

TOWN OF WARWICK PLANNING BOARD
May 21, 2025

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, May 21, 2025 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

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.

Representing the Applicant: Keith Woodruff from Engineering Surveying & Properties. Jeremy Havens, Applicant Attorney.

The following review comment submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: So we recommend that this action be classified as a Type 1 Action under 10 NYCRR section 97.14B21 as it involves initial plan to approve a public water system in the back of that site. We recommend the applicant prepare a full Environmental Impact Statement Part 1, which is required for Type 1 Actions and at that time the board may declare Lead Agency. This application is within an agricultural district and within 500 feet above municipal boundaries so it requires GML review. If any new outdoor lighting is proposed, we need the proposed location, height, orientation and type of device, wattage and photometric data as required in section 164-43.4. And if any new landscaping is proposed, details should be provided to improve the type of seating to be done and or type of plantings to be proposed per section 164-46G3N. And the same with signs. If any new signage is proposed as part of the new museum, details are required in accordance with section 164-43.1. And at this time, we recognize that only mostly interior work

is being done but that porch is also going to be a part of the application. So we recommend that you guys provide a color architectural elevation or rendering for the board's consideration.

Comment #2: Applicant to discuss project.

Jeremy Havens: So conceptually the applicant currently operates 54 acres in the AI district as a commercial agricultural farm operation. They're currently, you know, producing various different crops. They have a very small farm stand on the property from which they do sell some of their produce. They've previously obtained farm permits; farm market permits and have successfully managed on-farm events from time to time pursuant to the limitations of the farm market special event permits. The property is a historic property. It has been registered on the New York and National Historic Register. The basis of that was from when this was prior to the applicant's ownership. When this was a Sodrick Farm, they had submitted an 8-lot subdivision to this planning board. As part of that subdivision review, it was discovered that there were archaeologically sensitive findings in the ground related to a prehistoric ancient indigenous campsite and burial ground. The indigenous campsite and burial ground, they did a phase one and a phase two study and significant findings were discovered in lots that were previously identified as lots six and seven. Out of the 8 lots, those were the two that were found to be archaeologically sensitive and of historic value that qualified it for registration on the National and State Historic Registers. As a result, the proposed eight lot subdivision was consolidated back down to a 6-lot subdivision and the applicants purchased a singular lot comprising 54 acres that was previously lots 6, 7, and 8 in the prior subdivision and now that's referred to as Lot 6. The historic registration is based on the archaeological sensitivity and the Applicant wished to set up and establish a museum to help educate the public on the prehistoric indigenous campsite, the burial ground, and other educational programs related to that in association with setting up a formal museum within the existing barn structure and as a point, the State Historic Preservation Office has already determined that the barn is not of historic significance. We do have a letter to that effect that was submitted with our initial application and the board, the application also included letters with respect to the historic registration of the property. The Applicants proposed to not only set up a formal museum but they want to create an interactive, fun, educational learning environment where they, as part of their museum element, like many museums in modern day, instead of just having a bunch of artifacts sitting behind a glass with a little tag that identifies what it was, they want to create an interactive experience. They want to put up a temporary museum village that can be modified and changed from time to time, season to season, allow people to come out and interact with that in the form of teepees, wigwams, anything else associated and relevant specifically to the historic character and nature of the property. In addition, because the property is registered with the State Historic Register and National under account code 16443.3C1, it would qualify for additional uses under special permit application to the planning board that expands the ability under the historic preservation provisions of the code, expands the ability of the applicant to provide more than one principal use on the property. Specifically, they're seeking use as an eating and drinking establishment under the State Historic Preservation provisions, as well as the museum, both of which are specifically permitted under that provision of the code, which is 16443.3C1. The subsections, I believe, are H and L, and the subsection M specifically permits the specific uses. I've summarized a lot of that in a follow-up letter to the board. I'd like to hand this document to the Board. It addresses issues and questions with respect to how the proposed uses are authorized, what clarifies how the applicant intends to use the property. I've also provided for you a traffic study that was previously done in 2023 for this proposal,

as well as copies of the recorded road maintenance agreements for both Van Sickle Lane, as well as Sodrick Lane, that specifically identify, and I've identified the particular page and paragraph that specifically states that the owner is allowed to set up a museum or other facility and use both of those roads in furtherance of those purposes.

Laura Barca: That is the information you just submitted.

Jeremy Havens: Correct.

Chairman Astorino: Thank you. Let's go through a few of these comments.

Mr. McConnell: Ben, could I just ask a question?

Chairman Astorino: Sure.

Mr. McConnell: This that you just handed up to the board, does it reconcile the requirements of the farm market with the intended uses that you're looking to add? I know that the farm market permit requires that some percentage of goods or services be... 25%.

Jeremy Havens: It would be 25%.

Mr. McConnell: 25%. So, I'm just curious as to how a museum reconciles with that, or any of the eating and drinking establishment, how that reconciles? Is that covered in the documents you just handed out?

Jeremy Havens: Not to that level of detail specifically. If the Board would like me to prepare some sort of articulation of that...

Mr. McConnell: I'm not suggesting you need to write a brief on it.

Chairman Astorino: Well, this is our initial meeting. Let's go through the process, and I'm sure all of that is going to vet itself out as we go through.

Mr. McConnell: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

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

Comment #7: TW Building Department: pending comments

Comment #8: OCDOH for water & septic – pending submittal

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

Chairman Astorino: We as a Board should go out and do a site inspection. What date and time works for everyone?

The Planning Board and Professionals discuss scheduling a site visit. A Site Visit is scheduled for Monday, June 9, 2025 @ 5:30 p.m.

Chairman Astorino: Keith, are there any comments you want to discuss tonight or wait until the site visit?

Keith Woodruff: We could wait until the site visit.

Chairman Astorino: We will list Comment #10 through Comment #43 for the record. We will see you on June 9th at 5:30 p.m. for the site visit.

Laura Barca: Keith, do you need a referral to the Health Department, or are you already there?

Keith Woodruff: We went for the septic, and we haven't gone for the public water supply yet, just because we haven't had finalized numbers for the water aspect.

Laura Barca: Ok.

Keith Woodruff: No, we don't, this can be handled secondary to, or separate from the application to the planning board.

Laura Barca: Ok.

Chairman Astorino: Ok. We will see you at the site visit.

Keith Woodruff: Thank you.

Jeremy Havens: Thank you.

Comment #10: Applicant to confirm how Use #88 Outdoor Entertainment/museum village is allowed.

Comment #11: This property must be part of AP-O in order to be a farm market; an application to the Town Board is required.

Comment #12: This property has been listed on the National Register of Historic Places since August 12, 2024. An application to the Town Board is required to update Town Code §164-43.3.F(1).

Comment #13: Applicant to demonstrate that the private road agreement for Van Sickle Lane allows this type of use.

Comment #14: Applicant to demonstrate that the private road agreement for Sodrick Lane allows this type of use.

Comment #15: Applicant to confirm that more than one opportunity can be selected from §164-43.3.C(1).

Comment #16: Sheet C-100 shows parking requirements for 29 spaces with 35 spaces proposed. The septic system show on Sheet C-302 indicates a bar/lounge for 152 seats. Applicant should clarify and can provide parking as needed.

Comment #17: Applicant to clarify how the 152 seat bar/lounge is an allowed use in the Table of Use Requirements.

Comment #18: Applicant to clarify the size of the farm market area.

Comment #19: Applicant to provide information about how they will comply with the requirements of §164-46.J(152).

Comment #20: Applicant to submit traffic scope of work.

Comment #21: Applicant to clarify if amplified music will be part of their proposed operations of it all music will be indoors with doors closed, A noise study may be required.

Comment #22: Applicant to prepare and submit a lighting plan.

Comment #23: Sheet O-100, Note 6 states that the hours of operation are seven days a week, 9am to midnight; applicant should update the hours to those allowed by the proposed use.

Comment #24: Letters from SHPO reference that the area formerly known as Lots 6 and 7 have restrictions. Please clearly show and label this area and the restriction(s) on the proposed plan.

Comment #25: Applicant to clarify the surface covering of the existing/ proposed parking areas, as well as the driveways.

Comment #26: Town of Warwick Standard Notes must be added to the plans, for Biodiversity and SWPPP Note for Projects in the AP-O

Comment #27: Applicant to confirm whether any signage is proposed.

Comment #28: Parking requirements for each use must be shown (please include food truck, museum, and any others).

Comment #29: Any proposed land disturbance must be shown and proper erosion control measures, details, and notes must be added to the plan.

Comment #30: The soil testing for the septic system design must be witnessed by the office of the Planning Board Engineer and Orange County Department of Health.

Comment #31: §164-46.J (18): Accessory commercial agricultural buildings shall conform to the yard requirements for principal buildings. Please update bulk table.

Comment #32: §164-46.J (22): Farm stands selling agricultural and nursery products shall not exceed 500 square feet of retail display floor area and shall be located only on land that is considered a part of the same farming operation in which the farm stand is located.

Comment #33: Landscaping to be provided in accordance with §164-43.2(10), at a minimum.

Comment #34: Exterior Lighting Plan should be provided and be in accordance with §164-43.4(E)1.

Comment #35: Please add a note to the plan stating that a farm stand does not allow visitors to pick their own fruit.

Comment #36: The hours of operation should be shown on the plans.

Comment #37: All existing and proposed signage must be shown on the plan per §164-43.1. This includes depicting the location and related signage for any handicapped accessible parking spaces. Indicate locations of all proposed signs (stop, no parking, fire lane, etc.) and stop bar on the plans that correspond to the sign schedule and details.

Comment #38: The 911 addresses must be shown on the plan. Please confirm the address with the Town.

Comment #39: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #40: Surveyor to certify that iron rods have been set at all property corners.

Comment #41: The liber and page for Town of Warwick Standard Notes must be added to the plans.

Comment #42: Applicant to post any required Performance Bond or Landscaping Bond.

Comment #43: Payment of all fees.

Kenneth Brown 141 Brady Road Chapter 150

Application for recommendation to the Town of Warwick Building Department for "Chapter 150" reclamation plan, situated on tax parcel S 64 B 1 L 48.22; property located on the eastern side of Brady Road 100 feet south east of Black Rock Road (141 Brady Rd.), in the CO zone, of the Town of Warwick, County of Orange, State of New York. Previously discussed at the Planning Board Meeting of 1/15/25.

Representing the Applicant: Brian Friedler, P.E.

Chairman Astorino: Brian, congratulations on your new baby.

Brian Friedler: Thank you.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Danielle Dreyer: This is an Unlisted Action under SEQR. The Board previously adopted Part 2 EAF, and therefore has prepared a draft Part 3 EAF addressing the potential adverse impact to natural resources, which is the fact that the project contains delineated wetlands and has potential for northern long-eared bat habitat. Our other comments pertain to landscaping. I don't think it's necessary for me to read all of them out loud, but it mainly pertains to the groups of plantings. We typically recommend that plantings in a row or in triangles, letters shall not say be planted with a mix of native species and not one singular species. So, we provided some suggestions in our memo as to what types of plantings we recommend be revised on site.

Brian Friedler: Ok. Can I get a copy of that memo?

Danielle Dreyer: Yes.

Brian Friedler: Thank you.

Comment #2: Applicant to discuss project.

Brian Friedler: We are in front of the Board today because the Applicant cleared more than a quarter acre of his land. So, it's unclear how many trees were actually removed. The site plan right now is showing a total of 53 proposed trees to be planted in place of what was taken down. That's pretty much it.

Chairman Astorino: The Board had done a site visit at the property. We took a look at it.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 01/03/25: Expired permit #32296 for whole house interior renovation and addition; new fence added to perimeter of property between March 2023 and March

Brian Friedler: He is in the process of trying to get that all closed out.

Comment #6: The deed does not include Schedule A; a new copy should be submitted.

Comment #7: The date of the wetland delineation and the culvert sizing should be added to the plans.

Comment #8: Applicant to include Chairman's signature block on the plans.

Comment #9: The proposed driveway should follow all requirements of §79-3. Construction specifications. Applicant should include profile of driveway on plans.

Comment #10: The date of the field delineation of the wetland must be shown.

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

Comment #12: Site plan should follow requirements of §150-4. Uses for which permit is required.

Comment #13: A landscape bond will be required for all proposed landscaping. Applicant to submit a cost estimate, including installation.

Comment #14: The declaration information for the ridgeline, agricultural and biodiversity protection overlays must be added to the plans.

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

Comment #16: Surveyor to sign and seal drawing.

Comment #17: Payment of all fees.

Brian Friedler: I am ok with Comment #6 through Comment #17.

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

Laura Barca: Did he want to include a Home Occupation? I know when We were at the site visit, we discussed it.

Brian Friedler: Yes. I spoke to him and he says at this point, no. He doesn't want to include it because it's down the line. If he wants to do it, then he'll come back in front of the Board.

Laura Barca: Ok.

Chairman Astorino: Bob, this application does not require a public hearing. Is that correct?

Bob Krahulik: No.

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

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

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

Name of Action: Kenneth Brown Site Plan

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a site plan approval for tree cutting and excavation regarding a Chapter 150 Violation issued by the Building Department. The project is located on the Town of Warwick Tax Map as Section 61 Lot 1 Block 48.22, at 14 Brady Road, Town of Warwick, Orange County, New York; and

Whereas, the Planning Board on or around January 15, 2025, classified the action as an Unlisted action and commenced uncoordinated review; and

Whereas, a Lead Agency Notice of Intent was distributed to all involved agencies on or around January 15, 2025; and

Whereas, the Planning Board assumed lead agency, has received no objections to its lead agency coordination and has reviewed the Short Environmental Assessment Form (EAF) Part 1 for the action dated November 26, 2024; and

Whereas, the Planning Board on or around January 15, 2025, adopted a Part 2 Environmental Assessment Form, identifying the following areas of potential large impacts:

1. Potential adverse impacts to natural resources – The Project contains delineated wetlands on site, and has potential for Northern Long-eared Bat.

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

Whereas, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) for the action, including the Part I dated November 26, 2024, and Part II dated January 15, 2025; and

Now Therefore Be It Resolved, that the Planning Board adopts the EAF Part 3 as prepared by the Town's Planner, which sets forth the Planning Board's review and analysis of the various information and testimony received, and provides an

assessment of the likely magnitude of impacts, the geographic scope of impacts, the duration of impacts, the probability of impacts occurring, the number of people affected by potential project impacts and other relevant considerations of environmental consequences that are likely to occur as a result of the action;

Be It Further Resolved, that based upon the Part 3 and other relevant project submissions, the Planning Board hereby adopts a Negative Declaration of Environmental Significance indicating that significant adverse environmental impacts are unlikely and that an Environmental Impact Statement shall not be required; and

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

Mr. McConnell makes a motion on the Kenneth Brown Chapter 150 application, granting recommendation to the Town of Warwick Building Department for "Chapter 150" reclamation plan, situated on tax parcel S 64 B 1 L 48.22; property located on the eastern side of Brady Road 100 feet south east of Black Rock Road (141 Brady Rd.), in the CO zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Part 3 EAF and Negative Declaration was adopted on May 21, 2025. Approval is granted subject to the following conditions:

1. TW Building Department – 01/03/25: Expired permit #32296 for whole house interior renovation and addition; new fence added to perimeter of property between March 2023 and March 2024; Structure in rear yard has no permit (April 2022-March 2023); expired permit #32297 for covered porch.
2. The deed does not include Schedule A; a new copy should be submitted.
3. The date of the wetland delineation and the culvert sizing should be added to the plans.
4. Applicant to include Chairman's signature block on the plans.
5. The proposed driveway should follow all requirements of §79.3. Construction specifications. Applicant should include profile of driveway on plans.
6. The date of the field delineation of the wetland must be shown.
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, Map Note.
8. Site Plan should follow requirements of §150-4. Uses for which permit is required.
9. A Landscape Bond will be required for all proposed landscaping. Applicant to submit a cost estimate, including installation.
10. The declaration information for the Ridgeline, Agricultural and Biodiversity Protection Overlays must be added to the plans.
11. Surveyor to certify that iron rods have been set at all property corners.
12. Surveyor to sign and seal drawing.
13. Payment of all fees.

Brian Friedler: Thank you.

Pine Island Mart

Application for Site Plan Approval & Special Use Permit for the use and construction of a 3,700 s.f. motor vehicle service station with accessory retail store for sale of food and household products, situated on tax parcel S 14 B 2 L 1 and on approximately 0.37 acres; project located on the northern side of Co. Hwy.1 and 0 feet east of Co. Hwy/ 6 (642 County Route 1), in the LB zone, of the Town of Warwick. Previously discussed at the PB Meeting of 12/18/24.

Representing the Applicant: Brad Cleverly from MJS Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Danielle Dreyer: This is a Type 2 Action. No further SEQRA is required. We recommend the following:

Lighting

1. Lighting. If any new outdoor lighting is proposed, the proposed location, height, orientation, type of illuminating device, bulb type and wattage, and photometric data of all outdoor lighting fixtures, as required in § 164-43.4 shall be provided.

Landscaping

2. Although it does not appear that any landscaping is proposed, aside from "Meadow landscaping" towards the rear of the building, details should be provided to include the type of seeding to be done and/or type of plantings proposed, if any, per § 164-46(G)(3)(n).

Design Guidelines

3. Signs. It appears that only one new sign is proposed on the building. Are any new signs proposed for the redesigned gas station? If so, details are required in accordance with §164-43.1.
4. Design. The applicant is proposing white painted brick for the façade. Per the Town of Warwick Design Guidelines, façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors should be used with care. It is recommended that the applicant provide color architectural elevations and/or renderings for the Board's consideration. **5/2025 – The applicant has provided colored elevations proposing an olive roof and tan brick walls, which more closely align with the Design Guidelines.**

Comment #2: Applicant to discuss project.

Brad Cleverly: This is an existing building, which currently has a mini mart and some vehicle service in it. It's going to be changed over to a motor vehicle service station with retail on the first floor and the second floor will be storage. Office and a break room on the second floor. The building the front of this corner of the building will be removed and then a new canopy constructed and in the front of the building

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 12/05/24 expired permit #28425 for motor vehicle service station with accessory retail store & motor vehicle repair shop; fire inspection needed; CO required for permit 28425.

Brad Cleverly: I will let my clients know about that.

Comment #6: OC Planning Department – 12/09/24 advisory comments - proposed canopy should not encroach on County Rt. 1, coordinate with OCDPW, stormwater hotspot, use double-wall fuel tanks, variances may be required.

Brad Cleverly: Ok.

Comment #7: OCDPW – 01/09/25 show limits of road restoration, need OCDPW review and approval, add pavement markings, add County standard notes, show sight distance, and curbing & electric pole should be dedicated to the County.

Brad Cleverly: Ok.

Comment #8: ZBA –

Brad Cleverly: Do we need to go to the ZBA.

Bob Krahulik: Yes.

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

The Board and Professionals discuss scheduling a site visit for the Pine Island Mart application. The site visit is scheduled for June 9, 2025 @ 6:15 p.m.

Chairman Astorino: We will list Comment #10 through Comment #21 for the record. We will see you at the site visit on June 9th at 6:15 p.m.

Comment #10: Include limits of disturbance line to show where land will be altered on plans.

Comment #11: Any existing and all proposed signage must be shown on the plan, in compliance with MUTCD standards.

Comment #12: Applicant to submit all items from the required checklist.

Comment #13: The existing septic system and all information about it should be shown on the plans, water demand calculations, etc. must be shown.

Comment #14: Applicant to include definition of motor vehicle service stations, from § 164-22 of town code on site plan.

Comment #15: Parking calculations must be provided for all uses of property.

Comment #16: All parking lot spaces must be striped.

Comment #17: Table of Uses, Use #50 requires compliance with §164-46.J (57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 129, and 145), as appropriate. Please clarify this information on the plan, show what is proposed, or add applicable notes to the plan.

Comment #18: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-1–, Note 18.

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

Comment #20: Surveyor to sign and seal drawing.

Comment #21: Payment of all fees.

Jennifer Mante, Trustee

Application for Site Plan Approval for the use and construction of a new single-family residence located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 73 B 9 L 15; project located on the eastern side of State Highway 210 0.0 feet south of Greenwood Lake Terrace (390 Jersey Ave.), in the SM zone, of the Town of Warwick. Previously discussed at the PB Meeting of 9/18/24.

Representing the Applicant: James Ramos from Kirk Rother Engineering. Jennifer Mante, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Danielle Dreyer: This is a Type 2 Action. No further SEQR review is required. We have no further comments.

Comment #2: Applicant to discuss project.

James Ramos: Kirk Rother could not attend the meeting this evening. He had asked me to go in his place.

Chairman Astorino: We have been out to the site. We have seen where it is. It is a beautiful spot. You don't need to go into detail.

James Ramos: Thank you,

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 9/4/24 no advisory comments

Comment #6: TW Building Department – 9/6/24 Covered structure on shoreline of lake with deck, trailer storage for many boats, 3 accessory storage buildings near property lines not permitted.

Comment #7: NYSDOT: pending comments

Chairman Astorino: Have we received NYSDOT comments?

Laura Barca: No.

Chairman Astorino: The driveway is already there. You are not changing the driveway. Is that correct.

Jennifer Mante: No. We have an application out to the NYSDOT.

James Ramos: Right.

Chairman Ramos: Ok. NYSDOT comments are pending.

Comment #8: Include location of flood zone on the site plan.

James Ramos: I know that Kirk had sent an electronic file to Laura.

Laura Barca: The link itself is how the flood plain map shows.

Chairman Astorino: Ok.

Comment #9: The Town accepted septic plans dated January 01, 2022 and later; plans before that date needs to have the soil tests redone and the system design confirmed or modified, as necessary.

Comment #10: The area of the proposed septic system should be included in the limits of disturbance.

Comment #11: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 01, General Notes, Note 11

Comment #12: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

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

Comment #14: Payment of all fees.

James Ramos: We are ok with Comment #9 through Comment #10.

Chairman Astorino: Ok. Does the Board or Professionals have any comments or concerns about the site visit? It is a very nice spot. Does the Applicant wish to be set for a public hearing at the next available agenda?

James Ramos: Yes.

Chairman Astorino: Do we have any time table of when we would receive a response letter from the NYSDOT?

Jennifer Mante: We have already received a response from the NYSDOT. Kirk is taking care of that. He anticipates a final response letter from them soon.

Chairman Astorino: Ok. Once Kirk receives the NYSDOT letter, please have him submit it to the Board. We could set the application for a public hearing for the next available agenda.

James Ramos: Ok.

Mr. McConnell makes a motion to Set the Jennifer Mante, Trustee Site Plan application for a Public Hearing at the next available agenda.

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

James Ramos: Thank you.

Ball Farm Subdivision

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

Representing the Applicant: James Ramos from Kirk Rother Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is an Amendment to a previously approved plan. SEQR has been completed.

Comment #2: Applicant to discuss project.

James Ramos: The amendment is that the Applicant is going to give an offering of a sliver of land for a culvert for a FEMA project.

Chairman Astorino: Yes.

James Ramos: I believe that the surveying has been done. We are here to give that offering.

Bob Krahulik: A deed has been prepared. It is being reviewed by the property owner, Mr. Ludmerer as well as another declaration that would better define of what happens in the Agricultural buffer zone. That would require some negotiation.

Chairman Astorino: Ok.

Laura Barca: There would also be a drainage easement that is going across Ball Road onto the one property that is right across the street that is not part of the subdivision. The tax parcel is 53-1-5.2.

Bob Krahulik: Supposingly that already exists. We would have to double-check that.

Laura Barca: I believe that it was proposed at one time. Then, it was taken off. You would need to put it back on again.

James Ramos: Ok.

Bob Krahulik: That property has been sold.

Laura Barca: Right. It would include everything associated with that.

James Ramos: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/07/23 advisory comments that relate to Section 2 (a) connectivity items (e.g., sidewalk), (b) lighting, and (c) a bioretention system to manage stormwater.

Chairman Astorino: Do any of these comments mean anything right now?

Laura Barca: How this was approved originally because this is the amended site plan. You did a preliminary approval for Section 2. You did a conditional final approval for Section 1. The first set of comments that you are looking at right now are the conditions of final approval for Section 1. What I had done was add some comments regarding to what we had just discussed.

Chairman Astorino: Ok. We will list Comment #6 through Comment #18 for the record.

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

Comment #7: Applicant to provide NYS Parks, Recreation, and Historic Preservation letter. 06/10/24 OPRHP No Impact Letter.

Comment #8: The agricultural part of Lot 3 is shown as being part of Lot 14; Applicant to update plans.

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

Comment #10: These metes and bounds have been added; the surveyor must sign/seal plan.

Comment #11: 911 addresses must be obtained from the Building Department and then shown on the plan.

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

Comment #13: Applicant to provide access easement for Lot 2 over Lot 3. Description to be submitted to for review.

Comment #14: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #15: A metes and bounds description shall be provided for the proposed open space.

Comment #16: Applicant to submit a declaration for Ridgeline, Aquifer Protection, and Open Space.

Comment #17: The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes (including maintenance) must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.

Comment #18: Payment in lieu of parkland for 3 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #19: Applicant to provide the metes and bounds on the drawing for the road dedication to the Town for Lot 1.

James Ramos: Ok.

Comment #20: Applicant to provide the Town Board resolution information and the declaration information for the filing of the dedication in the Orange County Clerk's Office on the drawing.

James Ramos: Ok.

Comment #21: Applicant to provide the drainage easement information on the drawing over parcel 53-1-5.2.

James Ramos: ok.

Comment #22: Applicant to provide declaration information for the drainage easement over parcel 53-1-5.2.

James Ramos: Ok.

Comment #23: Payment of all fees.

James Ramos: Ok.

Bob Krahulik: We need to add a Comment #24, Applicant to provide declaration for planting of trees to the Town Planning Board Attorney's specifications.

James Ramos: Ok.

Chairman Astorino: Ok. For the record, we would have to do an amended Preliminary approval for Section 2 with no conditions. Then we could do an amended final approval with conditions for Section 1.

Mr. Kennedy makes a motion on the Ball Farm Subdivision application, granting “Amended” Preliminary Approval for filing a 14-Lot Cluster subdivision in Sections, (Section II.) and Special Use Permit for 1-Affordable Home, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 18, 2024. Preliminary Approval shall expire on May 20, 2028.

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

Mr. Kennedy makes a motion on the Ball Farm Subdivision application, granting “*Amended*” conditional Final Approval for Section I to consist of a proposed 4-Lot Cluster Subdivision, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 18, 2024. Approval is granted subject to the following conditions:

1. OC Planning Department – 09/07/23 advisory comments that relate to Section 2 (a) connectivity items (e.g., sidewalk), (b) lighting, and (c) a bioretention system to manage stormwater.
2. TW Building Department – 08/25/23 overgrown property and dwelling in disrepair.
3. Applicant to provide NYS Parks, Recreation, and Historic Preservation letter. 06/10/24 OPRHP No Impact Letter.
4. The agricultural part of Lot 3 is shown as being part of Lot 14; Applicant to update plans.
5. Design and detail for proposed rain garden must be provided.
6. These metes and bounds have been added; the surveyor must sign/seal plan.
7. 911 addresses must be obtained from the Building Department and then shown on the plan.
8. 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.”
9. Applicant to provide access easement for Lot 2 over Lot 3. Description to be submitted to for review.
10. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
11. A metes and bounds description shall be provided for the proposed open space.
12. Applicant to submit a declaration for Ridgeline, Aquifer Protection, and Open Space.
13. The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes (including maintenance) must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.
14. Payment in lieu of parkland for 3 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
15. Applicant to provide the metes and bounds on the drawing for the road dedication to the Town for Lot 1.

16. Applicant to provide the Town Board resolution information and the declaration information for the filing of the dedication in the Orange County Clerk's Office on the drawing.
17. Applicant to provide the drainage easement information on the drawing over parcel 53-1-5.2.
18. Applicant to provide declaration information for the drainage easement over parcel 53-1-5.2.
19. Applicant to provide declaration for planting of trees to the Town Planning Board Attorney's specifications.
20. Sheet 1, 3 and 4 show no-mow 100-ft. buffer area; provide screening to Town Planner's specifications.
21. Site distance easement to Town Planning Board Attorney's specifications.
22. Payment of all fees.

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

Chairman Astorino: James, please let your clients know that the Town says Thank you very much for that dedication of that piece by the culvert. That was a big step for us. We truly appreciate that. Thank you.

James Ramos: Ok. We will let the clients know. Thank you for your time this evening.

Other Considerations:

1. PB Minutes of 4/16/25 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 4/16/25.

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

2. Planning Board to discuss canceling the 5/26/25-W.S. & PB Meeting of 6/4/25 due to Memorial Day Holiday.

Mr. McConnell makes a motion to cancel the 5/26/25-W.S. & PB Meeting of 6/4/25.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Chairman Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion to adjourn the Planning Board Meeting of May 21, 2025.

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