

TOWN OF WARWICK PLANNING BOARD
August 19, 2026

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
Vikki Garby
Laura Barca, HDR Engineering
Bob Krahulik, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, August 19, 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:

Blain Town Square

Application for Site Plan Approval and Special Use Permit for the use and construction of mixed-use commercial, residential, recreational development, situated on tax parcel SBL #51-1-41.2; project located on the southern side of NYS Route 94, 1100 feet east of Warwick Tpke., (137 State Route 94S), in the CB zone, of the Town of Warwick. At the PB Meeting of 4/15/26- the Planning Board deemed the application Type 1 Action and adopted Part 2 & 3 EAF. At the PB Meeting of 6/3/26 a Public Scoping Session was held with written comment period open until 6/15/26. At the PB Meeting of 7/15/26 – the PB extended the time of adoption of the Final Scoping Document.

Representing the Applicant: Kirk Rother from Rother Engineering.

Comment #1: Board to discuss SEQRA.

Kirk Rother: : I represent the Blain Town Square project.

Chairman Astorino: Kirk, just as a reference for the Board and the public, at the public hearing, this is a document that was incorporated, all the concerns of the public, concerns of the Planning Board, the applicant, its professionals. It's a very comprehensive document. It's the step that we're taking now to adopt this document. And at that point, it goes back to the applicant and the time frame is on them to get the questions and the concerns answered to us. We do not know how long it will take the applicant to address the questions and concerns. There is no time frame for the applicant to get back to us. It is on the on the applicant to get back to us. Do any Board members or Professionals have any comments or concerns? Laura, did you have HDR's Tribal Representatives ask about the cultural resources?

Laura Barca: Yes. The Planning Board asked me to work with the staff at my company for the Tribal Historic Preservation Officer who would be consulted if the Planning Board or SHPO required that. I have the contact.

Chairman Astorino: We will provide that to the applicant for them to contact them. You will get that information back to the Planning Board.

Kirk Rother: Ok.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? Does the board care to make a motion for the Resolution adopting the Final Scope for the DEIS?

Mr. McConnell makes a motion for the Final Scope for the DEIS.

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

State Environmental Quality Review (SEQR)

Resolution Adopting a Final Scope for Draft Environmental Impact Statement

Name of Action: Blain Town Square

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan approval for a mixed-use commercial/residential/recreational development on approximately 38 acres of land for eight proposed structures containing 72 one-bedroom apartments and 145,200 square feet of commercial floor area, and one proposed 12,000-square-foot indoor recreation building and associated outdoor athletic fields, located on a parcel identified as Section 51, Block 1, Lot 41.2, on the east side of New York State Route 94, approximately 1,100 feet north of County Route 21 (the "Project"); and

Whereas, on August 20, 2025, the Planning Board noticed the following involved agencies of its intent to assume lead agency status for coordinated SEQR review of the Project:

- Orange County Department of Health (sanitary sewer)
- New York State Department of Transportation (road opening/curb cut permit)
- New York State Department of Environmental Conservation (wetland permits)

Whereas, on April 15, 2026, having received no objections from involved agencies, the Planning Board assumed lead agency status, classified the action as Type 1, adopted Parts 2 and 3 of the Full Environmental Assessment Form, and issued a positive declaration determining that the proposed action may result in one or more significant adverse environmental impacts and requiring that a Draft Environmental Impact Statement (DEIS) be prepared; and

Whereas, the Applicant submitted a draft scope for the DEIS, dated March 6, 2026, which the Planning Board circulated to all involved and interested agencies on May 6, 2026, and made available on the Town website and at Town Hall for review and comment by the public; and

Whereas, the Planning Board held a hearing on the draft scope on June 3, 2026, and accepted written comments on the draft scope through June 15, 2026; and

Whereas, the Planning Board has received and considered the comments of the public, involved and interested agencies, and the Town Planner and Engineer, and has caused the draft scope to be revised to address the same; and

Whereas, the Planning Board has determined that the final scope adequately identifies the potentially significant adverse environmental impacts to be addressed in the DEIS, the extent and quality of information needed to evaluate those impacts, and the reasonable alternatives to be considered in accordance with 6 NYCRR 617.8; and

Now, Therefore, Be It Resolved, that the final written scope for the preparation of the Draft Environmental Impact Statement is hereby adopted; and

Be It Further Resolved, that the Applicant is hereby directed to prepare the DEIS in conformance with the final scope adopted herein and with the requirements of 6 NYCRR Part 617, and is advised that the Planning Board will not accept the DEIS as complete until it adequately addresses each of the matters set forth in the final scope; and

Be it Further Resolved, that the Planning Board Secretary is hereby directed to post the final scope on the Town website, maintain the scope in the Planning Board office for review by the public, and to notice adoption of the final scope in the Environmental Notice Bulletin.

Chairman Astorino: Kirk, the ball is in your court.

Kirk Rother: Yes. Thank you.

Black Dirt Sports

Application for Site Plan Approval & Special Use Permit for the use and construction of an indoor rec-building with accessory outdoor sports fields, situated at tax parcels S12 B2 L 16, 17.2, 18, 19, and 20; project located at the northern side of County Route 1, 1,100 feet west of Firehouse Lane, (734 County Route 1), in the LB & AI zones, of the Town of Warwick. Previously discussed at the PB Meeting of 5/6/26. The Planning Board deemed the application as Type 1 Action and Circulated for Intent to Assume Lead Agency to NYSDEC & OCDPW.

Representing the Applicant: Kirk Rother from Rother Engineering.

The following review comments submitted by HDR:

Comment #1: Board to discuss SEQRA.

Chairman Astorino: We do have a Resolution adopting a Full EAF, Part II from our Planner. We will get to that in a moment.

Comment #2: Applicant to discuss project.

Kirk Rother: This is an application to repurpose an existing 8,000 square foot structure located on Pine Island. It's in two Zoning Districts, LB and AI. We did a site visit with the Planning Board. The Planning Board started the SEQRA process and Lead Agency circulation. We got comments back from the NYSDEC, County DPW and County Planning. The intent of tonight is to adopt the Part 2 Full EAF that the Planning Board had prepared. We also ask from the board to be set for a public hearing.

Chairman Astorino: Ok. That is where we are headed. Does the Applicant have any comments or concerns on any of the comments that you would like to discuss this evening?

Kirk Rother: I am ok with the rest of the comments.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns they would like to discuss? Let the record show no further comments from the Board or professionals. We will list Comment #3 through Comment #35 for the record. We need a motion for the Resolution adopting the Final EAF, Part II.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 05/05/26 advisory comments, coordinate with OCDPW on access point to County Rte. 1, utilize best practices for endangered species in area, traffic analysis suggested

Comment #6: TW Building Department – 04/08/26 no violations

Comment #7: OCDPW – pending

Comment #8: Planning Board Engineer to witness soil testing associated with the new septic system.

Comment #9: Applicant agreed to combine lots as a condition of final approval.

Comment #10: The proposed septic disposal field shown on Sheet 2 is located adjacent to the proposed parking area. The applicant should confirm adequate measures to prevent vehicles from driving and parking over the septic area.

Comment #11: Applicant shall revise the plans to include required signature block, utilities note, and limit of disturbance note.

Comment #12: Applicant to clarify if additional protective netting will be placed around the field.

Comment #13: The applicant should include a detail showing the cross section of the infield areas (if sand and/or clay will be used).

Comment #14: Sheet 1, note 7 should be revised to state that The project site contains areas located within a FEMA Zone A floodplain associated with Pochuck Creek. No permanent structures (e.g., dugouts, solid fencing, concessions, etc.) are allowed in the floodplain area. Any proposed fencing should not be installed perpendicular to the flood flows, where it could collect debris and block the flow of water. Any temporary structures in the floodplain should be shown and called out as being temporary. Please add Sheet 1, note 8: Based on the currently submitted plans, no additional floodplain analysis appears necessary provided no permanent structures or significant floodplain fill are proposed. If permanent structures or substantial floodplain modifications are proposed, the applicant shall submit engineering analyses demonstrating that the development will not result in adverse flood impacts.

Comment #15: The applicant should conduct soil testing to confirm the proposed depth of the proposed concrete foundations for the fencing, backstops, etc. Details must be added to the plans.

Comment #16: Any outdoor equipment storage should be shown on the plans, if applicable.

Comment #17: Applicant to provide detail for moveable bleachers.

Comment #18: Applicant should modify the plans to include: number of employees at the facility. Applicant to clarify the hours of operation for indoor batting cages and the outdoor athletic fields.

Comment #19: Applicant should include locations of all erosion and sediment control measures are shown at their proposed locations on the plans, include layout of silt fencing, etc.

Comment #20: §164-46J (43) Any outdoor amusement establishment use, or drive-in theater located within 100 feet of a lot line shall be effectively screened along the lot lines. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board, of an initial height of not less than six feet at the time of planting and pruned to a height of not less than 6 1/2 feet to adequately screen all operations on the lot from the view of neighboring properties.

Comment #21: If evening operations are proposed, confirm that lighting levels comply with Town standards. A lighting plan must be submitted.

Comment #22: Applicant to show any proposed sign in accordance with §164-43.1.

Comment #23: Parking calculations must be shown on the plan and the parking spaces must be added to the plan. Applicant should update the plans to provide the seating capacity of each bleacher.

Comment #24: Applicant to include five accessible parking spaces on the plans, as required for a 110-space parking lot. ADA signage, curb ramp details, and a clearly defined accessible route to the building entrance should be included on the plans.

Comment #25: Applicant to clarify what potential noises will be produced on the property. The planning board will determine if an assessment of noise impacts associated with outdoor sports activities, including mitigation if needed.

Comment #26: § 164-46J (83) Traffic generated by bowling alleys, dance halls, physical fitness studios and similar commercial recreation facilities and background traffic shall be no greater than 1.25 peak hour trips per 1,000 gross square feet. Applicant to submit a scope of work for a traffic study.

Comment #27: The Phase I ESA notes that formal surveys for hazardous building materials such as asbestos containing material (ACM), lead-based paint (LBP), and PCB-containing materials were not part of the author's scope of work. The report notes two existing structures ($\pm 7,300\text{-ft}^2$ building on Lot 17.2 slated to become the visitor center and the abandoned $\pm 450\text{-ft}^2$ one-story wood framed masonry block "storage shed" building on Lot 20 slated to be demolished [per the Phase I ESA]). The Lot 17.2 structure was built between 1963-1976 while the construction date of the Lot 20 structure is unknown, it was observed on aerial photography from 1956. Buildings of that age are likely to contain LBP, ACM, and/or other building materials that may pose a hazard such as PCB-containing material. The interior of the Lot 17.2 building was observed; however, the interior of the Lot 20 building was not due to the structure's condition. A formal hazardous building materials survey for LBP, ACM, and other potentially hazardous regulated building materials should be conducted prior to the commencement of any renovation or demolition work. If the survey finds any such materials, all abatement and/or remediation should be completed by duly licensed contractors prior to renovation or demolition work and be conducted in accordance with applicable laws and regulations.

Comment #28: A derelict 300-gallon aboveground storage tank (AST) with a portion of it cut off was found adjacent to the one-story structure on the southeast corner of Lot 20 as reported in the Phase I ESA. The Phase I notes that no unusual odors or surface staining was observed in the vicinity of the tank; however, further details about the tank's history were not provided. Detailed information including, but not limited to, the former location, purpose, and contents of the AST along with documentation that it was taken out of service in accordance with all applicable laws and regulations should be provided. The tank should be appropriately disposed of.

Comment #29: A targeted Phase II Site Investigation of shallow subsurface soil should be conducted to identify whether contamination is present in the soils at the site given the following items documented in the Phase I ESA:

- a. Current and historical use of the site as agricultural land. Residual pesticides and other agricultural products may be present in the soil.
- b. Section 2.1 of the Phase I ESA notes that the Lot 17.2 "appeared to have been filled in to accommodate the building" but does not include information about the source of the potential fill material. Imported fill, depending on source, may contain contaminants.

- c. There is a 300-gallon AST of unknown origin located adjacent to the dilapidated storage shed on Lot 20. Though no staining/product was observed during the inspection, its history is not provided in the Phase I.
- d. The Lot 20 circa-1900 “cottage” and associated machine sheds. The dwelling is noted to have had fuel oil fired heating system on property record cards. No details about fuel storage were provided nor any record of closure.
- e. Two metal pipes of unknown utility were documented along the southeastern and southwestern sides of the Lot 17.2 building which were later reportedly found to terminate several inches below grade.

The proposed Phase II should at a minimum investigate the areas listed above and target up to the depths of the proposed limits disturbance for contaminants commonly associated with the uses. Any chemical analysis must be performed by a New York State ELAP-certified laboratory.

Comment #30: A note should be added on drawings that imported fill material should be compliant with NYSDEC regulations for its intended purpose, including and required analytical or other testing needed.

Comment #31: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, General Notes, Note 6.

Comment #32: Any required notes and filed declarations must be added to the plan. The declaration information for all applicable Town of Warwick Overlay Notes must be added to the plans.

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

Comment #34: Surveyor to certify that iron rods have been set at all property corners.

Comment #35: Payment of all fees.

Ms. Garby makes a motion for the Final EAF, Part II.

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

State Environmental Quality Review (SEQR)
Resolution Adopting a Full Environmental Assessment Form, Part II

Name of Action: Black Dirt Sports Club

Whereas, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit approval for the reuse of an existing 8,000 SF structure as an indoor sports and athletic facility with accessory outdoor sports fields and associated parking area, on a lot identified as Section 12 Block 2 Lots 16, 17.2, 18, 19, and 20, located at 734 County Route 1; and

Whereas, a Full Environmental Assessment Form (FEAF) Part 1 was submitted by the project sponsor, dated April 16, 2026; and

Whereas, on May 6, 2026, the Planning Board provided notice to the New York State DEC and Orange County DPW of its intent to assume lead agency status, and has not received any objection; and

WHEREAS, the Planning Board has reviewed a draft FEAF Part II prepared by its planning consultant, which identifies the following areas of potential moderate to large environmental impact:

- Impact on Land;
- Impact on Surface Water;
- Impact on Groundwater;
- Impact on Flooding;
- Impact on Plants and Animals;
- Impact on Agricultural Resources;
- Impact on Historic and Archeological Resources;
- Impact on Transportation; and
- Impact on Noise, Odor, and Light.

Now Therefore Be It Resolved, that the Planning Board hereby assumes Lead Agency Status and classifies the action as Type 1; and

Be It Further Resolved, that the Planning Board adopts the FEAF Part II, as prepared by Nelson Pope Voorhis, dated August 19, 2026; and

Be It Further Resolved, that the Planning Board directs the project sponsor to submit a draft FEAF Part 3, providing any information or analysis it wishes the Planning Board to consider with respect to the moderate and large impacts identified in the FEAF Part 2.

Chairman Astorino: We need a motion to set the Black Dirt Sports for a public hearing at the next available agenda.

Mr. Showalter makes a motion to Set the Black Dirt Sports for a Site Plan & Special Use Permit Public Hearing at the next available agenda.

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

Kirk Rother: Thank you.

Alexander 11 Waltz Way Site Plan

Application for Site Plan Approval for the use and construction of a demolition of an existing single-family dwelling and construction of a new single-family dwelling, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 76 B 1 L 24.2; project located at 11 Walts Way, in the SM zone and TN-O district, of the Town of Warwick. Previously discussed at the PB Meeting of 12/17/25 and the PB deemed application Type 2 Action.

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

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Chairman Astorino: This application has been classified as a Type 2 Action.

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicant is proposing to take down an existing house and building a new house. We received county approval for the septic system. We're just waiting to get planning board approval.

Chairman Astorino: The Planning Board engineer and I went out to the site. We looked at this property. It doesn't seem to have a site issue. It seems pretty straightforward. Does the Board or Professionals have any comments or concerns? I think it is pretty straightforward as to what they're doing.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending

Comment #6: TW Building Department – pending

Comment #7: 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

Brian Friedler: Yes.

Comment #8: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Ok.

Comment #9: Applicant has circulated a draft agreement and three neighbors have agreed to sign the document.

Chairman Astorino: So you are trying to get what you can?

Jeff DeGraw: Yes. I spoke to Brian Alexander today. I think as of now he has 7 of 9 of the neighbors.

Chairman Astorino: That's pretty impressive, Jeff, because I've never seen that happen for a private road.

Jeff DeGraw: It looks like the other two are willing to sign it. They just haven't done it yet. They've all received it. They've got certified mailings.

Chairman Astorino: Perfect. Could you provide that to us when you have it?

Jeff DeGraw: Yes.

Chairman Astorino: Thank you.

Comment #10: Surveyor to certify that iron rods have been set at all property corners.

Comment #11: Any applicable performance bond and/or landscape bond and associated site inspection fees shall be provided.

Comment #12: Provide Private Road repair bond to planning board engineer's specifications in the event the Applicant's construction activities cause damage to the private road.

Comment #13: Payment of all fees.

Brian Friedler: We are ok with Comment #10 through Comment #13.

Chairman Astorino: Ok. Do any Board members or Professionals have any comments or concerns. Let the record show no comment from the Board or Professionals. Does the Applicant request to be set for a public hearing at the next available agenda.

Brian Friedler: Yes.

Mr. McConnell makes a motion to Set the Alexander 11 Walts Way Site Plan application for a Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

FS Holding LLC/18 Green View Lane

Application for Site Plan Approval & Special Use Permit for the use and construction of the continuation of existing uses and a proposed 16,308 s.f. addition to the existing 13,580 s.f. agricultural processing warehouse processing facility and legalizing one mobile home for farm-labor housing, situated on tax parcels SBL #2-2-30 and SBL # 2-2-11; project located at 18 Green View Lane, in the AI/SL zones, of the Town of Warwick. Discussed at the PB Meeting of 4/15/26. The PB deemed the application a Type 2 Action.

Representing the Applicant: Paul Baum, Applicant's Attorney. Pat Brady, Applicant's Engineer.

The following review comments submitted by HDR:

Chairman Astorino: This is going to change in regards to the one mobile home for farm labor housing. Us that correct? Are we on that same page here? This blurb is saying legalizing one mobile home for farm labor housing. I believe there was discussion at a work session that this is not a permitted use, right. Mr. Chairman Astorino Krahulik, is that correct?

Bob Krahulik: That's right.

Paul Baum: I'm the attorney for the applicant. We have Pat Brady here who is the applicant's engineer.

Chairman Astorino: Okay. Before we even get into the comments on this, we discussed this with our attorney at the work session. Bob, you had written a letter, do you want to just fill us in on your side of this?

Bob Krahulik: Yes. The applicant is proposing occupancy of two mobile homes on the property. I'm not sure how the mobile homes originated, but mobile homes are only permitted to house migrant farm laborers who are actually working on a farm on-site. There's no farming activity occurring on that property. So, under any stretch of the imagination, I don't see how that could be permitted.

Paul Baum: I saw your letter for the first time this afternoon. I didn't really have much time to get into it. I don't necessarily disagree with Mr. Krahulik's analysis. However, we do have a CO, and we do have building permits. These mobile homes were installed. They are considered preexisting, nonconforming uses under your code. I think that requires a little bit more research and analysis to determine whether or not my point has vested rights.

Bob Krahulik: Permits exist for one mobile home. It does exist not for the second mobile home.

Paul Baum: Permits exist for both mobile homes. The CO was actually issued for one. And we were coming here tonight in addition to the processing building extension is to legalize that one mobile home, which the building inspector noted was a violation. We've never been issued for any violations for the other mobile home. I do understand Mr. Krahulik's position. However, before we tell my client they have to be removed, if he has a vested right to keep them as a preexisting, nonconforming use, then we would like to explore that avenue.

Chairman Astorino: Okay. That makes it easy for us this evening. We'll give you these comments for the record.

Bob Krahulik: Okay.

Chairman Astorino: Bob, why should we go through the motion?

Bob Krahulik: The preexisting nonconforming use issue isn't so cut and dry. They're looking now to change their use to get a new approval. So whatever nonconforming uses may have existed, whether legal or illegal, they're back in play now because you're looking to get a new site plan approval for the entire site.

Paul Baum: We were looking for a site plan approval for a 16,000 square foot addition.

Chairman Astorino: Is that all you're looking for?

Paul Baum: We have a CO for one of the mobile homes. We were given a violation that would need planning board approval for the other mobile home that was permitted, but CO was never issued.

Chairman Astorino: Do you know what your clients are going to use for the mobile homes? Is it farm labor housing?

Paul Baum: It was supposed to be for migrant workers that work on adjacent farms. It is not on this property. That's correct. And while if you were trying to come with that application right now and these structures never existed or if these structures were put on illegally and now, we're trying to legalize them, I would 100% agree with Mr. Krahulik, but the structures have existed. One apparently since the 60s. The other one got a CO over 20 years ago or permitted over 20 years ago. It just recently got the CO in 2023. And if it was illegal, why was the CO granted in 2023?

Chairman Astorino: The planning board doesn't grant CO's.

Paul Baum: I understand that.

Chairman Astorino: Again, there are questions. If you want to do some more research on it, that would be fine. I just don't think we should proceed going forward at this point. I don't know what we're going to discuss. To move this application forward, I believe our attorney made it pretty clear that they're not allowed. Bob, is that correct?

Bob Krahulik: Not permitted. Fundamental rule of laws may be building permits and COs were issued in the past, but if they were issued illegally, then they're avoided.

Paul Baum: I agree with that. If it was issued by mistake, municipalities never are stopped from correcting their mistakes. So, if it was issued by mistake, then your board can say that you can't have it. We can't permit it. But if it wasn't and he has a vested right to it, then I would submit that your board can then approve it, because you're really just proving the location and making sure they comply with the special permit criteria.

Chairman Astorino: Which they can't, though, because I guess for farm and immigrant housing, you have to provide documentation of the workers working on that piece of property.

Paul Baum: Right. Unless they're legal pre-existing non-conforming uses.

Bob Krahulik: That might be true if you were just sitting there doing nothing and the Building Inspector knocked on your door. Now you're looking for a permit to add an 18,000 square-foot addition, so you can't rely on pre-existing non-conforming use, grandfathering, everything on site when you're now looking for a new special use permit.

Paul Baum: I'm not so sure I agree with that.

Mr. Showalter: In the work session, as I understood this, the applicant was asking to make this building larger, etc... What were in my notes was the housing would be used for two other farms, not that farm. Now, perhaps Mr. Baum, at one time, I don't remember or know the whole history of this particular farm building. Those, as I understand it though, the migrant housing that is there would be usable if there were onion fields that were produced right from there. In this case, the way I understand it, these houses would be for migrant workers from other farms. This building is not producing produce. It's processing. So apparently, as I understand this is the question I have for my attorney to verify, is that being that is the case, our code says those housing units are only applicable if that was farm producing, say, onions, you know, adjacent on a piece of property across the street or whatever, and processing those, not processing other people's onions and using this housing for that building. Bob, is that correct? Is that the way it works?

Bob Krahulik: Yes. I think the applicant is arguing that they can have anybody occupy those buildings now, that once they're there, they're grandfathered and they can change the use by installing any tenant they want, whether they're a farmer or whether they're a blue-collar worker or a white-collar worker. I think the argument is, correct me if I'm wrong, anybody can live there now.

Paul Baum: Depending upon what the ordinances was at the time these were approved. If they were approved at a time when there was no restriction on the farmers actually working on the property, then they're legal. And the fact that you changed the law does not take away the vested right that my client would have. That's really what we need to look into. What was the law when these things were permitted?

Bob Krahulik: I agree with that.

Mr. McConnell: Have they been continuously occupied since they were first granted a C of O? Or was there any gap in the occupancy? To your point about... Okay, so that's something you need to be able to tell us.

Paul Baum: Correct. If it was discontinued, then any legal non-conforming status ceases. I understand that.

Chairman Astorino: Well, let's do this. Let's "Table" this. Get your information. It doesn't pay for us to go forward. I'm not going to go forward with an application that we don't know where we're going with it yet.

Paul Baum: Mr. Chairman, I think where we're going is we definitely want to do the 16,000 warehousing. I would like to go forward with the review. And if it turns out, after my research, that we have to remove them, we'll remove them. We'll take them off the site plan. But I'd like to be able to continue to process the application as it applies to the processing warehouse.

Chairman Astorino: Then let's do this. We have comments here. Are there any you wish to discuss this evening?

Pat Brady: I've reviewed them, and we can address all of them.

Chairman Astorino: Perfect. We will list Comment # 1 through Comment #25 for the record. I don't feel comfortable saying this for a public hearing until we work this issue out. I'm not going to sit here at a public hearing and go back and forth whether they're legal or not. We're going to know that well before that.

Paul Baum: That's understandable.

Chairman Astorino: That's fine. Continue working on these comments. Do any Board member or Professionals have any comments or concerns?

Paul Baum. We'll address the comments. We'll do our research. And we'll report back to the board when we're ready to proceed.

Chairman Astorino: Resubmit to the board in a work session, and we'll go through it. Thank you.

Paul Baum: Ok. Will do. Thank you very much.

Comment #1: Planning Board to discuss SEQR.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 03/06/26 no advisory comments

Comment #6: TW Building Department – 03/13/26 violation for 1 mobile home with unknown number of bedrooms

Comment #7: Applicant agreed to consolidate the two lots with the Town Assessor.

Comment #8: There appears to be an encroachment of the driveway onto the adjacent property of Now or formerly Labanowski (no SBL shown for property, 2-2-9.3?). Applicant states this is a pre-existing condition; proposing no change at this time.

Comment #9: All applicable Town of Warwick Standard Notes should be added to the plans.

Comment #10: The connections for all existing septic systems must be shown. The number of employees/tenant farmers served by each system must be shown. Each system must be signed by a NYS PE to confirm proper function. The existing septic tank under the building expansion should be relocated.

Comment #11: The soil testing associated with the proposed septic system must be witnessed by the Planning Board Engineer's office.

Comment #12: Applicant must update the plan with 911 addresses.

Comment #13: § 164-46J(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. **Requesting waiver.**

Comment #14: § 164-46J(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. **Requesting waiver.**

Comment #15: Please add a planting schedule to the plan (botanical name, common name, and size) and a planting detail for all proposed landscaping and grass onsite. **Requesting waiver.**

Comment #16: Applicant shall provide parking and loading calculations, clarify any dwelling units included in the calculation, explain the basis for the proposed parking ratio, and provide parking space dimensions and details on the plans.

Comment #17: Sediment and erosion control measures must be implemented onsite. Limits of disturbance should be outlined on site plans and shown in acres.

Comment #18: Applicant to update the plans to state that no signage is proposed.

Comment #19: The driveway entrance from Mission Land Road appears to have an encroachment onto N/F Labanowski; Applicant to clarify. Applicant states this is a pre-existing condition; no action proposed.

Comment #20: Applicant to explain the 20-ft wide right-of-way for a driveway. Applicant to clarify if there is a filed documents in the Orange County Clerk's office. Please update the drawing with the information included in the response cover letter.

Comment #21: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1, Note 12.

Comment #22: The declaration information for applicable Town of Warwick Standard Notes must be added to the plans.

Comment #23: The surveyor must sign and seal the plan.

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

Comment #25: Payment of all fees.

Highway 3 LLCV/Town of Warwick Lot Line Change

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change, situated on tax parcels SBL #94-4-55.2 and 94-4-57; parcels located at 487 & 489 Kings Highway, in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Jole Pfau from P&P Engineering.

The following review comments submitted by HDR: **27:07**

Comment #1: Planning Board to discuss SEQR.

Chairman Astorino: This is a Type 2 Action. We need a motion for the Type 2 Action.

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

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

Comment #2: Applicant to discuss project.

This is a lot line change between a 2.9-acre parcel owned by the applicant and a 0.05-acre parcel owned by the Town. That parcel of land houses the Wickham Village pump station.

Chairman Astorino: It is the sewer pump station.

Joe Pfau: Yes. That is correct. It is a sewer pump station. I Just a little history. We were in front of the Town Board to receive a zone change to go from OI to SM. And as part of that zone change, we are to do a lot line change to give the town additional lands around that pump station and actually make it contiguous to another parcel of land that the Town Board owns. And my understanding is this lot line change has to be prepared prior to the finalization of the zone change. Also, during that process, the Town Board wanted to see what the applicant was proposing on that land. And we did prepare a concept site plan of a duplex, you know, indicating fully that that's what we wanted to propose. If we did indeed get the zone change, we are not going in for that duplex site plan right now, but we did show it to show that that's what we intended to utilize that lot for should we get the zone change.

Chairman Astorino: You haven't received the zone change from the Town Board as of yet? Is that correct?

Joe Pfau: I believe it's conditional.

Bob Krahulik: Correct.

Chairman Astorino: It is conditional on a lot line change. Is that Correct?

Bob Krahulik: Yes.

Chairman Astorino: Do you know where your home is going to go?

Joe Pfau: Yes. We did prepare a site plan. I have a copy. I didn't make it a part of the application because we are not applying for it.

Chairman Astorino: We totally understand that. We had a discussion at the work session. You were not at the work session.

Joe Pfau: Right.

Chairman Astorino: There was a discussion about this.

Joe Pfau: It's basically located up in this area here.

Chairman Astorino: My personal opinion is that we know that at some point in time a home is going to be built there.

Joe Pfau: Correct.

Chairman Astorino: That would be built with a well and septic. Is that correct?

Joe Pfau: Well, that's the, I do have a couple of comments I would like to make.

Chairman Astorino: We will go through that. I just think seeing it, we're not approving it. I understand that you have a right to build a home. If you could just show it located on there. I don't think it's a major undertaking on your part. Is that correct? Would the board be okay with that?

Joe Pfau: Correct.

Chairman Astorino: Thank you.

Joe Pfau: My question is, would that be on the map that gets filed with the county? Or just a map for the town to have as part of their filed record?

Chairman Astorino: Does it matter if it goes to the county if it's on there?

Bob Krahulik: A map is going to the county.

Chairman Astorino: I understand that. But does it matter if it shows a house location and a well location?

Joe Pfau: I suppose not.

Chairman Astorino: I mean, is it killing two birds with one stone?

Joe Pfau: Sure.

Chairman Astorino: Do any Board members or professionals have any comments or concerns at this time? Let the record show no further comments from the Board or professionals.

Joe Pfau:

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/24/26 advisory comments- endangered species: wetlands onsite, potential habitat for Bog Turtle, no potential impacts due to proposed lot line change, but future actions onsite should be referred to Orange County.

Chairman Astorino: It would be a wise move from their comment to show it on there.

Joe Pfau: Ok.

Comment #6: OCDPW – 08/14/26 comments – no objections to the proposed lot line change; any future development of the parcels will require Orange County review and approval.

Chairman Astorino: That would make sense.

Comment #7: TW Building Department – 08/11/26 – no violations

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

Chairman Astorino: We could take a drive by.

Comment #9: Plans should show the existing lot line and the proposed lot line with different line types.

Joe Pfau: No problem.

Comment #10: Town of Warwick Bulk Zoning Requirements must be added to the plans; all applicable setback distances should be included for both lots.

Joe Pfau: Ok.

Comment #11: Property owners within 300-ft of this property must be added to the plan.

Joe Pfau: Ok.

Comment #12: Applicant to show the proposed two-family dwelling, driveway, well, septic system, etc. It is noted that this property is not within the Town's water or sewer district.

Joe Pfau: That's the one I would like to discuss. Let's have a conversation. I do not have access to the limits of the sewer district map is. I pulled up on an image made that the tax parcel is in the public sewer, in public water.

Chairman Astorino: It's definitely not in the water.

Joe Pfau: It's in the private water.

Chairman Astorino: That's not town water.

Joe Pfau: Correct. It's part of the private water company that serves King Estates. My client says that he's been paying sewer taxes as well. I guess that's the one issue out of all this that I would like to clarify.

Chairman Astorino: Are you going to show that you have access to that Water District?

Joe Pfau: Yes. That I can do.

Chairman Astorino: That would just be a letter from them that they have access. Is that correct?

Bob Krahulik: Yes. That would be for the water. I will then confirm with Debbie Eurich about whether it's in the Sewer District.

Chairman Astorino: Okay. I was told through our Deputy Commissioner of Water that it was not. If there's proof that it is, I think it makes sense to at least show it on the plan.

Bob Krahulik: Definitely. We would just have to confirm it. There have been conflicting reports.

Chairman Astorino: It's been back and forth a couple of times. We would just need a will serve letter from the water company in Kings Estate that you can tie in.

Comment #13: Soil testing for the septic system must be witnessed by the planning board engineer.

Chairman Astorino: That would be if a septic system would need to go in.

Comment #14: Applicant should complete an IPac to verify if any Federally protected species are present.

Joe Pfau: We have no issue with that.

Comment #15: Town of Warwick Standard Notes must be added to the plan.

Comment #16: Applicant to submit filed water and drainage easement agreements.

Comment #17: Applicant should submit the NYSDEC Enviromapper for possible NYSDEC wetlands, USACE wetland map, NYSDEC Rare Plants and Animals and the FEMA floodplain map.

Joe Pfau: We are ok with Comment #15 through Comment #17.

Comment #18: Proper erosion control measures, details, limits of disturbance and notes must be added to the plan.

Joe Pfau: I have a question on that. Not that I don't mind adding it, but is that going to be part of the plan that gets filed with the county as well?

Chairman Astorino: Eventually you're going to build a home there. Is that correct?

Joe Pfau: Yes.

Chairman Astorino: So why wouldn't you file it all at once? Then you just go draw a building from it with a file map. That would make sense.

Comment #19: Applicant to show buildable area §137-21.A for both lots.

Joe Pfau: Okay, just a quick question on that. More on the Town of Warwick lot. I have not done that yet, but I guess my question is, if that lot doesn't meet the buildability standards.

Chairman: Bob, it is not a buildable lot. Is that correct?

Bob Krahulik: Well, it's not a buildable lot. It's being done for the benefit of the Town. It's like road widening.

Chairman Astorino: We would have to. We will just wait on that.

Joe Pfau: That was my question.

Comment #20: Applicant to show square rule §137-21.K(1) for both lots.

Chairman Astorino: That would be a waiver.

Comment #21: The 911 address for the property must be obtained from the Building Department and then shown on the plan.

Comment #22: 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 #23: Surveyor to certify that iron rods have been set at all property corners. Applicant requesting to install iron rods at points only near the lot line change.

Comment #24: Surveyor to sign and seal the survey plan with proposed metes and bounds.

Comment #25: Applicant to provide description for the area transferring ownership for review prior to being filed. The liber and page for this filed document must be added to the plan.

Comment #26: The date filed, liber, and page must be shown on the drawings for all applicable overlay notes.

Comment #27: Payment of all fees.

Joe Pfau: We are ok with Comment #21 through Comment #27.

Chairman Astorino: Do any Board members or Professionals have any comments or concerns? Bob, would this require a public hearing?

Bob Krahulik: Yes. Because there's proposed construction now.

Chairman Astorino: Okay.

Bob Krahulik: Which is why I recommended in the beginning not to require the applicant to provide that. Now that he is. The answer is yes.

Chairman Astorino: Okay

Joe Pfau: I guess my question is, if the lot line change is coming and we came in with a separate application to the building department showing all of that information. The house that we show is just a box.

Chairman Astorino: It's a box. That is all that the planning board sees are boxes.

Joe Pfau: Okay.

Chairman Astorino: We understand that. To your point, Mr. Krahulik, that's true...

Bob Krahulik: We've never waived a public hearing when there's construction proposed.

Chairman Astorino: Ok. That's fine. Does the Board wish to set Highway 3 LLC for a public hearing for the next available agenda?

Mr. Showalter makes a motion to Set the Highway 3 LLC lot line change application for a Final Public Hearing for the next available agenda.

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

Joe Pfau: Thank you.

Other Considerations:

1. Planning Board Minutes of 7/15/26 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 7/15/26.

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

2. **Trone-Pouliot Lot Line Change** – Letter from John McGloin, PLS., dated 8/6/26 addressed to the Planning Board in regards to Trone-Pouliot Lot Line Change – requesting 6-Month extension on conditional final approval of a proposed lot line change, situated on tax parcels SBL #41-1-108 & 58; parcels located at 16 Sutton Road & 78 Covered Bridge Road, located in the RU zone. CFA was granted on 3/18/26. *The Applicant stated that they are currently in process of filing the declarations & deeds and addressing all conditions of approval.* The 6-Month Extension becomes effective on 9/18/26.

Connie Sardo: I spoke to John McGloin about this. It is true that he is currently in the process of addressing the conditions of approval.

Mr. McConnell makes a motion on the Trone-Pouliot Lot Line Change application, granting a granted 6-Month Extension on conditional Final Approval of a proposed lot line change with no new construction proposed, situated on tax parcels SBL #41-1-108 and SBL #41-1-58; parcels located at the corner side of Sutton Road at its intersection with Covered Bridge Road (16 Sutton Rd. & 78 Covered Bridge Rd.), in the RU zone of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on March 18, 2026.

The (6)-Month Extension becomes effective on 9/18/26.

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

Correspondences:

1. Email correspondence from Carole Liantonio, dated 7/20/26 in regards to the Blain Town Square project.
2. Email correspondence from Michael Vele, dated 7/27/26 in regards to the Tiedemann Castle Site Plan project.
3. Email correspondence from Renee & Philip Liberti, dated 8/14/26 in regards to the Black Walnut Creek project.

Chairman Astorino: We have received those correspondences.

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. Showalter makes a motion to adjourn the Planning Board Meeting of August 19, 2026.

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