in order to address the noise complaints from the neighbors. And we were also told that was because this heightened level of scrutiny that if they were just doing strictly a farm market, that wouldn't be necessary. And now we're being told differently tonight.

Chairman Astorino: For the record at the work session, I made it very clear. Our attorney brought up that. Our engineer brought up if you went to a farm market, it may be an easier road addressing what the attorney said. Quite frankly, I said it all along. A public hearing is just that. If this applicant came for a farm market above 4,000 square feet, you would come to the Planning Board. It's in the code. Is that correct?

Jeremy Havens: Correct.

Chairman Astorino: We agree on that? Correct. Okay, so we have a public hearing, which we did, by the way.

Jeremy Havens: Correct.

Chairman Astorino: There was three complaints about noise. You want to stand there and say, this board? No, look at the board. Who's going to ignore them? We're not asking you anything other than

we'd ask anybody else. You just said you hired Tim Miller Associates, correct? To give us a noise at the property line, a baseline decimal reading. Correct?

Jeremy Havens: Not to produce a report, but we consulted with him to determine what his experience was.

Chairman Astorino: What did I say to you? That's great, his experience. So as his, as a professional, which I find it extremely hard to believe, any professional that's going to sign their name on a document isn't going to say they're going to want to do some sort of justification for that. Am I correct? Keith, would you want to sign something that you throw an opinion on, or you want documentation to that fact?

Keith Woodruff: We haven't provided any documentation.

Chairman Astorino: I think this Planning Board is just going to ask, as we would do any application, not undo scrutiny, what's it going to be at the property line? Can you provide that? That's all. And when your residents come back for a public hearing, and we just sit here and say, no, here it is, done.

They want to take you to court? They want to bring a violation to the Building Department? Sorry, it's done. Have your events and move on. To sit here and argue about scrutiny, about a public comment, which is, quite frankly, what we do here.

We listen to the public. We follow the code. I'm not so sure what you're driving at, that we're not... You're bringing up a TN-O. This is not TN-O. I haven't seen anything out there that they're going to put a McDonald's next door. Don't think that's going to happen. What I'm saying, as a Planning Board, oh, the rest of the board can speak up. Here, I'm one member. I truly believe we heard some comments. You're going up and down Sodrck Lane now. Okay. We're reviewing the traffic. You said it's fine. Okay. Are you a traffic engineer? You're an attorney. Our traffic engineer on this side, as we do to every application... Okay. Are you going to sign off on the traffic report? No, you're not. So, we're going to have it reviewed as we do every application. Every application gets reviewed by our people. That's what they're sitting here for. The Bottom line is, we're requesting our Professionals are checking out the traffic. You're going to provide us with some noise documentation? Or not?

Mr. Showalter: Just go back and remember, and I'm not speaking out against this nice young lady and her husband, this nice gentleman here, and their families here with them. I want to see these people achieve their dream, Jeremy. I'm not against them. I don't think anybody on this board is against what they want to achieve, and that is their dream, and they want to make a living from it. I'm not here to take anyone's... to take food out of anyone's mouth or take away anybody's dream. But that being said, Mr. Astorino brings up some good points, and I don't think he's against anyone.

Chairman Astorino: I think it's a great project. I just think you need protection as you go down the line when this board needs to do its due diligence.

Mr. Showalter: What's not being understood here, Jeremy, and being seen, is we've been through this. We've been through similar applications with other applicants, and one recently, a few years ago, was doing the same thing on Union Corners Road, and there was a big court case over it, and it was rather difficult, and it was about noise. The neighbors complained. One neighbor had a complaint about it. Ben brings up a great point. There were three people that came and complained about the noise. So, when we see three people like that, they're your neighbors. They're also our neighbors. I was put here long ago on this board to mediate, moderate, and protect my fellow residents of this town that I love

deeply. I want to take what you have, your dream, into consideration. That's very important to me. But I also want those people to be living in peace and comfort in their homes. It's like you can't have a person directing water onto the guy. Your water running off onto your neighbor and filling his basement. It's not nice. We want to try and get everybody to work together. Jeremy, that's what we're trying to get across here.

Chairman Astorino: It's the facts. The traffic study. Black and white. It's a document that you did. If it meets all the requirements, anybody can complain about anything. Now, here's your proof. It's right here. We did our due diligence. It's the same with noise. Jeremy, you pointed out three people. Tim Miller, he did a study. Show us on this property that at the property line it meets the regulations. These people can operate their business without fear of nonsense. Our board can do their job, which we've been asking for, without any comeback to us or to them. This is what it is. It's a document. It's reviewed by our people. Have a nice day. You can have your music and enjoy your business. If we sit up here and just say, screw it... First of all, we wouldn't do it. That's not the character of this board.

Mr. Showalter: No.

Chairman Astorino: So, we're asking for it. We expect, as the three of you know damn well, it is for you to get with our Professionals, work out a plan, and have it done. I really don't think it's that difficult. I truly don't.

We haven't even seen where it's going to be on the site plan yet. Where the venue's going to have the music.

Jeremy Havens: And the request for the location of the outdoor music...

Chairman Astorino: Should have been on there a long time ago.

Jeremy Havens: It has just been presented tonight for the first time.

Chairman Astorino: Ok. You never thought it was ever valid? Is that correct?

Jeremy Havens: I'm not arguing whether or not it was ever valid.

Chairman Astorino: It's a comment that came up. You know where it's going to be? I'm sure these people can address it in two minutes.

Jeremy Havens: Yes. We already have identified where the location's going to be.

Chairman Astorino: When did you do that?

Jeremy Havens: Within the past week.

Chairman Astorino: Okay. Not a problem.

Jeremy Havens: Because we didn't have a specific location articulated. But this Planning Board has not ever asked us for that previously until tonight.

Chairman Astorino: Okay. I think we have every right, as comments come up to us, to ask questions. I don't find that as a bad thing.

Jeremy Havens: With respect to the traffic on Sodrnick, and your need to further analyze the traffic report that was updated specifically to address the traffic on Sodrnick, I'd also like to add for the record that there is in place a very detailed, filed private road maintenance agreement and declaration by the former owner of this parcel prior to selling any of the properties on Sodrnick Lane to any of the residences along Sodrnick Lane. And the declaration specifically states that the declaring, which my applicant is the successor to, reserves the right of ingress and egress over the private road for the declaring, its successors, heirs, and assigns to access other lands of the declaring, including access to a proposed historic museum or other facility. By accepting a deed for any of the lots, the lot owners, meaning the four lots that run along adjacent Sodrnick Lane, had not yet been sold, hereby acknowledge that the construction of such a facility will result in significantly increased traffic volume upon the private road, referencing Sodrnick Lane. By accepting a deed for any of the lots, the lot owners waive any objection to the construction of such facility. This was planned and anticipated during the initial subdivision back in 2006. It was anticipated that this was going to be part of a project. It was approved at that time for the subdivision of this property, and this is nothing new. The lot owners along Sodrnick Lane are precluded by deed restriction from lodging or waiving any complaints regarding traffic or regarding the construction of a museum or any other such facility on this property.

Chairman Astorino: I am going to ask our attorney, Mr. Krahulik, does this board have the right to look at the health and safety of the residents of the Town of Warwick as it comes to traffic?

Bob Krahulik: You do. Just because the applicant has the legal right to use Sodrnick Lane, and they do, does not relieve them of, and certainly there's no reserve on the board, the right to look at the impacts on traffic, not just on Sodrnick Lane, not just on the neighbors who's right to complain may be somewhat limited. We had a lot of testimony about traffic backing up for as long as a distance of a mile, I think we had some testimony on Pine Island Turnpike, trying to get into events. You may have the legal right, but it doesn't sound like traffic flow or the traffic pattern is working.

Chairman Astorino: That's why we're going to review it. We are reviewing it in the process of it.

Jeremy Havens: We unfortunately weren't given an opportunity to address that complaint or issue at the January 21st Planning Board public hearing. I'd like to offer the applicant an opportunity to address those issues with respect to the one single incident when they did have traffic backed up after operating this farm market with their special events for five years.

Chairman Astorino: So what you're saying, Jeremy, to this board is that one incident is not relevant. Is that correct?

Jeremy Havens: Yes. That's exactly what I'm saying to this board.

One incident. Remember that.

Jason Gonzalez: I am the owner of the property along with my wife Rosanna Congalez One incident, this incident occurred one time out of 50 events. And during that event, we were notified that it backed up. A police officer talked to me. I went out there, remediated the traffic flow, and the traffic was cut down and remediated from being backed up on Pulaski Highway within the next half hour. So, the issue that we learned from, because being an entrepreneur, we learn by doing. So, the day of the event, this specific event, we were collecting the entry fee at the farm market, which was slowing everything down because the people that were collecting money were talking to them. How you doing? Oh, that's a nice sunflower thing you got on. All of our other events, they went and parked first, and then they came to

the farm stand and paid. So, we learned from our mistakes. That was a one-time event, and it never happened on any other event before.

Chairman Astorino: Jeremy, I just want you to understand that this board, you provided us with a traffic report. Is that correct?

Jason Gonzales: Yes.

Chairman Astorino: Perfect. Our professionals, that we do to every applicant, reviews them.

Jason Gonzalez: Yes.

Chairman Astorino: You were going down Van Sickle, coming out Sodrick, or the other way around. Is that correct? That changed.

Jazon Gonzales: Yes.

Chairman Astorino: Now, you are going in Sodrick and out Sodrick.

Jason Gonzales: Yes. It is as our deeded right to.

Chairman Astorino: That's perfect. It is our charge. You have every right to do that. Okay. So, we need to have, as I just pointed out before, documentation that is reviewed. Listen, your attorney is up here saying that we did this. I can guarantee you that your attorney is not going to sign off on that traffic report.

Jason Gonzales: I already paid somebody to sign-off.

Chairman Astorino: Ok. You did. So that same traffic report is being reviewed by the traffic engineers that represent this board. That's why these three people are here for every application, our engineer, our planner, and our attorney. So that is nothing different than we do for everybody else. All we want to be able to say is this board took a hard look, it meets the requirements, have a nice day. You could have 30 people come for the next public hearing. If it meets the requirements, it meets the requirements. But to stand there and say, well, one person did it happen once. How are we going to guarantee nothing this year is guaranteed with that traffic report that it's going to flow without a problem? And listen, anything can happen. A car could break down. It could be an accident. We get that. That's happening. But I can sit up here or this board can sit up here before we take an action and say, yeah, Laura, is it reviewed? Does it meet the requirements? Yes, it does. Thank you. We have the documentation. Same with the noise. You say Tim Miller has a guy. Well, he did it before. Okay. Where did he do it? It doesn't make sense to me. Show us what it's going to do on your property. Not that hard. It's not that difficult concept.

Mr. Showalter: Ben just brought up two words. The two words were hard look. Part of this, as Attorney Havens knows, part of the SEQRA process is to take a good hard look at the application. Am I correct?

Max Stach: Yes.

Mr. Showalter: It just came up on a court case. There's lawsuit all the time and it came up on a recent Applicant's court case. It was proven in the court that we did take a hard look. That was a fairly large project, a little larger than yours, but similar.

Chairman Astorino: Very contentious.

Mr. Showalter: Yes. A lot of people were against it, et cetera. Beyond that, your application has brought up questions. When there's questions brought up, and it's to none of your fault, but when there are questions brought up, we have to take a hard look at things. We have to review it so it's fair to you and fair to the neighbors and everybody else.

Chairman Astorino: I truly think if and when your application gets approved, you don't need to deal with BS, quite frankly.

Jason Gonzales: I understand.

Chairman Astorino: You're going to have a bulletproof plan. Jeremy mentioned that there's deed restrictions. Okay, great. You still need the documentation to prove. When your business is up and running, the last thing you want to deal with is the Town of Warwick PD coming out there saying this, this, and this, or a resident complaining about noise. Now it's done. I

Jason Gonzales: We do not have the backup documentation for music.

Chairman Astorino: Okay.

Jason Gonzales: Let's put that aside. The documentation for the roadway. You have?

Chairman Astorino: We have it in our possession.

Jason Gonzales: We did two of them.

Chairman Astorino: It's being reviewed as we speak. All right.

Jason Gonzales: The first one was coming in Van Sickle, going out Sodrnick. Now, this is straight Sodrnick. It is a Town approved road; the width and everything.

Chairman Astorino: That's right.

Jason Gonzales: The deed states by this gentleman who wrote it, which seems like an ethics thing that he's fighting it.

Chairman Astorino: I don't think he's fighting anything. I think what the Planning Board is saying, we are having our professionals look at it. That's all. Which we do to every application.

Bob Krahulik: I think you're missing the point. The fact that you have the legal right to use it, doesn't give you the legal right to stop traffic onto a county road within a mile of each direction. If the traffic flow's not working, the legal right doesn't do you any good. And I just explained to you what the one issue was out of 50. You have the legal right to use it. But if your use of that road, Sodrnick Lane, is impacting traffic on the county road, then you got a problem.

Chairman Astorino: Your traffic study should show that.

Jason Gonzales: And it does. And whatever. It will not be a problem because in state scenarios, it's not a problem.

Chairman Astorino: Perfect. That's why we're reviewing it.

Bob Krahulik: Do you understand the difference? That's why we just pointed that out to you. You have the legal right to use it. You don't have the legal right to stop traffic on the county road.

Jason Gonzales: Understood.

Chairman Astorino: If your traffic report checks out, that's fine. That's all. We do this for every application that we see.

Jason Gonzales: So I'd like to get some layman's terms on the first thing that Bob brought up in regards to Section 164.43.3 in regards to the museum. Could you just further explain that to me as to what I'm supposed to be doing or what I'm not doing?

Bob Krahulik: It's Section 164-43.3, paragraph C, subparagraph 3, letters A and B. A says, additional special uses must have the effect of encouraging the continued protection or reuse of the historic resource. The restaurant and the museum, the applicant has to demonstrate that the approval for the restaurant and the museum will encourage the continued protection of the historic resource. That is number one. Number two. Number two. Ask him what your response is.

Let me finish. Well, I want a response. Number one, you have to demonstrate that it encourages the continued protection of the historic resource. Number two, that it's necessary for the preservation of the historic resource.

Jason Gonzales: Well, I could have built two houses over there if I did a phase three on the property and not protected the property at all. The whole reason that I bought this property is because it's indigenous. That's the name Thunderbird. If you can relate the two together, if you have the two at this point, Thunderbird is an ancient Indian symbol. So, two, there was pot hunting on this property for the last hundred years and SHPO congratulated us stopping pot hunting the day that we bought the property in 2020. So, no pot hunting has happened on this property since we bought it. The Historical Society has asked us the first several years, can we go there and dig up your property and have people come in and take stuff for free? No, you can't. So, I don't know how much preservation you need, but everything that was done on this property in regards to the phase two and the 1,400 holes, five foot by five-foot by four feet deep that were done, all the 1,400 artifacts that were found, bagged and tagged as per the map with all the blue dots on it that has been submitted to the town, I have every single bag and tag numbered that is going to be the start of the museum. I'm working with grant people so I can get money because people don't want to give up their finds that they found in Warwick for free. So, I have to physically purchase that. So, right now, my museum is starting with the stuff that was physically found on the property, bagged and tagged, and a historical factual tracker booklet that states where every hole was dug, what was found in the hole, so that's the start of my museum.

Jeremy Havens: The archeological report you're referring to?

Jason Gonzales: Correct.

Mr. Showalter: What's in those bags that is tagged?

Jason Gonzales: Pottery, shards, tips of arrowheads, and...

Chairman Astorino: Are you not in possession of those?

Jason Gonzales: I am in possession of all of them. They were left in the barn at the time of sale.

Chairman Astorino: Okay.

Mr. Showalter: Do you have the prehistoric pots?

Jason Gonzales: There are pieces of them.

Mr. Showalter: Okay.

Chairman Astorino: Bob, as far as this section of the code, are you looking for a narrative to comply?

Bob Krahuik: I would suggest it's something in writing that might help the board determine whether or not they meet the criteria. We have heard some testimony tonight, which is very helpful, about how the museum will encourage the continued protection of historic resources, and I recommend submitting some evidences to the restaurant as well.

Jason Gonzales: So, in regards to further historical part, I've been dealing with schools. Schools have come already to the farm. I've had Boy Scouts and Girl Scouts interested in working and helping building longhouses, wigwams. I plan on putting up teepees and having them there, helping out, doing things. So, that's just the start of having education programs.

Chairman Astorino: It seems to me the gist of this evening. Answer those two sectors of the code. Lay it on the table. We're reviewing your traffic report as we speak. If there's any comments, we'll get back to you as soon as possible. And as far as the noise, where are you at with that?

Jason Gonzales: As far as the noise, one of the people that got up...

Chairman Astorino: Don't even worry about the people that spoke. This is a Planning Board.

Jason Gonzales: The first person that spoke, spoke for his mother, said that his mother didn't even know about us, stated that she hears music with her air conditioner on and can't sleep at night. And I can testify to this that we have not had a band past 7 p.m. So, you want to talk about hearsay? The people are just coming up here and saying, just saying what they're saying. So, there's no testimony. What's their proof?

Chairman Astorino: The burden of proof is not on them. The burden of proof is on us. We're requesting from you. You're going to have... If this was... Take all the other crap out of it. Take the museum, take the restaurant, throw it away. You came to us for a farm market above 4,000 square feet. That's it. That was said at the work session. We're still going to ask you the same questions. You're still having a public hearing. You're still going to hear the same comments. So, to us, as you just heard this evening, we did the motion, the EAF, this whole board. We're all in agreement, correct? Your own attorney said that you contacted Tim Miller Associates.

Jason Gonzales: Yes. He has an opinion.

Chairman Astorino: Okay. I personally think you need more than an opinion. You're going to operate this... This is totally up to you guys.

Jason Gonzales: This is the first step as to whether I'm going to proceed or not.

Chairman Astorino: Bingo. I think I told your wife, the day after the public hearing, this is where it gets dicey. It gets costly. You're the one that are running the business.

Jason Gonzales: Yes.

Chairman Astorino: We are going to ask for these certain things. If you say to us, we're not going to have noise, okay. Don't have acoustical music or keep it inside. That's a call you people have to make, not us. We're not telling you how to run your business. We are telling you, though, we're going to need some proof that there's no noise. If you can't prove, if you have six people call up and you have 200 people there for an event and a rock band. Everything's going great. They call the Building Department. You want to deal with it then or you want to deal with it now? Because quite frankly, this board, we're dealing with it now. We'll tell you how it's going to be.

Jason Gonzales: I completely understand where you're coming from, and I agree with that.

Chairman Astorino: Perfect. I think you need to have a conversation with your attorney.

Jason Gonzales: Noise aside, it seems like something always comes up. This new museum thing is coming up at the 11th hour.

Chairman Astorino: I think that's easily remedied. We just discussed it. Put it in a narrative. I think you have professionals to the right and left of you that can do that.

Jason Gonzales: I think I can do it myself also.

Chairman Astorino: Yes. But you're paying these people. Yep. All right? If you were doing everything yourself, maybe you shouldn't write so many checks. My point being, our Attorney brought it up. That's his job. Our Planner brought something up. That's his job. Our engineer brought something up. That's her job. We listen to our Professionals. They're the best this county has to offer. And I really don't give a shit what anybody says. All of the crap that's going on here, we've asked for certain things all along. Things have changed. Great. Every project goes through this metamorphosis. That's why there's public hearings. That's why they're this. As it was mentioned that this is more scrutiny than any other project, not even close. You're 110 percent incorrect. We're asking for a few things. You make the decision. I'm not going to ask you tonight. That's something you need to sit down and talk about. If you don't want to have outdoor music, fine. Keep it indoors. Have it all acoustic. Done. Very easy to explain. If you are going to have outdoor music, we're going to ask for certain things. Whether it's anything, farm market, restaurant, doesn't matter. I can't be any clearer.

Jason Gozales: I understand.

Chairman Astorino: I know you do. Do any Board members or Professionals have anything further?

Max Stach: When Danielle gets back from London, she's going to want you to clarify your parking lighting. That keeps on showing up in the memo. That's not what I was going to say. What I was going to say is I think one of the pieces of information that has never come up is when your amplified music is proposed to occur. You had said that you've never had amplified music after seven. You do that because you want to retain good relations with your neighbors. However, that is your decision. That is not something that's been imposed on you. The Planning Board may be looking to have something imposed upon you in terms of hours of operations. So, one of the things you may want to suggest when you are addressing the noise issues is what you are willing to be limited to in terms of you won't have any outdoor amplified music after, fill in the blank. I think there's also ways to go through the noise with the data .75 dba at 100 feet to understand what that means for your nearest residences. And there is sort of back of the envelopes waiting to do that. I think the one thing that probably is necessary here is to get an idea of the ambient noise levels during the day and at night. I think you have a county highway right out front where you probably get a decent amount of truck traffic during the day. So there's that.

Chairman Astorino: I agree. I think it could be addressed.

Max Stach: But at night you probably don't have that. It's probably pretty quiet.

Chairman Astorino: I wouldn't say that. Pulaski Highway takes a hit.

Max Stach: Those are the missing data points that I think we would normally be looking at.

Chairman Astorino: I think if you have your noise person contact you or Laura, it could be worked out quite rapidly. What should be done? What is sufficient?

Laura Barce: One thing to further what Max had said is that the plans say that the 12 events are from 10 a.m. to 10 p.m., which may be true. But if the music is from, I don't know, three to seven, I think that's important to you know, that's your conversation. It's your business. But that's important to show.

Jason Gonzales: That is what it basically has been for the last 5 years.

Chairman Astorino: If you're comfortable with that, put it on the plan. But that's, you know, an ask of you that you can do that. But the Code says you can do it to 10 p.m. And if you meet the requirements, have at it.

Laura Barca: That's like a mitigation. You're not going to 10, you're only going to 7.

Chairman Astorino: That would be another decision you would have to make. It's your business. If you want to run it to 10, nobody can say you can't if it meets the requirements.

Max Stach: But if it has an impact, that changes things. So that's the issue. And I don't want to get into a long discussion about why. Mr. Havens can certainly fill you in. But when this board has determined that something's going to be a significant impact, everything changes. And we don't want to do that. The reason why we ask you to do the Part 3, convince us it's not going to be a significant impact. That's your charge. If you can do that, things are very easy here.

Jason Gonzales: Understood. I'd like to bring up one last thing on my side in regards to the eating and drinking establishment and the approval of getting a kitchen installed at a future date as long as I fulfill the requirements of paving the parking lot. I never got really an answer, and I would like one tonight if that is suitable.

Chairman Astorino: That's a big grace from this Planning Board. This board can sit here and say, now, pave it. You're before the board now. Pave it. We've done it in the past. And an applicant pulled from us for doing that. I think this board was like, no. You understand what you were doing. Put a note on the plan and go there. At this point, it's up to the board to say. I personally am comfortable because I believe we could say this, too. You've got to come back to the blame board, which is another expense. To me, it's a leap of faith for this board to say. Who's going to inspect that kitchen?

Jason Gonzalez: The Planning Board.

Chairman Astorino: No. We don't do enforcement. You could run that restaurant with a kitchen, quote, for a year before somebody complains. Correct? We don't know that. Anybody here know that? So usually, we are on the side of caution. I believe your argument was to us. And correct me if I'm wrong. You spent a lot of money already.

Jason Gonzalez: I don't want to come back here and discuss this all over again when it's all fresh in your head.

Chairman Astorino: I mean, if you want it to be safe, pave it. But there's a cost, too. You want to just pave it, pave it. Nobody's saying you can't. But if you want to leave it gravel, there's got to be a note on the plan that's acceptable to this board if this board decides to go that way.

Jeremy Havens: And that's precisely what he's asking for. It's on the revised plan that was submitted back in February.

Chairman Astorino: That would be a waiver at the time. We would have a note on it, or the board would make a waiver that we would not be able to perform.

Jeremy Havens: There is a specific note that was added to the plan in the revised submission.

Chairman Astorino: Did we tell you to take it off?

Jeremy Havens: No.

Laura Barca: I think tonight's very open discussion helped you understand, but it helped us as professionals and the board, I believe, better understand what you're doing, where you're doing it, when you're doing it, how you're doing it. And the fact that there was one incident of where the traffic was backed up. If indeed, that was the case, that's great. That all helps better answer how we're going to handle the traffic comments. It's not really a report. It's like a response to comments letter that you guys sent to us.

Jason Gonzales: So I'd like to know for record the one time for the sunflower festival in 2025. And there was another one in 2024 where Bollenbach complained that there were cars parked in front of her house. The current drawings show that I am adding no parking signs during that whole stretch in front of her house.

Chairman Astorino: Like I said, we are reviewing the traffic response. And if there are any comments from HDR they will be forthcoming. That is a failsafe. That is a document that this board is going to hang their head on. Can't say it any clearer than that.

Jason Gonzales: By the next workshop meeting, we should know that. Is that correct?

Chairman Astorino: Correct? Your professionals will have that.

Jeremy Havens: That was my last question.

Chairman Astorino: Okay. And now, for the record, the onus is on you two for the noise. We will set this tonight for a public hearing next available agenda. You need to make a decision. If we have a public hearing and you do not want to do outdoor music, that's fine. Put a note on the plan for that effect. If you want to have outdoor music, get us something that shows we still want to see where it's going to be on the plan and how it's going to affect. That's all. And if you want to have that conversation, I suggest you have it sooner than later with our professionals, with whoever is doing it for you. I don't think it will take that long, but as our Planner pointed out, you have a lot in your favor with Pulaski Highway being very noisy.

Jeremy Havens: In addition to the fact that you have RNG diesel trucks coming up and down Van Sickle Road all day,

Chairman Astorino: I think our Planner pretty much detailed it out for you pretty well without saying it. It may be very beneficial. But again, it's not our place. We are asking for this information. How you obtain it, talk to our professionals. If you don't want to do it, fine. That's your call also. It's your business to have acoustic music outside or have it inside. That's up to you. Does the Board care to make a motion for Black Walnut Creek to have a public hearing on the next available agenda?

Mr. Showalter makes a motion to Set the Black Walnut, LLC application for a Public Hearing at the next available agenda.

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

Jeremy Havens: Thank you very much, everybody.

Other Considerations:

- 1) Alexander 11 Walts Way Site Plan for rebuild of home. Planning Board to discuss scheduling a site visit.

The Planning Board discussed scheduling a site visit for Alexander 11 Walts Way. The site visit is scheduled for April 15, 2026 @ 5:30 p.m.

- 2) Sibilla 7 Skysail Ln. Subdivision Planning Board to discuss scheduling a site visit.

The Planning Board will discuss scheduling a date for a site visit for the Sibilla Subdivision to be discussed at the April 6th Work Session.

- 3) Planning Board Minutes of 1/21/26 for PB approval.

Mr. Showalter makes a motion to approve the Planning Board Minutes of 1/21/26.

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

- 4) Planning Board to discuss canceling the 3/23/26-W.S. & PB Meeting of 4/1/26.

Mr. Showalter makes a motion to cancel the 3/23/26-W.S. & PB Meeting of 4/1/26.

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

Correspondences:

- 1) Email correspondence from a resident, Irene Mason, dated 3/6/26 – in regards to US Lumber noise study.

Chairman Astorino: We have that correspondence in our packets.

- 2) Town of Warwick, Old Forge Road LLC/BMMY College– NYS Supreme Court Decision pursuant to CPLR Article 78, dated 3/11/26.

Chairman Astorino: We know this was a very contentious application. And I want to express my heartfelt thanks to every board member here and every professional for doing their job. We listened to a lot of, I guess, social media, whatever hype. But this Board and its Professionals did their job properly as per the decision. And I'm very grateful to each and every one of you. And I appreciate you all. This board stepped up, followed our code, and did everything correct.

Mr. Showalter: It was demonstrated we took a hard look.

Chairman Astorino: Which is what we do to every application. From the bottom of my heart, thank you all. Thank you to the professionals that always step up for us. And it means that you care about our community, you care about our Towns, and you care about the law and our Code. That means a lot to everybody here. Thank you. I appreciate it.

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. Kennedy makes a motion to adjourn the Planning Board Meeting of March 18, 2026.

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