

TOWN OF WARWICK PLANNING BOARD
July 15, 2026

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Vikki Garby
Laura Barca, HDR Engineering
Temi Alao, HDR Engineering
Max Stach, NPV Planner
Danielle Dreyer, 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, July 15, 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.

Review of Submitted Maps:

Jason House and Matthew & Kelly Clancy Lot Line Change

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change with no construction proposed, situated on tax parcels S 27 B 3 L 1 and L 12; parcels located on the westerly side of Big Island Road at its intersection with House Road (11 House Road), in the RU zone, of the Town of Warwick. Previously discussed at the PB Meeting of 7/17/24.

Representing the Applicant: John McGloin, PLS.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: This is a Type 2 action pursuant to 6 NYCRR 6-17-5 C-16 granting of individual setback and lot line variance and adjustment. The Planning Board made a determination in the record by motion and vote that no further SEQRA action is required. This site is subject to referral to Orange County Planning based on its proximity to an agricultural district.

Comment #2: Applicant to discuss project.

John McGloin: This is for a proposed lot line change between two lots. There is no new construction proposed.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/05/24 no advisory comments.

Comment #6: TW Building Department – 07/02/24 The shed on 27-3-12 has an expired permit #20363, pergola requires a permit.

John McGloin: The Applicant will take care of those issues.

Comment #7: OCDOH – Previously filed map received approval on 10-18-05. Project involves alterations of lot lines that were previously approved by OCDOH; therefore, this project will require OCDOH review and approval. OCDOH approval granted 03/16/26.

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

Chairman Astorino: Does the board want to do a site visit?

Mr. McConnell: No.

Ms. Garby: No.

Mr. Showalter: No.

Comment #9: 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, Note 7

Comment #10: Applicant to submit recording information for lot line change from 27-3-1 to 27-3-12.

John McGloin: Yes.

Comment #11: Surveyor to certify that iron rods have been set at all property corners.

John McGloin: We request from the board for a waiver on the iron rods.

Chairman Astorino: We don’t have an issue with waiving that.

Comment #12: Surveyor to sign and seal drawing.

Comment #13: Payment of all fees.

John McGloin: Yes.

Chairman Astorino: Do any board members or professionals have any comments or concerns? Let the record show no comment from the board or professionals.

Mr. McConnell makes a motion to waive the final public hearing.

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

Mr. Showalter makes a motion to waive iron rods have been set at all property corners except the ones at the new property corners.

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

Ms. Garby makes a motion on the Jason House and Matthew & Kelly Lot Line Change application, granting conditional Final Approval for a proposed lot line change with no construction proposed, situated on tax parcels S 27 B 3 L 1 and L 12; parcels located on the westerly side of Big Island Road at its intersection with House Road (11 House Road), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on July 15, 2026.

Approval is granted subject to the following conditions:

1. TW Building Department – 07/02/24 The shed on 27-3-12 has an expired permit #20363, pergola requires a permit
2. OCDOH – Previously filed map received approval on 10-18-05. Project involves alterations of lot lines that were previously approved by OCDOH; therefore, this project will require OCDOH review and approval. OCDOH approval granted 03/16/26.
3. 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, Note 7
4. Applicant to submit recording information for lot line change from 27-3-1 to 27-3-12.
5. Surveyor to certify that iron rods have been set at all property corners. (WAIVED)
6. Surveyor to sign and seal drawing.
7. Payment of all fees

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

John McGloin: Thank you.

Tom and Amy Sibilla Subdivision

Application for Sketch Plat Review of a proposed 4-Lot Conventional subdivision, situated on tax parcel S 27 B 1 L 116; parcel located on the southern side of Amity Road 460± feet west of C.R. 1, (7 Skysail Lane) in the RU zone, of the Town of Warwick.** At the PB Meeting of 7/16/25 - The Planning Board deemed the application an Unlisted Action and circulated to Interested Agencies.** At the PB Meeting of 11/19/25, the Planning Board adopted the Part 2 EAF Unlisted Action**. **Application previously discussed at the PB Meeting of 11/19/25**.

Representing the Applicant: Brian Friedler from Friedler Engineering. John Cappello, Applicant's Attorney. Tom Sibilla, Applicant.

Chairman Astorino: Mr. Krahulik recuses himself from the Sibilla application. Mr. Brad Swartz will be representing the Planning Board as the Planning Board Attorney.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Max Stach: You actually did a really good job when you were reading the agenda description. Thank you.

Chairman Astorino: We stay on top of things.

Connie Sardo: You are welcome.

Max Stach: We did the Part 2 EAF back in November 2025. We are awaiting the applicant to submit a draft Part 3 EAF addressing the moderate and large impacts that we had identified at that time to determine whether or not they'll be significant. Until that time we are just waiting to get that submission.

Chairman Astorino: What we are here for tonight is for the applicant to discuss the project. We're here to discuss the sketch application and what waivers are required.

Comment #2: Applicant to discuss project.

Brian Friedler: I am Brian Friedler with Friedler Engineering. This is a proposed 4-Lot subdivision on Skysail Lane. There are three new houses proposed and one existing house will remain. They will gain access from a common driveway coming off of a private road at Skysail Lane. We've done soil tests to do septic designs, grading, showing fire truck turnarounds. And that's pretty much it for right now. There are several waivers that we've requested.

Chairman Astorino: Do you want to go through those?

John Cappello: Sure. Can we pass out to the board a packet summary of the waivers we would like to discuss?

Chairman Astorino: Yes.

John Cappello: I am John Capallo from J&G Law Firm. I am here on behalf of Tom and Amy Sibilla. As you recall, we've been before the board for quite a while here. The main purpose of tonight is really just to present our application and our support for waivers from the street specifications. I think if you look at your engineering consultants' letter, I believe now we have addressed all of the requirements of the sketch plan and preliminary approval with the information we've provided on the map. The main issue here is to present the request for waivers as they relate to the common driveway proposed for this subdivision. Now, your code provides the standard is that when there's exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the sites or where the planning board finds that unnecessary or extraordinary hardship may result from strict compliance with this chapter. The minimum requirements of the chapter may be waived or modified to mitigate the hardship provided the public interest is protected in the development in keeping with the general spirit and intent of this chapter. We provided you initially with just a summary of the support for the waiver request with the initial application, but really what you have before you are a more detailed analysis, and that's what Tom handed out to you. The first waiver we would be requesting is a waiver to request to modify the requirements for the graded road sub-base from 30 feet to 18 feet, and pavement will be 18 feet in width. The code requires that the width of the right-of-way should not be less than 50 feet. We have provided that. The Sibilla's actually own the 50 feet right-of-way from the main road back to their proposed four lots. The graded road sub-base should be not less than 30 feet with a pavement of at least 20 feet in width. What we are requesting is a pavement of 18 feet in width all the way along the common drive. Now, the reasons we're requesting that is, number one, by decreasing from 30 feet to 18 feet of paved width, the impervious surface of the common drive will be reduced by 0.25 acres, and the overall land disturbance would be decreased from just a smidgen over an acre to just a bit over a half an acre. It is about a 40+ percent decrease in the actual disturbance to the land, and where the 18-foot roadway would require a total of 6 trees to be removed along the entire new portion, if we were to go 30 feet, it would require 40+ trees to be removed. The additional grading associated with it, the 30 versus the 18, is substantial. And we'll go through the photos to show you the additional disturbance, gradients, retaining provisions that would be there which would require more erosion, more soil, more drainage control all that is really not necessarily needed for these additional few lots. Now, in order to determine the safety of the utility road, the fire inspector did visit the road and issued a letter stating that they believe it was adequate as designed for providing emergency services. We have also provided a report from traffic engineer Philip Greeley, who's a Ph.D. and P.E. and a noted traffic engineer who provided in detail why his opinion was that this road meets AASTHO standards and is safe and adequate for the type of use the road would have. Regarding the second waiver, we would be requesting would be the intersection being as near to 90 degrees as possible. The waiver is requested from the direction of the road. Centerline of over 10 feet shall be with a curve of less than 100 feet at the centerline. The proposed driveway centerline is existing and follows a natural lay of the land. Proposing a new common drive centerline would require an additional 25 trees to be removed the significant cuts and fills with

no additional benefits. We are really just following the existing centerline of the driveway because the common drive does exist now at 9 feet in width. What we're proposing to do is follow the similar design to the private road that's already there and serves several lots, it ends at a certain point as what is depicted on the photos. We would follow that at 18 feet and also follow the centerline of that road. We're requesting a reduction in the sight distance, which says sight distance should not be less than 30 feet. We're requesting a waiver from that. We are posting the speed limit at 15 MPH and the proposed sight distance at that point would be AASTHO standards. The grade is more than 10%, but is at 14. Your code allows a 14% grade to be approved, but it would need a special permit approval from this board, which we will request. For the drainage, we're requesting a waiver to change the paved guttered swales where grades are more than 7% to grass swales with check dams where necessary as shown in the subdivision plan. We believe that compared to a paved swale, a grass or vegetated swale allows for more natural stormwater treatment and infiltration and also reduces the temperature of stormwater runoff during summer months so it more closely follows the New York State Design Stormwater Management Design Guidelines. Once again, on the surfacing, we're requesting a waiver for all the reasons stated in the initial from 20 feet to 18 feet for the pavement. Then on the approval, the subdivider, when applying with certificates of occupancy should submit a certificate that grades and profiles are according to the plans and the rule conforms to those specifications. We will meet that requirement subject to the granting of the waivers. So that's the summary of the changes. Now, if you go to your next pages, I don't believe they're numbered here. What Tom and Brian actually did was prepare a driveway profile that goes through each station and depicts for you on each station what the difference impacts of the first comparison of what is what in each station will be the grading and tree removal and impacts for the 18-foot width road. Then we have a separate section that shows what it will be for the 30-foot road. then there is yet another section that compares the two. So, I'm going to jump to that last page actually of the comparison which is page 8. The first one is from 00 to 050. Under the 18-foot common drive there will be no trees removed, no stone or boulders removed and minimum fill or grading required.

The 30-foot tree boulders on the south will need to be removed for the 30-foot, an analysis of 30-foot versus 18-foot road. Eight trees removed for 30 feet versus zero for the 18 feet. Additional fill will be required to build up gradual drop off on the north side three feet drop off to the road to have width. That's the improvements from 0 to 50. The next 50 feet there will be seven trees removed under the 30-foot width with zero stones and boulders on the north side become the fill for the buildup necessary to widen the road. Additional fill will be required. From the 1 to 1.5, nine trees will be removed for 30 versus zero for the 18. The 30 would require a cut two feet into the hill on the south side and utilize that fill for the north side where there's a slope dropping to five feet below the current grade From the 1.5 to 2, 12 trees will be removed for the 30-foot versus zero for the 18, 5 to 7-foot cut in the hill at grade and moving stone piles to the north, further north to create the necessary things. The next 50 feet to the 5, there will be 10 trees removed for the 30 versus 2 dead ash trees for the 18-foot road. Additional 6-foot cut into the hill on south and grading at 4 feet would also be required as well as moving stone piles on the north side. From 2 to 2.5 to 3, the next 50 feet, 5 trees would be removed for 30 versus zero for the 18 with a 5 to 7-foot cut into the hill going up to 5 feet on the south side of grade. I'm just not reading the whole thing. I'm just trying to give you a little bit of a feel here.

Chairman Astorino: Mr. Cappello, I think we get the picture. It sort of makes sense. You went through every station going up the road. Do any board members have any questions on this?

Mr. Showalter: Brian, did you do this?

Brian Friedler: Yes. I had done that with Tom.

Mr. Showalter: You guys get an A+.

Mr. McConnell: With what you started describing where fewer cuts and fills and so on, has anyone calculated the difference in the number of truck trips necessary to accomplish what it is would be required at 30 feet versus at 18 feet? It seems to me that to go to 30 feet, one of the things that you have to consider is how much additional impact that will have on whatever number of trucks are traveling up and down to accomplish that. Is that something considerable?

Chairman Astorino: I'm sure it's very considerable.

Mr. McConnell: I would like to hear how considerable?

John Cappello: I don't know the answer but we certainly can.

Mr. McConnell: It didn't occur to you to think, oh you know what we're going to put less usage on this road if we do this, which has got to be a benefit for everybody on the road.

Chairman Astorino: Their charge was to what's the difference in the impacts to the land use. Whether the trucks come in or not is immaterial. The reason being is if you're going to blow it out to 30 feet or 50 feet, you are going to have a lot more work. You're going to do a lot more land disturbance and that's going to require a considerable amount more time doing it, more time with vehicles, trucks and construction. So that's all an impact.

Mr. McConnell: Well to your point they did calculate the difference in land disturbance.

Chairman Astorino: That's what we require them to do.

Mr. McConnell: But it seems like I think it would support your argument if you could say to accomplish 30 feet would take a thousand truck trips but 18 feet would only take 500. Whatever the numbers are I think it would be more understandable to the layperson. We have a chairman who understands this stuff intimately and the rest of us who don't.

Chairman Astorino: Regarding the photos, do you want to go through some photos with us?

John Cappello: Yes.

Mr. Showalter: Is the applicant going to after this is completed, after this excavation and widening work is done, are you guys going to repave the common Driveway?

Chairman Astorino: Roger, we are putting the cart before the horse. It is part of the requirement to have it paved in its entirety.

Brian Friedler: It is from the common driveway all the way up will be repaved.

John Cappello: It will be extended from 9 feet. It's currently 9 feet. It will be 18 feet.

Mr. Showalter: It's going to be fabulous. That's what I'm getting at. It will be done after all the trucks are done riding on it, widening it, and tearing it up.

Chairman Astorino: That is what we are here for. We want to make sure we're giving you safe adequate access.

Mr. Showalter: That's the reason for my comment.

Chairman Astorino: Would you like to go through the photos you have provided?

John Cappello: Yes. The first photo is the from 0 to 50 in appendix A.

In the second picture, you will see two dotted lines. This is going down from your house down towards the road. Is that correct?

Tom Sibilla: Correct. Looking at the end of the private road. It is on page 12. What we are proposing through these pictures is if you go move on from page 12, that's looking down from 50 to backwards towards 00 towards the beginning. That has the dotted line that we're talking about. We are talking about the old utility poles being moved. There's been new utility poles inserted there to the side. And the road will follow this road.

John Cappello: This is showing the 18. This disturbance is for the 18. It shows there is very little disturbance of any trees or minimal grading in this section.

Chairman Astorino: The black dashed lines are the 18-foot travel way. Is that correct?

John Cappello: For the 30-foot, you would have to go out more.

Chairman Astorino: Right. You're showing us on these photos the 18-foot. Is that correct?

Tom Sibilla: Yes. There would be some movement of boulders that are on in the right side of the picture. It would just some movement of boulders and rocks that would be pushed over to the side further off the driveway which would support the width. If we go to appendix C, page 14, it is almost a similar situation where on the, looking at the picture, the left side, this is going from section number 4, from 150 to 20. Same scenario holds for where the dotted line runs along the side of the driveway. And you can see where the dotted line, the boulders would be to just be moved over. Those boulders are called out in the other grids that we've described before. Appendix D is 20 to 250 on page 15, you would be looking up the driveway up the hill. You can see from the dotted lines that we're just talking about moving boulders on the left side of the driveway in this picture. There are several dead ash trees in that section as well. The calculation that was mentioned in the grid before about the tree removal, we're discussing the

trees that we're talking about are the trees that are 4 inches or greater at breast height. It is important to call that out because there's a lot of small shrubs and small growth in there that we did not count. Appendix E, page 16, we are looking down the driveway now at 250 to 30. That would be section number 6. The utility pole will be removed. The grade would stay the same. We are just pushing some rocks out of the way. On 7 and 8, that's 30 all the way up to 40 going up the hill. Minimal cleanup of stones. This is also where we're going to look at this picture that Brian has here.

We are going to change the grade of the road. We are going to raise up one side at the lower part of the hill and cut off the top of the hill in order to increase the visibility going up and down the road. Do you have any questions? That is important because that's the steep part that most people look at and say that is steep.

Chairman Astorino: You're going to cut it so that it meets the requirements.

Tom Sibilla: Yes.

Laura Barca: When you go above between the 10% grade and the 14% grade, it's not a waiver you need from the planning board, it's a special approval is what the code calls it for that section that can bring you down to only 14%. It's a special approval from the planning board.

Brian Friedler: Ok.

Tom Sibilla: Ok. Section 8 goes from 3.5 to 4-0. Again, we are just going to clean up the stone roads that are on the right side of the road and remove the dead ash and this is also part of where the regrading will occur. The next one, Appendix H, page 19, includes sections 9 and 10 which go from 4.0 to 5.0 as you are looking up. We only need to push rocks on both sides and again, the grading will make a difference here.

Chairman Astorino: It seems as you go up, as the pictures show, it's less clearing. What I would caution as you're coming up the lower end, there's a lot of brush, as you mentioned, I think when you widen to 18 feet, I know you see it's a nice picture, you have your dashed black lines there. That's where it goes. I still think you need to be aware, cognizant of the fact that if you're cutting there, you may be taking a couple more trees. I know you said 4-inch breast height. That's fine. 4-inch caliber of breast height, that's fine. There may be some other ones as when you do that, you don't want to damage or it's an older tree just to save a tree and have it fall on an electric line six months later. I think that should be looked at as you go up. Be cognizant of the fact that as you're doing this, you may save a tree here or there, but it may not be efficient to do so. You do need room to push snow. That's all part of this. I would carefully look. As you go up, you can see the photos are very clear. It's wider. It's not a whole heck of a lot more. It's more open. As you're lower where it's pretty wooded, I would think you'd want to be extremely diligent in the fact as you go through that. That's my recommendation. I believe the board would agree with that.

Tom Sibilla: As you were saying, Ben, if you go to Appendix I, page 20, section 10, looking down the lane, you have the entrance to Rockefeller's driveway there. As you mentioned, it not only flattens out, but there's more space for it. Not much needs to be moved.

Chairman Astorino: All of this construction is in your 50-foot-wide easement. Is that correct?

Tom Sibilla: Yes. It is.

John Cappello: The deed of the 50 feet is owned by Tom and Amy.

Chairman Astorino: Ok.

John Cappello: There are other properties that have right-of-way over it for access. They will continue to have access. We think it will be better access.

Chairman Astorino: Ok. But there are no easements or covenants you need to receive from adjoining that you can do this work. Is that correct?

John Cappello: No. We don't believe so.

Chairman Astorino: Do any board members have any comments at this point? I think we get the gist of this. Brad, do you have any comments? Do any of the professionals have any comments or concerns at this point?

Brad Swartz: I have a couple minor comments on the waiver. I will do a follow up. I will give my comments to the applicant. I have nothing today,

Chairman Astorino: Laura, do you have any comments at this point?

Laura Barca: No.

Chairman Astorino: Max, do you have any comments at this point?

Max Stach: No. I think it was very well put together. It was very easy to understand. I have a couple of ideas.

Chairman Astorino: Do any board members have any comments or concerns?

Ms. Garby: No.

Chairman Astorino: I just have one final comment. I was contacted by a Pine Island Fire Chief this evening. There was a death from their secretary at the firehouse. I believe her husband passed away. There was a letter that was forthcoming to this board about his recommendation on the road. He did do a site visit out there. He will have that to us either tomorrow or later this week on the Pine Island Fire Department's letterhead. He just couldn't get it here this evening. That will be forthcoming. We'll put that on the record. Also, I believe the board could go to our professionals and have them prepare a resolution for us for the next meeting. Brad? I'll throw that to you with the support of Laura and Max. Do you have any questions for our board on this? Do any board members have any questions for the professionals between now and the next meeting? They are always available.

Brad Swartz: I just wanted to clarify that the resolution would be with respect to the sketch plan and the waivers that are requested.

Chairman Astorino: Perfect. That would also include any changes you deem necessary?

Brad Swartz: Yes. The applicant would be required to address any outstanding comments with respect to those items before the resolution could be done.

Chairman Astorino: Perfect. Thank you. Do any board members or professionals have anything further?

John Cappello: I just wanted to point out the one thing that we did in Appendix N, is that we added the letter from Mr. Philip Grealy, Ph.D., P.E.

Chairman Astorino: I think this is very cognizant for the board to have. I appreciate that. It seems to be a lot of work to do this. It catches every avenue of the road. So, Thank you for that.

John Cappello: Would the board like us to come to the work session to discuss any comments?

Chairman Astorino: You are always welcome to come to a work session. If there are any comments from our professionals, we'll have them ready for you by then.

John Cappello: Great. Thank you very much. Have a good evening.

Chairman Astorino: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

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

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

Comment #7: The location of fire and emergency access ways, including the location of fire hydrants or the nearest alternative water supply for fire emergencies. Site inspection with Fire Chief.

Comment #8: Sketch Plan §167-26.A(6) All existing restrictions on the use of land, including easements and covenants.

Comment #9: Sketch Plan §167-26.B. Waivers. Where strict application of the provisions of Subsection [A](#) would be undesirable, unreasonable or in conflict with subdivision policy, the Planning Board may, by resolution, waive part or all of such preapplication requirements. This waiver shall not apply to succeeding submissions unless so stated by the Board. All waivers or modifications to be requested on minor subdivision plats must be requested at time of sketch plan submission. Since waivers and modifications can be granted only by the Planning Board, an applicant seeking such may not avail himself of the option described in Article [III](#), § [137-7D](#) (processing through Town Planner).

Comment #10: Waivers are being requested from §137 Appendix E or A168 Attachment 2 – Specifications for Open-Development Area Roads:

- a. Section A: waiver to reduce graded road subbase from 30' (20' paved, 2, 5-ft shoulders); propose 18' paved
- b. Section B(2): waiver for all changes of direction of road center lines of over 10° shall be with a curve of not less than 100 feet at the center line; propose to use existing centerline.
- c. Section B(3): waiver for sight distance from town code; sight distances comply with AASHTO requirements for posted speed limit of 15 mph.
- d. Section B(4): planning board special approval required for grades between 10 and 14%.
- e. Section C: waiver to reduce graded road subbase from 30' (20' paved, 2, 5-ft shoulders); propose 18' paved
- f. Section D: waiver to reduce subbase of 12" NYSDOT Item 304.12 to 6" subbase material foundation course
- g. Section E: waiver requested to update paved swales of greater than 7% to grass swales with check dams per NYSDEC requirements.
- h. Section F: waiver requested from Option 2 of 3" compacted base course (or reclaimed material) and 2" compacted NYSDOT Type 6F to 3" compacted NYSDOT Type 6 wearing course.
- i. Section G: (all roadway criteria shall conform with A168 and Appendix F of these specifications)

Comment #11: §137 Appendix E: The proposed design, method of construction and type of materials to be used shall be shown on the plan and is subject to the approval of the Engineer before construction as well as after the work is completed.

Comment #12: §137 Appendix E (I)(1): The subdivider, on applying for certificate of occupancy, shall submit a certificate that grades and profiles are according to the plans and that the road conforms in all respects to these specifications. Please add this note to the plan.

Comment #13: Please update Sheet 7, Open Development Road Note A to replace "this chapter" with "§137.

Comment #14: The Surfacing note added to Sheets 3 and 4 is not acceptable; a paved surface is required.

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

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

Comment #17: Add a table of impacts comparing the installation of common driveway to the full Town of Warwick code requirements and a common driveway as modified for this application. Please include impacts to trees, stone walls, boulders, utility poles, drainage, grading, proposed retaining walls, etc.

Comment #18: The access must be paved in its entirety; a note and a detail shall be added to the plan set.

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

Comment #20: The liber and page for the Agricultural and Biodiversity notes (Indiana Bat), as well as the Shared Common Driveway Agreement must be added to the plan.

Comment #21: Applicant to provide maintenance agreement for common driveway.

Declaration information to be placed on the plan.

Comment #22: A performance bond and site inspection fees for the Common Driveway improvements must be submitted.

Comment #23: A landscape bond and site inspection fees for any proposed landscaping must be submitted.

Comment #24: Payment in lieu of parkland for three lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #25: Payment of all fees.

HPS Farm Mission Land Road

Application for Site Plan Approval and Special Use Permit for the use and construction of a proposed 7500 S.F. building on a vacant lot whereas 3500 S.F. of the building will be used as a single-tier indoor Cannabis Cultivation canopy and whereas the remaining 4000 S.F. will be used for processing, drying and packaging of the Cannabis, along with proposing to install approximately 3 acres of Ground-Mounted Solar Panels for on-site electric use, situated on tax parcel SBL # 1-1-44.1 on 26.7 acres; project located on the corner of Murray and Swan Streets located off Mission Land Road, in the AI zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Chairman Astorino: Brian, I'm not even going to get into the Planning Board to discuss SEQRA at this point. I want to read these two comments from our engineer. Comment #10: Applicant to provide FEMA floodplain mapping and describe how project will comply with required floodplain building requirements. That's one. Don't even answer. Comment #11: New York State Building Code §1806.2, (Presumptive Load-Bearing value states that muck organic silt, organic silt and organic glaze, undocumented fill should not be assumed to have presumptive load-bearing capacity unless data to substantiate the use of such a value are submitted. Applicant is proposing improvements within the Muskego Muck soil type which fall under this category. Applicant must provide soil testing and a geotechnical report to demonstrate that the soil has a load-bearing value that would allow the improvements proposed. So, just being a person here that grew up in Warwick, this is black dirt. So, what we're proposing is to put a building on black dirt and solar panels on black dirt. That's what we're talking about. Is that correct?

Brian Friedler: Yes. He has contacted a geotechnical engineer so there is a report that I could submit.

Chairman Astorino: You could submit it.

Brian Friedler: Yes.

Chairman Astorino: I find it very difficult that we could propose to allow solar panels in a building in a floodplain. I quite frankly don't even understand this. I think as a board we should set a site visit. Yeah. We look at everything. Is that correct?

Ms. Garby: Yes.

Chairman Astorino: Let's take a walk out there.

Mr. Showalter: Ben, that is a good point. Look at the sheds that are built.

Chairman Astorino: Roger, you should take a ride there. I know that you know what goes on out there. Most of us have grown up here. There's not much built on black dirt.

Mr. Showalter: No. You can't build on black dirt.

Chairman Astorino: It's on the upland. I find this to be problematic at best, ridiculous at worst, but hey, that's just my opinion. I think we should set a site visit. We will go out there. Then we could discuss what we need or what we don't need, okay?

Brian Friedler: Okay.

Mr. Showalter: I suppose he could build on it if he puts steel beams down to the bedrock maybe.

Chairman Astorino: Roger, that I don't know?

Mr. Showalter: That would be expensive to do.

Chairman Astorino: That would be something our professionals are going to have to tell us that you can do or you can't do. The wind blows pretty good out in the black dirt. I would hate to see solar panels flying down to the neighbors. I don't want that on our watch.

Laura Barca: Roger, there's two different things because there's obviously black dirt is black dirt.

Mr. Showalter: Black dirt is black dirt.

Laura Barca: Maybe you could get to the clay lands that's below the black dirt?

Mr. Showalter: Yes. That is how deep the black dirt is.

Laura Barca: But also, but at the same time, you have floodplain out there and wherever the floodplain elevation is determined by FEMA, you have to be above four feet. I believe your finished first floor has to be four feet above that.

Mr. Showalter: Correct.

Laura Barca: If the elevation of the black dirt as it sits right now is six feet below that elevation, you would have six plus ten. Your first-floor elevation is ten feet above the existing ground.

Mr. Showalter: Could the applicant find another piece of property?

Chairman Astorino: Roger, they are before us. We will do our due diligence. When would the board and professionals would like to schedule a site visit.

The Planning Board and professionals discussed scheduling a site visit. A site visit has been scheduled for Monday, August 10, 2026 @ 5:30 p.m.

Mr. McConnell: It seems that it came to us prematurely. The applicants need to do some more homework.

Chairman Astorino: They are before us now. We will list Comment #1 through Comment #46 for the record.

Max Stach: Could I make a couple suggestions?

Chairman Astorino: Yes.

Max Stach: Brian, I just wanted to bring your attention. I think this entire property is in a wetland. I think there's an exemption for agricultural use?

Brian Friedler: Yes.

Max Stach: I am not sure if it extends to the proposed use. It would be helpful to get some feedback on that from the NYSDEC.

Brian Friedler: We have been in contact with the NYSDEC. Since it is an agricultural, they have no issues with it being within the floodway buffer.

Chairman Astorino: Is solar considered agricultural?

Max Stach: I think we just need what specifically is being proposed. If we could get feedback from either Ag & Markets or the NYSDEC on whether or not you'll need a permit.

Brian Friedler: Okay.

Chairman Astorino: Even to that end, if the DEC throws their hands up and says, do what you've got to do, that's cute. I know that this board has to make sure that it's safe and it can function properly. Just because the DEC says it's agriculture doesn't mean you can slap barns up all through the black dirt and have them blow away. That's my opinion.

Max Stach: I would think also, I didn't want to ruin it because it's not my area of expertise, but I've heard problems with electrical grounding in the black dirt. You build something and it's floating electrically above where the bedrock is.

Chairman Astorino: Who knows how far bedrock is out there?

Max Stach: When lightning strikes, if you're the only building in a big black dirt field, you might be floating.

Chairman Astorino: Not only that, just this last rainstorm, you drive by some of those fields after that and it was very dry. Then all of a sudden there is 6" inches of rain. They call it Drowned Lands for a reason. We are going to have a site visit on August 10th. We will go from there with what's required to even consider looking at this application. We will see you at the site visit.

Brian Friedler: Ok. Thank you.

- Comment #1: Planning Board to discuss SEQRA.
- Comment #2: Applicant to discuss project.
- Comment #3: Conservation Board – no comments received
- Comment #4: Architectural Review Board – no comments received
- Comment #5: TW Building Department – 06/29/26 no violations
- Comment #6: OC Planning Department – 07/09/26 advisory comments for screening panels and panels preferred to be cited non land that is not prime agricultural
- Comment #7: Planning Board to determine if a site inspection is necessary.
- Comment #8: EAF Question 13 – cites encroachment on wetlands; this needs to be described/quantified.
- Comment #9: EAF rare species – please clarify if any surveys been conducted to document use/non-use by Northern harrier and short eared owl.
- Comment #10: Applicant to provide FEMA Floodplain mapping and describe how project will comply with required floodplain building requirements.
- Comment #11: New York State Building Code §1806.2 (Presumptive Load-Bearing Values) states that, “Mud, organic silt and organic clays (OL, OH), peat (Pt), and undocumented fill shall not be assumed to have a presumptive load-bearing capacity unless data to substantiate the use of such a value are submitted.” Applicant is proposing improvements within the Muskego muck soil type, which fall under this category. Applicant must provide soil testing and a geotechnical report to demonstrate that the soil has a load bearing value that would allow the improvements proposed.
- Comment #12: Please clarify if any runoff from the agricultural operation and stormwater affect the quality of or flow pattern of the adjacent ditch (Murray Ditch; tributary to the Wallkill River Class C).
- Comment #13: Please clarify the estimate of the average daily water use (from the proposed well) during the growing season.
- Comment #14: Applicant to provide list of neighbors that the early notification letter was mailed to.
- Comment #15: The 911 addresses for the property must be shown on the plans.
- Comment #16: Provide details on the enclosed waste area, including landscaping or screening proposed.
- Comment #17: Additional information needed to confirm if well location would need to meet Appendix 5-D (i.e., 100-ft of ownership around the well, 200-ft of control around the well, separation requirements in Table 1, etc.)
- Comment #18: Clarify long-term sanitary facilities for employees. Compliance with NYS Design Standards for Intermediate Sized Wastewater Treatment Systems and/or NYS Residential Onsite Wastewater Treatment Systems Design Handbook is required. Applicant to clarify soil test requirements.
- Comment #19: The Town of Warwick use associated with the solar panels must be stated on the plan.
- Comment #20: Provide details for the structural components of the solar panels. Due to the extensive electrical wiring systems, solar panels need to be constructed on a firm base to prevent movement and separation.
- Comment #21: Please clarify the proposed 2500-sq concrete energy storage pad. Battery Energy Storage Systems are currently under moratorium by the Town of Warwick.
- Comment #22: Sight distances for all existing driveways/ entrances to the facility must be shown on the plans.
- Comment #23: Applicant to clarify expected delivery frequency and peak trip generation.

Comment #24: Applicant shall demonstrate that the site layout has access for emergency vehicles, including fire apparatus.

Comment #25: Provide details for the proposed security fence and gate.

Comment #26: Provide a narrative describing site security procedures, including how the perimeter of the property will be secured.

Comment #27: All existing and proposed signage must be shown on the plan. The location and detail for any proposed signage should be added to the plans.

Comment #28: Applicant to clarify surface covering of the proposed parking area.

Comment #29: The plan should show the location and related signage for handicapped accessible parking spaces.

Comment #30: Sheet 1, note 11 states that the operation will be 24/7. Note 13 states that nine full-time employees are required. Applicant to clarify what full-time means and what hours the nine workers will work.

Comment #31: Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) in compliance with NYSDEC and Town of Warwick standards (6.2 acres of disturbance).

Comment #32: Applicant to confirm how odors will be contained within the indoor facility, in compliance with town code requirements.

Comment #33: Limits of disturbance in acres must be included in the plans.

Comment #34: §164-46.J(3) A buffer strip of 200 feet is required separating a building used for warehousing and wholesaling of farm products, and for retail sale or production of farm and food processing supplies from any residence on an adjoining lot. Applicant to show this buffer on the plans.

Comment #35: §164-46.J(53): Town of Warwick Design Standards is mandatory; please show on the drawing and/or provide a narrative to demonstrate how this project complies to the extent possible for an existing building/property.

Comment #36: §164-48 Performance Standards: No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard, noise or vibration, smoke, dust, electromagnetic or other disturbance, glare, liquid or solid refuse or wastes or other substance, condition or element in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulation of this section limiting dangerous and objectionable elements at the point of the determination of their existence. Please add a note to the plans and explain how performance standards will be followed

Comment #37: Applicant to include a description of HVAC and air handling systems, including negative pressure design within cultivation and processing areas, details on carbon filtration / air scrubbing systems, including capacity, and maintenance schedule, identification of all exhaust locations and discharge points on the building and an overview of operational protocols for odor control during harvesting, drying, and processing of cannabis.

Comment #38: §164-46 J(84): Accessory storage in an orderly manner is permitted in any area other than the required front, rear or side yards, provided that such outdoor storage does not exceed 15 feet in height or occupy more than 10% of the area of the lot, and such storage area is effectively screened from view from all sides. Screening shall consist of an eight-foot-high solid wall or fence uniform in finish and appearance, or an effective living screen of evergreen type. In no case shall materials be stored so as to be visible from the public right-of-way or boundaries of the lot. Applicant to clarify if there is a planned accessory storage use and include a note on the plans.

Comment #39: §164-46 J(85): Only oil, gas or electricity may be used for fuel in manufacturing uses. Such requirements are not intended to prohibit the use of renewable resources, such as solar, wind power, or other innovative technologies which are encouraged. Please add a note to the plans.

Comment #40: §164-46 J(86): A manufacturing use must not create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor, disturbance to radio and television reception, glare, harmful discharge or storage or dispersal of liquid or solid waste, or other forms of nuisance in a manner or amount as to adversely affect the surrounding area. Please add a note to the plans.

Comment #41: §164-46 J(97): In addition to the landscaping required as a screen against adjacent residential districts, and in addition to that required in parking areas, a minimum area equal to 1/3 of the first 50,000 square feet of building coverage, plus 20% of the square footage in excess of 50,000 square feet, shall be devoted to aesthetic landscaping enhancing such areas as outer courtyards, building perimeters and major vehicular entrances and exits. Such landscaping and planting plan shall be consistent with the Town's Design Standards. Solar panels shall be adequately screened from adjacent properties to minimize views, taking into consideration the need for southern exposure.

Comment #42: 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 #43: Surveyor to certify that iron rods have been set at all property corners.

Comment #44: Please add Aquifer, Agricultural, and Biodiversity Notes to the plan. Also add the declaration information after these notes are filed in the Orange County Clerk's Office.

Comment #45: Applicant to provide a Landscaping Bond, as well as the associated site inspection fee.

Comment #46: Payment of all fees.

Other Considerations:

1. PB Minutes of 6/3/26 for PB approval.

Mr. McConnell makes a motion to approve the PB Minutes of 6/3/26.

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

2. Blain Town Square Scoping Document Time Extension – Planning Board to discuss extending the time of adoption of the Final Scoping Document. (SBL #51-1-41.2).

Chairman Astorino: Max, I know we just spoke to the applicant. What was the date that we were going to push that to?

Max Stach: It was the August 19th meeting.

Mr. McConnell makes a motion on the Blain Town Square scoping document to extend the time of adoption of the Final Scoping Document to the August 19, 2026 Planning Board meeting.

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

3. Caiafa-Garazzo-Sofiley Lot Line Change – Letter from Darren Stridiron, PLS dated 6/30/26 in regards to Caiafa-Garazzo-Sofiley lot line change – requesting a 6-Month Extension on conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #24-1-35.22 & 24-1-36; property located at 111 & 197 Glenwood Road. Conditional Final Approval was granted on 11/19/25. *The Applicant's Surveyor stated that they are working on finalizing the conditions of approval.* The 6-Month Extension becomes effective on 5/19/26.

Representing the Applicant: Darren Stridiron, PLS.

Chairman Astorino: Is the Applicant working on the conditions of final approval for the proposed lot line change.

Darren Stridiron: Yes. I submitted the information from the attorney to the client, so he forwarded it to his attorney, and I already submitted in April the Meets and Bounds descriptions, the revised maps. The only thing I have to submit is the notarized form for the property.

Mr. McConnell makes a motion on the Caiafa-Garazzo-Sofiley lot line change application, granting a 6-Month Extension on conditional Final Approval of a proposed Lot Line Change, situated on tax parcels SBL #24-1-35.22 24-1-36; parcels located at

111 Glenwood Road and 197 Glenwood Road, in the RU/MT zones, of the Town of Warwick. The Planning Board deemed the application a Type 2 Action. Conditional Final Approval was granted on 11/19/25.

The 6-Month Extension becomes effective on 5/19/26.

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

4. Black Walnut Creek – Planning Board to discuss setting for a public hearing at the next available agenda.

Ms. Garby makes a motion to Set the Black Walnut Creek application for a Public Hearing at the next available agenda.

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

5. Planning Board to discuss canceling the 7/27-26-W.S. & PB Meeting of 8/5/26.

Ms. Garby makes a motion to cancel the 7/27/26-W.S. & PB Meeting of 8/5/26.

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

Correspondences:

1. Received email correspondence from Paul Ertel dated 6/18/26 in regards to Blain Town Square project.
2. Received email correspondence from The Cresser Family dated 6/28/26 in regards to Blain Town Square project.

Chairman Astorino: Why these are on here is that they came in after the timeframe of the scoping session written comment period. Of course, we would except correspondences. These correspondences are listed for the record.

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.

Mr. McConnell: Could I ask a question?

Chairman Astorino: Yes.

Mr. McConnell: We discussed at the work session the idea of asking the applicant for Blain to do a retail market analysis. How is it we, do we need to have a consensus here on the board to ask to have that done and how do we convey that request to the applicant?

Chairman Astorino: Is the board in a consensus to have that done?

Mr. Showalter: Yes.

Ms. Garby: Yes.

Chairman Astorino: Yes. One of our professionals, please reach out to the applicant for them to do a retail market analysis.

Max Stach: It'll be in the file scope.

Chairman Astorino: They are doing it now. It's going to be in the file scope.

Max Stach: We will make sure it's in the file scope.

Mr. McConnell: It was one of the suggestions from comments received that I thought had real merit.

Chairman Astorino: I happen to agree with you. I think it was well presented.

Mr. McConnell: Yes.

Chairman Astorino: Does anybody have anything further? Let the record show no further public comment.

Mr. McConnell makes a motion to adjourn the Planning Board Meeting of July 15, 2026.

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