

TOWN OF WARWICK PLANNING BOARD  
September 17, 2025

Members present: Chairman, Benjamin Astorino  
Dennis McConnell, Bo Kennedy,  
Rich Purcell, Vickki Garby, Alternate  
Laura Barca, HDR Engineering  
Temi Alao, HDR Engineering  
Meagen Zapotoski, 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, September 17, 2025 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:**

***Kraftify Holdings, LLC***

Application for Site Plan Approval and Special Use Permit for the scope of the project is to add covered and un-covered outdoor patios to the existing brewery. The project scope also includes the renovation of the 2nd story bridal suite and renovation of the basement to add a speakeasy. This project is not a change of use; it is adding improvements to the existing brewery. The proposed improvements are within the property line with grading extending into the beer garden easement area. The proposed improvements also do not encroach the 100-foot wetland buffer. A combination of scour holes and rip rap is used at roof leader discharge locations to prevent erosion, situated on tax parcel SBL #46-1-37; project located at 251 State School Road, in the OI zone, of the Town of Warwick.

Representing the Applicant: Levi Kool, Applicant's Attorney. Mike Kraai, Applicant. Justin Provencher and Jeff DeGraw.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Meagan Zapotoski: So, on this application, we are asking that this would be an Unlisted Action due to the fact that the Local Code defines gross area as covering the area which accounts for that measurement. We have provided for your consideration tonight a Resolution declaring this an Unlisted Action and Notice of intent to be Lead Agency. We have also prepared an EAS Part 2, however the Board would not be able to adopt that until the agency approves the Resolution.

Mr. McConnell makes a motion For Establishing Lead Agency as an Unlisted Action.

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

617.6  
State Environmental Quality Review (SEQR)  
Resolution Establishing Lead Agency  
Unlisted Action

Name of Action: Kraftify Holdings/Drowned Lands Brewery

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for site plan approval on Town of Warwick tax lot SBL 46-1-37 at 251 State School Road. The project site is within the Office Industrial (OI) zoning district. The applicant is proposing site improvements to the south side of the property to include a mixture of covered outdoor lounge areas, seating areas, dining areas, and uncovered seating and patio areas; and

**Whereas**, a Short Environmental Assessment Form (SEAF) was submitted by the project sponsor, dated May 12, 2025; and

**Whereas**, after comparing the application to the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted Action; and

**Whereas**, the Planning Board has identified the following potentially involved agencies for this Proposed Action:

- State Liquor Authority,
- Orange County Health Department,
- Town of Warwick Town Board; and

**Now Therefore Be It Resolved**, that the Planning Board hereby declares itself Lead Agency for the uncoordinated SEQR review of this action and classifies the proposed action as Unlisted; and

**Be It Further Resolved**, that the Planning Board Secretary is hereby directed to mail copies of the attached lead agency notice along with a signed and dated copy of the Short Part 1 EAF provided by the project sponsor along with a copy of the application to all identified involved agencies; and

**Be It Further Resolved**, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Levi Kool: : We're here obviously as you guys are well aware for this application to expand some of the various uses. As an attorney it's hard for me to say this, but I'm going to sit down and shut up. I would like to introduce our architect and our engineer they'll address any questions you have. I appreciate everyone and as I said I think you're well aware with our architect Mr. DeGraw and our engineer Mr. Provencher they will provide any comments or responses that you guys have to any questions you have. So thank you.

Chairman Astorino: Would you care to just explain what you plan on doing there?

Jeff DeGraw: Yes, so first of all, Jeff DeGraw, DeGraw and DeHaan Architects and our offices are located right across the street from this project. We've been working with Mike for quite a while on trying to come up with a plan. It's really just an opportunity to make a better experience for the people who are already there. It's not to increase volume and have more people in. It's about getting more coverage. Everybody, if you go over there, you'll see people running for the shade of the trees and things because it's just so hot. So, trying to get more covered space that will make a nicer dining experience. And then also having a spot where we have some heaters for outside. So, it's really not any more indoor space. It's really just providing exterior covered area.

Chairman Astorino: What about the speakeasy?

Jeff DeGraw: Oh, there's that too. Wow. I was just thinking about all the exterior.

Mike Kraai: The bulk of the construction work is definitely the exterior. But yes, there's a basement renovation as well.

Chairman Astorino: And you're doing that architecture as well?

Jeff DeGraw: Yeah, we're involved in all the things in the project. So, the speakeasy is just super cool. The basement in there is awesome. And it's a great opportunity to use it in an expanded way. So, just a cool speakeasy.

Chairman Astorino: I'm sure we're going to get down. There's a comment here about the site visit. I'm sure the Board is going to want to do a site visit out there. Which you can probably explain, show us. Just a quick question.

Mr. McConnell: With the basement, the first thing that jumps to my mind is how many means of access and egress are there?

Mike Kraai: Yeah, so honestly, right now it's one.

Justin Provencher: It is one. And I know Roman looked at the Code for that. And that was a comment we just received. But we're happy to, of course, address the egress. There's one mean of egress. You can probably speak to it.

Mr. McConnell: So the answer to my question is one?

Justin Provencher: Yes.

Mr. McConnell: Thank you. I don't want to assume that I know what it is you said. Can you do me a favor?

Jeff DeGraw: So as far as the one means of egress, that's something that we have to address before even a building permit can be issued.

Chairman Astorino: It's a building condition. We will address it.

Jeff DeGraw: Absolutely. And if it doesn't work, it can't work. It's just that simple. So that's kind of, in a nutshell, what we're doing here.

Chairman Astorino: So we'll get down to the comment. We will set a site visit. I think that makes sense to get out there, see it personally, and go from there.

Mr. McConnell: Could I ask a question? You said what your primary is to provide more cover for people because it gets so hot out there. Could you just plant trees?

Jeff DeGraw: Not really, because we're trying to get it closer into the building, so that's really kind of the effort. And it's also that we want to get, like I've been there when all of a sudden, a big storm comes through, so you want to get something that's really a more permanent closure. They have a deck right now, but if you're under that deck and it's raining, it just goes right through. So, it's kind of not the best situation, so it's kind of taking that patio area that's there and providing cover.

Mr. McConnell: Have you considered putting a roof underneath the deck? I have a deck off the back of my house. It's about 10, 12 feet high. And I use that area. It's fenced in for my dogs. And I had the same problem. You get underneath there, the rain comes down, the snow comes down. I just took metal roofing and angled it down. Now, I put my dogs out there and they're dry in that pouring rain.

Jeff DeGraw: And that could work, and we actually were looking at that for a while as part of it, but we're actually making kind of a different aesthetic to the whole thing, and we're also expanding the size of that covered area.

Mr. McConnell: Expanding, Okay.

Jeff DeGraw: Yeah, absolutely. I think we attempted that.

Mike Kraai: Of the coverage, yes, correct. There's existing patio that's uncovered.

Mr. McConnell: But you don't expect to expand the business as a result. I've been confused when we had the work session.

Justin Provencher: I can talk about it. There's an easement for the property that I think we discussed during the workshop that essentially allows for the usage of the entire lawn space behind the brewery. So at maximum use time at present, and as was permitted when the brewery initially opened, that whole space is used, you know, uncovered, picnic tables, lots of people out there, people in the shade, people in the sun, wherever. That max use will not change. 30% of those people will be covered now. They weren't before. But, you

know, the real benefit that comes in, and when you look at it as a business decision, will be kind of all the middle times. That, you know, I'm sure there's lots of people that on a rainy day may not want to go because they know it's mostly outdoor space. But now they have more covered space. So, it's not the maximum usage, but it's the middle usage. And there's times where maybe it gets a little bit cold out. And you maybe think, well, they have a small indoor, but they have a big outdoor, but it's a little cold now. But now we have a covered space. So, it's that middle usage that really gets exemplified by this covered space, by having semi-walled in spaces where you are not maximizing. It's not a sunny Saturday afternoon like we currently have where there's the most amount of people using the whole beer garden area. It's instead that medium usage that goes, you know, that increases a bit because now there's heated covered areas where the heat can be a little bit more retained.

Mr. McConnell: Can you explain to me what semi-walled in spaces are?

Justin Provencher: I do have some images of the architectural drawings, but it's essentially like, you know, covered areas.

Jeff DeGraw: Think of like a covered pavilion at Memorial Park. It's basically posts and a roof over top of it, with no walls. And what?

Mr. McConnell: Is that a semi-walled in space? I had this problem at the work session where I didn't understand a lot of the words that were being thrown at us. And I always assume, well, you didn't hear it right. But I think I did hear it right. And when you start talking about semi-walled spaces for something that's as he just described, why are you using that language? Because that certainly evokes a different image than what he just described.

Jeff DeGraw: He's an engineer. It is basically a porch.

Chairman Astorino: We're going to have renderings of what this is.

Mr. McConnell: Yeah, I'd like to see them. Have they been submitted to us yet?

Chairman Astorino: Yes. But that's something that's going to be in the plan. But even that being said, I think going out to the site and seeing exactly where it's going to be is going to make a lot of difference. I mean, we could go back three ways to Sunday right now. We need to see exactly where it's going, how is it going, and get the numbers. I do sort of understand what you're saying with the people, but as we talk to the work session, we're going to need parking calculations. How many people can you serve through your liquor license? All of that. We're going to require that to be brought in. We can make the facts from there. Agreed?

Mr. McConnell: Yes.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department: pending comments

Comment #7: OCDOH – pending submittal

Chairman Astorino: Is that something that has to be submitted?

Laura Barca: That's still kind of up in the air.

Chairman Astorino: Okay, so we'll keep that as a place keeper.

Comment #8: ZBA – front yard setback?

Chairman Astorino: The building right now doesn't meet the requirements of the front yard setback, and it never will. Now, this is going to be in line with that building, correct? Correct. I guess I'm going to throw this to the board. It was thrown to me today. I have my opinion on it. What would the board's opinion?

Bob Krahulik: So, Mr. Chairman, there are a number of potential variances that may be necessary.

Chairman Astorino: Let's talk about the one first. The setback, correct?

Bob Krahulik: Well, there's a front yard setback, there are rear yard setback issues.

Chairman Astorino: With this new structure?

Bob Krahulik: No, there are other structures that are being proposed, so we want to talk about one structure at a time.

Chairman Astorino: Yeah, let's talk about this front yard setback. If this pavilion is built, it'll be built in the front yard, ten feet where their building is right now, correct? Is that what we're talking, Jeff?

Jeff DeGraw: Yes.

Chairman Astorino: Okay. I guess my question to the board is would you want to get an interpretation from the ZBA whether a variance will be required? The building's not moving, we know that.

Mr. McConnell: Because it's grandfathered.

Chairman Astorino: Yeah, it's been there.

Mr. McConnell: But now we're going to increase the number...

Chairman Astorino: You're not increasing the nonconformity; you're not coming any closer. You're increasing the number of nonconformities. Would you like to get an interpretation from the ZBA?

Mr. McConnell: Yeah, I think so.

Levi Kool: So we did have an application before the Zoning Board, just for a point of clarification, not to argue any points. And we withdrew that application. One of the issues that had originally come up was where is the front yard? Is it along State School Road?

Chairman Astorino: That would be your job to argue in front of the ZBA.

Levi Kool: I just want to bring that up. We did withdraw that application before the ZBA, so there's nothing currently pending there. So you guys have jurisdiction to hear this application without the Zoning Board.

Chairman Astorino: We do, but I just threw it to our board. Bob, what's the other one you were saying?

Bob Krahulik: So, there is an addition being proposed for the building in the southeast corner, which extends into the rear yard setback area. There is a proposed gas fire pit, the southernmost corner of the property, which comes within .3 feet of the property line. There's a second proposed gas fire pit. Also, that one comes within 1.3 feet of the rear plot line.

Chairman Astorino: And where are they supposed to be?

Bob Krahulik: Well, according to the site plan, 50 feet. Those appear to be new conditions that variances be required for. There's no current violation of the rear yard setback.

Justin Provencher: To speak to that, that portion of it is not like a covered building at all. It's a fire pit; sort of small seating area that'll be sort of stone around it. We can provide the exact details of it, but it's not quite a building in the same way that the rest of it has covered areas.

Chairman Astorino: Is it a permanent structure?

Justin Provencher: I will let the architect answer that.

Jeff DeGraw: Basically, it's a patio.

Chairman Astorino: Is it a patio with a fire pit placed there or built there?

Justin Provencher: It is a patio fire pit.

Chairman Astorino: No, I understand that. Is the fire pit built there?

Mr. McConnell: Can you pick it up and move it?

Jeff DeGraw: No, it's going to be a permanent structure.

Chairman Astorino: So what I would recommend, if the board so desires to send for an interpretation for the front yard setback, why don't we just ask the ZBA at that point, too? You're there. It doesn't make sense not to at this point. So why don't we figure that out, however you want to word it, go to the ZBA one time and get their interpretation on all of it, on the fire pits and the front yard setback.

Justin Provencher: My understanding of the lot lines is that they were drawn for this property when it was purchased already very close to the building itself. I guess we're going, it's up to the ZBA, but that seems like a clear hardship of receiving a property.

Chairman Astorino: That would be your tact to go to the ZBA. But at least that clears that whole issue up. There's not a question about it anymore, and that should be it. It's one meeting for you, but it's what it is.

Bob Krahulik: I have one more question. What areas are currently approved for alcohol consumption with the Liquor Authority, and what areas do you propose to be approved for alcohol consumption with the Liquor Authority?

Mike Kraai: It's the entire back, the whole site plan, basically.

Justin Provencher: Do you want me to show you on the site plan where the outline of it is?

Bob Krahulik: Sure. And that's going to be approved?

Mike Kraai: No, that was approved when we first applied for our license.

Bob Krahulik: Is that area supposed to be enclosed if we have alcohol consumption?

Mike Kraai: They approved it. They didn't have any comments on it.

Chairman Astorino: And that's in your liquor license?

Mike Kraai: Yeah.

Bob Krahulik: The concern the town has is with alcohol consumption on the town park land.

Levi Kool: As that question comes up, just to be clear, what we're proposing in terms of this development is all within the property proper, is what I'll call it. It's not within the easement area. This is within the owned property of Kraftify. So there's going to be no expansion or no development within the easement area. So that's where I think we're talking about consumption areas. It's all actually where we pulled it back into the property so there isn't any development in the easement area to avoid that issue.

Justin Provencher: So I have here sheet C-201 of the proposed site plan. I'll point out two different lines. First the property line is this line that comes along here that comes along our improvement state just inside of the property line here and then it continues down in this direction. Again, property lines that were given for the sale of this project or this property



rather. And then this second line that I'll point to is the beer garden easement area that was decided upon when the brewery got their initial approval. That was dependent upon the large parking lot that they constructed and essentially said that you are able to utilize this entire space for beer garden space for consumption to go along with their approval and the amount of parking that they constructed and to use it as the brewery as it stands today.

So that line is farther down that comes all the way basically close to the tree line here. That comes all the way down here and then loops back around this way and then comes up in this direction. It's drawn on a fairly small map but as far as we can tell this is much farther down. Chairman Astorino: On your next submittal could you highlight that? I understand it's there. Highlight that so we can actually see it.

Justin Provencher: Absolutely.

Chairman Astorino: Thank you.

Justin Provencher: Yeah so though the improvements are close to the property line that was given to the building, the easement line where we're allowed to use as a beer garden per the original 2019, I think it was 2019 or 2018 agreement, is this line that's much lower and closer to the tree line.

Chairman Astorino: Thank you.

Laura Barca: And have you submitted to the planning board the easement from, whatever you said, 2018, 2019?

Levi Kool: Yeah the easement was part of our application. It was submitted and I'll double check to make sure it's included and if not, I'll promptly submit but I'm 90% sure it was there.

Laura Barca: And what about a copy of the liquor license?

Levi Kool: I don't believe that was submitted. It wasn't part of the application process and it wasn't in question at that time. The scope of our distribution area, our consumption area, sorry not distribution.

Chairman Astorino: So you can provide that?

Levi Kool: Yeah we'll happily provide that.

Laura Barca: Perfect. Thank you.

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

Chairman Astorino: Would the Board want to set a date now?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

The Board discussed scheduling a site visit. The site visit is set for October 6, 2025 @ 5:00 p.m.

Comment #10: §164-46J(53) Town of Warwick Design Standards must be followed.

Comment #11: §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.

Chairman Astorino: We can look at that at the site visit, especially with you Jeff and see what it is. And the parking calcs will need, I think from the license number of patrons to be served. Is that how that works, Laura?

Laura Barca: Between that and the health department.

Chairman Astorino: Okay. And then we can get a good understanding while we're out there. You use this part of the parking area, this part of the parking area. And that's going to be a metric. I mean, we're going to see it. So I think it's going to make a big difference in what we're doing.

Levi Kool: We appreciate all that.

Chairman Astorino: Do you guys have any questions on any of the other comments from 12 down? Because at this point, it's going to be us going out there, taking a look at it, getting some of this information into review.

Justin Provencher: Can I touch on parking a little bit before we move on? So essentially the parking code is written to delineate the amount of parking based upon the gross floor area. So the parking requirement for restaurants is based upon the gross floor area, the GFA, which is essentially the entirety of the building subtracted from a few specific places. Those specific places being stairwells, bathrooms, common areas like atriums. And so, in the initial approval, it again gave, use of the entire beer garden area and the entire building for the amount of parking that was constructed, which I believe is about 177 or so parking spaces that's used as a shared use between the town, you know, the town's properties there and the brewery itself. So the area for parking calculation is not being increased at all by these improvements because the beer garden area is already improved and we're simply covering it. We're simply making it nicer. It's not expanded usable space for the beer garden. And the basement was previously just used as storage, but the GFA doesn't disregard storage. It doesn't say that storage is exempt from the parking requirement. So presumably the basement was included in the original parking calculation that was agreed upon.

Chairman Astorino: I understand the original parking. It never came before this Board.

Justin Provencher: It was agreed in perpetuity though.

Chairman Astorino: That's fine. We need the numbers. We have nothing. What you're saying is great.

Justin Provencher: Our site plans do have a parking calculation on there.

Chairman Astorino: All of this is great. We'd like the numbers. I said it at the work session. I'll say it on the record. I need it. We need the parking calculation numbers. How you derive them, how you want to explain them is for us to review.

Justin Provencher: Sure.

Levi Kool: And we'll make sure that that complies with the alcohol consumption permits that we're... I heard the question and we'll get the response.

Chairman Astorino: Thank you. We will list Comment #12 through Comment #40 for the record. Do any Board members or Professionals have any comments?

Mr. McConnell: Could I ask a favor of you? Because I know that the easement is something that we've discussed and we'll probably discuss further. Could you flag that line and the property line so that we can see it?

Levi Kool: Yes. The Chairman asked that those be highlighted. We'll make sure that those are.

Mr. McConnell: I'm a real visual kind of guy. When I'm walking around, I want to be able to see. I don't want to have to go with a paper.

Chairman Astorino: We don't need a survey.

Levi Kool: We'll provide you guys with not a surveyed markup, but we'll get you very close.

Chairman Astorino: Thank you so much. Have a good evening.

Levi Kool: We appreciate it. Thank you.

Comment #12: All applicable setback requirements provided in §164-46J (127) for parking should be followed.

Comment #13: §164-46J (131) The minimum floor area for uses in the Office and Industrial Park District shall be 2,000 square feet for the first floor of each principal building.

Comment #14: §164-46J (132) The minimum distance between buildings in the Office/Research/Industrial Park District is 30 feet or equal to the height of the tallest building, whichever is greater.

Comment #15: Based on the site plans provided and map (NYSDEC ERM and NWI) there will be encroachment into state and/or federally-regulated wetlands.

Comment #16: Based on the resource maps there will be no effect on state or federally-regulated rare species. The Applicant should confirm that there will be no tree removal associated with the project.

Comment #17: Proper sediment and erosion controls must be shown on the site plans.

Comment #18: Provide a detail for the proposed pavilion on the site plans.

Comment #19: Provide a detail for the proposed roofing for the outdoor patio. Materials to be used must be provided.

Comment #20: Provide details for the proposed outdoor patios and include on the site plans. Materials to be used must be provided.

Comment #21: Provide a detail for the proposed driveway.

Comment #22: §A168-19 Driveways must be followed.

Comment #23: §79-3 Construction Specifications for proposed driveways must be followed.

Comment #24: Applicant to clarify what protection the stream tunnel will have during construction, mentioned on Sheet 1.

Comment #25: Details for parking spaces must be included on the plans.

Comment #26: Applicant to submit the site plan and special use checklist.

Comment #27: A traffic scope of work must be provided.

Comment #28: Plans must conform to parking requirements of §164-43.2 Off-street parking and loading requirements.

Comment #29: Town of Warwick Standard Notes must be added to the plans.

Comment #30: Parking requirements for each use must be shown.

Comment #31: Any proposed land disturbance must be shown and proper erosion control measures, details, and notes must be added to the plan.

Comment #32: Applicant to show bulk table of use requirements on the site plans.

Comment #33: Exterior Lighting Plan should be provided and be in accordance with §164-43.4(E)1.

Comment #34: The hours of operation and number of employees for both uses should be shown on the plans.

Comment #35: All existing and proposed signage must be shown on the plan per §164-43.1. This includes depicting the location and related signage for any handicapped accessible parking spaces. Indicate locations of all proposed signs (stop, no parking, fire lane, etc.) and stop bar on the plans.

Comment #36: The 911 addresses must be shown on the plan. Please confirm the address with the Town.

Comment #37: 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 #38: Surveyor to certify that iron rods have been set at all property corners.

Comment #39: The liber and page for Town of Warwick Standard Notes must be added to the plans.

Comment #40: Payment of all fees.

***UrbanXtracts Phase 2***

Application for Site Plan Approval and Special Use Permit for the use and construction of Cannabis Manufacturing & Distribution, situated on tax parcel SBL #46-1-51.2; project located on the southern side of John Hicks Drive 100 feet west of State School Road (41 & 43 John Hicks Drive), in the OI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Jerry Casesa from H.V. Realty Service. Jerry Rogge, Engineer.

Good evening. I'm Jerry Casesa with HVRS, here representing Urban Extracts, our client. We're seeking Site Plan Approval and a Special Use Permit to expand manufacturing operations for cultivation, manufacturing, packaging, and distribution. It's going to be an adaptive reuse of the two existing buildings at the intersection of State School Road and John Hicks Drive.

I'm Eric Rogge, the engineer. Eric Rogge with Hudson Land Design. I'm the engineer.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Meagen Zapotoski: So, on this application, the Planning Board had previously assumed a Lead Agency status and classified this action as Unlisted. Upon a deeper review of this application, the surrounding property is classified as Towns Parkland, which means that the SEQRA thresholds are quartered for Type 1 actions. This will need to be Declared a Type 1 Action. We have prepared a Resolution for the Board to extend its previous assumption of Lead Agency and instead Notice of Consent to Declare Lead Agency to commence a coordinated review with the Cannabis Control Board and Orange County Department of Health. We know as well that since this is a Type 1 Action, the applicant will need to submit a full EAF before that situation is completed.

Jerry Casesa: We submitted the full EAF today.

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

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

617.6

State Environmental Quality Review (SEQR)

Resolution Establishing Lead Agency

Type 1 Action

**Name of Action:** UrbanXtracts Phase 2

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for site plan and special use permit approval on Town of Warwick tax lot SBL 46-1-51.2 on John Hicks Drive. The project site is within

the Office Industrial (OI) zoning district. The applicant is proposing the adaptive reuse of the existing honor housing unit (building 10) of the former Mid-Hudson Correctional Facility as a cannabis manufacturing and distribution facility and the reuse of (building 11) of the honor housing unit for staff accommodations (housing). Building 11 will be expanded with a 6,314 sf, 3-story addition. The project also includes three outdoor cannabis growing areas totaling approximately 118,400 sf, construction of four additional greenhouses, and adaptive reuse of the existing piggery building (building 15) as a training building with greenhouses; and

**Whereas**, a Full Environmental Assessment Form (FEAF) was submitted by the project sponsor, dated June 23, 2025; and

**Whereas**, on August 20, 2025 the Planning Board classified the action as Unlisted and assumed lead agency status; and

**Whereas**, after further consideration, given that the open space surrounding the former Mid-Hudson Correctional Facility has been dedicated as parkland by the Town of Warwick, and after comparing the application to the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is, in fact, a Type 1 Action, given the project site location next to a Town Park (6 NYCRR 617.4(b)(10)) and exceeding 2.5 acres of disturbance (6 NYCRR 617.4(b)(6)(i)) that is not otherwise associated with agricultural use (Type 1 action).

**Whereas**, the Planning Board has identified the following potential involved and interested agencies for the Proposed Action:

- Cannabis Control Board (Cannabis licensure)
- Orange County Department of Health (Workforce housing)
- Orange County Planning Department (Interested – GML 239)

**Now Therefore Be It Resolved**, that the Planning Board hereby rescinds its previous SEQR classification and Lead Agency determination of August 20, 2025 and hereby classifies the proposed action as a Type 1 Action and hereby notices its intent to declare Lead Agency for the coordinated SEQR review of this action; and

**Be It Further Resolved**, that the Planning Board Secretary is hereby directed to mail copies of the attached lead agency notice along with a signed and dated copy of the Full Part 1 EAF to be provided by the project sponsor along with a copy of the application to all identified involved agencies; and

**Be It Further Resolved**, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Jerry Casesa: So, the project, as we spoke, is the adaptive reuse of the two buildings, adding additional parking as required. We're going to do an addition. You have the plans. We have your comments. We did a site visit as well. We believe that, at this point, we're going to go through the comment letter that we have today. I don't believe there's a lot of outstanding comments that we did not address. We did submit a letter, a comment letter, in response to the earlier August letter. I believe most of that was taken care of. We still have to do a few little things. The wetland delineation has been done by a local company in

Warwick. We're getting a survey out there to locate those flags. So that will be taken care of as well.

Chairman Astorino: Okay. Now we just did this Type 1 Action. We have 30 days on that. Jerry, I know there's a lot of comments here, but we know we're just getting started on everything. But we will discuss Comment number 15, Applicant to provide an in-depth explanation of storage processes, what ventilation products will be used, and call out on plans where products should be stored.

Jerry Casesa: Okay.

Chairman Astorino: I just want to highlight some of these.

Jerry Casesa: Initially we submitted architectural plans for the building, which indicated the areas for storage, but we could, if you like, add notes to the plan to address that, to the site plan. That's that inner cube, the addition we're talking about. That's where the storage of the products is.

Chairman Astorino: Yes. Regarding Comment #24, §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 injectable fire, explosive, or other hazard, noise or vibration, smoke, dust, electromagnetic, or other disturbance, glare, liquid or solid, refuse, or waste, or other substance, condition, or element in such manner or in such amount to adversely affect the reasonable use of the surrounding area or adjoining premises, refrain to hear in 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.

Jerry Casesa: We agree and we believe we adhere to that.

Eric Rogge: How are you expecting a response? Do we need like a note on the plans? Just agreeing with that? Because I wrote a detailed response saying how we're not doing any of these things that it prohibits. What's an acceptable response?

Bob Krahulik: The town has already received complaints from users of neighboring properties over impacts it might have, particularly over the soccer fields. So I've been asked to contact New York State Ag & Markets to get some clarification on to just what extent the Planning Board can impose restrictions and or regulations to limit the amount of odor. I'll let you know once I get a response. One development in New York State law is that cannabis is identified as a crop offering the applicant certain rights to grow cannabis, but that does not necessarily mean it can't be regulated to some extent. So methods of ventilation, whether or not you can contain odors to the extent cannabis is stored indoors, these are all things I think the Planning Board is going to investigate provided Ag and Markets tells us we have the right to do so.

Dennis McConnell: If I could just add, Bob, the extraction is different than simply growing. When I pulled onto John Hicks Drive, I knew exactly where I was. There were others who have called our attention to it. So, we're looking at, you can only do so much with growing outdoors. There's no ventilation. That's the best ventilation is growing

outdoors. But the extraction may be something that Ag and Markets hadn't thought of before and is now with greater experience. That's why Bob's going to check with them.

Chairman Astorino: Maybe some scrubbers or filters or something to that effect. Listen, we all know. We're all there. We all live it. It's not like you don't know. It does have an odor. But again, our attorney pointed out, he has to contact Ag and Markets and we'll go from there. They're going to supersede. If it's allowable agricultural operation, there's only so much this board can do. Especially the outside ground. The inside ground I think can be controlled quite readily in today's day and age. We did it, if you remember, for Fence Road Brewery. We added scrubbers just to produce beer. They added scrubbers.

You can still smell the brewer's grains outside, but you stop the process of odors to the greatest extent possible. I know there's another building down there also that will be before this board. We don't have information on them either until they come before us.

That will garner through this board. The other comment that I'd like to read is Comment #25 §§64-46J(86) A manufacturing use must not create any dangerous, injurious, noxious, or otherwise injectable fire, explosion, radioactive, or other hazard, noise, or vibration, smoke, dust, odor, disturbance to radio and television reception, glare, harmful discharge, or storage of dispersal of liquid or solid waste, or other forms of nuisance in any manner or amount as to adversely affect the surrounding area. Applicant is to demonstrate compliance. Again, if your manufacturing is putting a scrubber, if Ag and Markets say it's okay to grow cannabis, well, okay. But if they say there's something you can do to prevent odor as that's growing, we'll wait for that response. To us, it's what it is at this point. We're going to wait for their response.

Eric Rogge: Just so you know, that extraction is not going in the new building. That extraction is staying in that existing building.

Chairman Astorino: We went through there, and I know you did some process of freezing it. Quite frankly, I didn't smell much odor in that new building. I don't know if anybody else did.

Within the building? Within the building. Not at all. But outside? Outside, we caught a good odor. The greenhouses outside the outside grow. You smelled it. On the inside, I really didn't smell much at all.

Mr. McConnell: Not much.

Chairman Astorino: Maybe the greenhouses could have some filters or something also. I know you have ventilation fans. I don't know. That's something that may fall under the discretion of Ag and Markets also. We'll wait and see. You have any questions on these other comments? I know you're working through them. Are there any that you would like to discuss?

Eric Rogge: There's one about the mapping of existing trees. Comment #35.

Chairman Astorino: Comment #35, Consider understory plants for the trees in the patio area and the entrance provide.

Eric Rogge: It is not that comment. I'm looking at this letter with the boxes on it. I think it's numbered differently on your letter.



Chairman Astorino: I will read the comment. What do you got? I'm sure our engineer

Eric Rogge: Identify and map size, location, and species of existing trees over a 12 inch at breast height.

Chairman Astorino: Is there any on that property?

Eric Rogge: It's in the woods. We were just looking at the plan. I think we're removing one tree in the front in the traffic circle.

Chairman Astorino: Identify that tree and remove it. You're not going in the woods?

Eric Rogge: No.

Laura Barca: The comment that they are talking about is Comment #29.

Chairman Astorino: Ok. Do you have any other comments?

Eric Rogge: Not sure at the moment.

Chairman Astorino: Ok. We have to wait our responses before we can go any further. We have to wait the 30 days for SEQR. Obviously, you'll be back.

Eric Rogge: We can talk about the landscaping too. It's one third of the 50,000 square foot of building footprint.

Chairman Astorino: Did you provide a landscaping plan to us yet?

Eric Rogge: We did. It includes screening for parking and landscaping for the new addition.

Chairman Astorino: That's what we discussed after.

Eric Rogge: But not the existing building. I didn't include the square footage of the existing building in my landscaping calc. I just want to know if I have to add in more landscaping?

Chairman Astorino: We'll let our planner review it and we'll get back to you. We will list Comment #3 through Comment #47 for the record.

Eric Rogge: Very good. Have a good evening.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending comments

Comment #6: OC Planning Department – pending comments

Comment #7: OCDOH – 08/28/25 Migrant Labor Housing application requirements met, tour of facility by OCDOH after renovations needed to grant Worker Housing Permit.

Comment #8: NYS OPRHP – pending review

Comment #9: Office of Cannabis Management: Copies of three licenses submitted for Adult Use – Cultivator, Processor, and Distributor.

Comment #10: Applicant to submit a wetlands delineation survey.

Comment #11: Service capacity letters are required to be submitted.

Comment #12: Please add the relevant sign notes to the plan from Section 164-43.1.H.(2).

Comment #13: On Sheet 9 of 14, there is a proposed monument sign. Please add a detail to the plan for this monument sign that are in compliance with Section 164-43.1.H(2)(d).

Comment #14: The existing and proposed water and wastewater usage should be added to Sheet 6 of 14. This utility sheet should also include any new connections or water/wastewater lines that must be added to the plans.

Comment #15: Applicant to provide an in-depth explanation of storages process, what ventilation products will be used, and callout on plans where products should be stored.

Comment #16: The plans should include the modified fencing surrounding building 10, and clearly highlight all fencing surrounding the property.

Comment #17: Applicant should include details for both diagonal and vertical striped spaces, provide width and depth for both.

Comment #18: All parking lot spaces must be striped; please provide a detail for all spaces that are not currently striped.

Comment #19: Include handicapped accessible signage in sign schedule and clearly mark locations of signs on overall site plan.

Comment #20: Town of Warwick Standard Notes for utilities, limits of disturbance, and access onto a Town highway note should be added to the plans.

Comment #21: The 911 addresses must be shown on the plan.

Comment #22: Please include design plans as an Appendix in the SWPPP package. This does not necessarily need to be an entire drawing set but should at least include relevant sheets to discussions in the narrative such as Erosion & Sediment Control Plans and a plan showing the location of post-construction stormwater management Applicant to provide Final Notice of Intent and SWPPP Acceptance Form.

Comment #23: §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 #24: §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.

Comment #25: §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. Applicant to demonstrate compliance.

Comment #26: §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.

Comment #27: §164-46 H(8)e: Landscaping shall be used to create boundaries and transitions between areas of differing development intensities as well as to separate areas of incompatible land uses. Plan should consider additional plantings along roadways and site boundary.

Comment #28: §164-46 H(8)g: Parking facilities shall be landscaped and screened from public view. Consider additional plantings, included trees to screen the parking area from John Hicks Drive. Consider additional species to avoid monoculture, especially proposed *Ilex glabra* along John Hicks Drive.

Comment #29: Identify and map size, location and species of existing trees over 12" diameter at breast height. Tree protection detail notes that trees to remain are noted on the existing conditions plan. Please add a note to the plans to locate existing trees, trees to be removed, and where tree protection will be placed.

Comment #30: Do sidewalks connect to existing sidewalks that connecting to other buildings in the complex?

Comment #31: §164-43.2A(7) notes that trees, shrubs and other plant material should be maintained inside the perimeter of the parking lot. It is noted that the parking lot area is existing, so additional trees, shrubs and plantings could be in the existing islands and along the parking lot boundary.

Comment #32: Plant schedule notes mature height. Some seem to be actual mature height, while others may be planting size. It should indicate size at planting. Also, *Picea pungens globosa* is a dwarf shrub with a mature height between 3 to 5 feet tall, yet is noted on the planting schedule as a tree, to be 5 to 10 feet in height.

Comment #33: Consider shade tolerant species for the north side of the building. Consider a species that fits in the space available while not blocking the windows. Boxwood is susceptible to deer browse. Consider other species. Also, there appears to be a window well or other structure in the planting strip. Please confirm if this is on the ground surface.

Comment #34: There seems to be plants at the base of each post of the trellis. Please confirm how plants are to be planted where these posts are located in impervious areas (sidewalk/patio). If plants are to be located at the base of each post, provide a detail on where and how that is to be accomplished.

Comment #35: Consider understory plants for the trees in the patio area and at the entrance to provide visual interest and additional habitat.

Comment #36: What is happening in areas not planted? All grass?

Comment #37: Is an ADA ramp required at the sidewalk to the patio area? If so, detail provided does not fit this application.

Comment #38: Tree detail notes trees to be arborvitae. This should be corrected. Shrub detail should include width of hole to be dug, similar to tree detail. Tree details notes 3" depth of mulch ring, but shrub notes 4". Should be consistent.

Comment #39: Handicap parking detail should include minimum and maximum grades. If parking area is being resurfaced, spaces should to comply with ADA slopes.

Comment #40: §164-46 J(124): In Office and Industrial Park Districts, no side or rear yard shall be required where such yard abuts an operating railroad right-of-way.

Comment #41: All applicable setback distances noted in §164-46 J(127) should be included on the site plans.

Comment #42: §164-46 J(131): The minimum floor area for uses in the Office and Industrial Park District shall be 2,000 square feet for the first floor of each principal building.

Comment #43: §164-46 J(132): The minimum distance between buildings in the Office/Research/Industrial Park District is 30 feet or equal to the height of the tallest building, whichever is greater.

Comment #44: 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 CV-1, Plan Signage Notes.

Comment #45: Surveyor to certify that iron rods have been set at all property corners.

Comment #46: Any required declarations must be added to the plan.

Comment #47: Payment of all fees.

***Brady & Diguilio Subdivision + Lot Line Change***

Application for Sketch Plat Review of a proposed 3-Lot Conventional Subdivision + Lot Line Change for two existing dwellings located on Bowen Road and Brady Road with a new proposed dwelling to be located on Bowen Road, situated on tax parcels SBL # 64-1-75 and 76; parcels located at 88 Bowen Road & 204 Brady Road, in the MT zone and RL-O #2 district, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The follow review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Meagen Zapotoski: This application is an Unlisted Action. We have prepared a Resolution for the board to declare the agency to commence an uncoordinated review and we don't have any Involved Agencies on this one. We have also prepared an EAF Part 2 form for your consideration though you might want to wait to adopt that until after you do a site visit if you choose to do a site visit.

Mr. McConnell makes a motion for an Unlisted Action.

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

617.6

State Environmental Quality Review (SEQR)  
Resolution Establishing Lead Agency  
Unlisted Action

Name of Action: Brady & Diguilio Subdivision

**Whereas**, the Town of Warwick Planning Board is in receipt of an application for subdivision approval and lot line change of Town of Warwick tax lots SBL 64-1-75 and 76 at 88 Bowen Road and 204 Brady Road. The project site is within the Mountain (MT) Zoning District and the Ridgeline Overlay District. The applicant is proposing a 3-lot conventional subdivision + lot line change in which Lots 1 and 2 contain existing single-family dwellings, and a new residence is proposed on Lot 3.

**Whereas**, a Short Environmental Assessment Form (SEAF) was submitted by the project sponsor, dated May 12, 2025; and

**Whereas**, after comparing the application to the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted Action; and

**Whereas**, the Planning Board has not identified any potential involved agencies for this Proposed Action; and

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed action as an Unlisted Action and hereby declares itself Lead Agency for the uncoordinated SEQR review of this action; and

**Be It Further Resolved**, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Brian Friedler: : It is a proposed 3-lot subdivision with a lot line change. There currently are 2 existing lots. One is on Brady Road and that lot right now is about 7.4 acres. The other lot is on Bowen Road and that is just about 5.4 acres. We propose to subdivide and do a few lot line changes to make 3 lots. The lot on Brady Road would become 5.4 acres. Lot 2, which is 88 Bowen Road, would become 3.04 acres. And then the new lot would be just about 3.9 acres.

Chairman Astorino: You would need to go to the ZBA.

Brian Friedler: Yes.

So with that being said, the ZBA variances are needed. I'll just go down to that.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – pending comments

Comment #7: ZBA – variances needed for Lots 2 and 3 lot area and Lot 3 minimum lot width. The Lot 2 front yard setback is an unchanged existing nonconforming measurement.

Chairman Astorino: You are off to the ZBA Regardless?

Brian Friedler: Yes.

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

Chairman Astorino: Does Planning Board want to do a site visit up here?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

The Planning Board discussed scheduling a site visit. The site visit is scheduled for October 1, 2025 @ 5:00 p.m.

Chairman Astorino: Does the Board or Professionals have any comments or concerns? We will list Comment #9 through Comment #33 for the record.

Brian Friedler: When we go through the process, we're also going to be requesting a waiver for the square rule.

Chairman Astorino: Ok. Once you get through the ZBA, that's going to dictate that.

Brian Friedler: Ok. Thank you.

Comment #9: The line type of the existing, proposed, and deleted lot lines must be made more distinguishable from each other.

Comment #10: There appears to be two proposed lot lines shown between Proposed Lots 2 and 3. Applicant to remove one of these lines to conform the final shape of Lots 2 and 3.

Comment #11: The locations of the existing septic systems must be show for the existing homes; the proposed location of the septic system for Lot 3 must be shown.

Comment #12: The soil testing for the proposed septic system on Lot 3 must be witnessed by the office of the planning board engineer.

Comment #13: Town of Warwick Standard Notes must be added to the plan.

Lighting Note on Sheet 5 should be updated to the language of the standard note.

Comment #14: The complete Conservation Easement language must be submitted to confirm that a subdivision of this land can take place.

Comment #15: Applicant to confirm if notification of Conservation Easement holders are required to be notified of the proposed subdivision.

Comment #16: Applicant to submit sketch subdivision checklist with all required items submitted for review, as some required items were not submitted, including the Agricultural Data Sheet.

Comment #17: Applicant to add a note for the double asterisk shown in the bulk table.

Comment #18: Applicant should submit the NYSDEC Enviromapper for possible NYSDEC wetlands, USACE wetland map, and the FEMA floodplain map.

Comment #19: §164-46J (114): One-family dwellings shall not exceed one building on each lot. Applicant to include this note on the plans.

Comment #20: Proper erosion control measures, details, and notes must be added to the plan.

Comment #21: Applicant to clarify limits of disturbance – on Sheet 3, the limits are defined as 41,500 sq ft, or 0.95 acres, but listed as approximately 2.7 acres on sheet 5.

Comment #22: Driveway sight distance must be shown on the plan.

Comment #23: Applicant to confirm why Lot 1 driveway line type is a dotted line and the driveways for Lots 2 and 3 are not dotted. Please update the line types.

Comment #24: Applicant to show buildable area §137-21.A for all three lots.

Comment #25: Applicant to show square rule §137-21.K(1) for all three lots.

Comment #26: The 911 addresses must be obtained from the Building Department and then shown on the plan.

Comment #27: 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 #28: Surveyor to certify that iron rods have been set at all property corners.

Comment #29: Surveyor to sign and seal the survey plan with proposed metes and bounds.

Comment #30: The date filed, liber, and page must be shown on the drawings for Biodiversity Notes, Agricultural Protection Notes, and Ridgeline Overlay Notes.

Comment #31: Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #32: Any required items must be bonded (performance bond, landscape bond, etc.).

Comment #33: Payment of all fees.



Application for Site Plan Approval and Special Use Permit for the renovation and use of a Class II Home Occupation of an existing 390± s.f. accessory structure, situated on tax parcel SBL #27-1-24; project located at 12 Union Corners Road, in the RU zone, Biodiversity Overlay, and AQ-O districts, of the Town of Warwick.

Representing the Applicant: Brian Friedler from Friedler Engineering.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQR.

Megan Zapotoski: This application fits the criteria for a Type 2 Action which the Board could enter into the record with a simple motion and vote.

Mr. Kennedy makes a motion for Type 2 Action.

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

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed Class 2 Home Occupation. There's an existing just about 390 square foot accessory structure already on the property and the applicant is proposing to put in coffee roasters or a coffee roaster in that structure.

Chairman Astorino: Will there be employees?

Brian Friedler: No. It would be just them.

Mr. McConnell: Does the structure need work to serve the purpose intended?

Ms. Hastings: It's like mostly done. The previous owner of the house didn't finalize putting in a septic tank and some drywall. That is about all it needs.

Brian Friedler: So, a septic system has to be installed and then just some minor building modifications inside.

Mr. McConnell: Have the permits have been drawn for that?

Chairman Astorino: They should not be drawn because they are before the Planning Board.

Mr. McConnell: Well, I didn't know if she said that the previous owner had started doing some of it.

Brian Friedler: So, there's a septic system that was approved back in, I think, 2019 for that structure which exceeds any type of water usage that they'll be using in there. So, we just proposed to install that system that was already approved.

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 comments.

Comment #7: A reference to the approved plans for the proposed septic system for the accessory building must be added to the plans.

Brian Friedler: Yes.

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

The Planning Board determined a site visit was not necessary.

Comment #9: Proper erosion control measures, details, and notes must be added to the plan.

Brian Friedler: Ok.

Comment #10: Parking calculations show that one parking space is needed and two spaces are shown; parking spaces for the existing 3-bedroom home must also be shown on the plan.

Brian Friedler: Ok.

Comment #11: The performance standards §164-48, specifically (6) states that “No emission shall be permitted of odorous gases or other odorous matter...” Applicant to confirm to add notes to the plan and confirm compliance.

Brian Friedler: Yes. Will do.

Comment #12: Applicant to clarify if there is any proposed signage, which must be shown on the plan.

Brian Friedler: There is no signs proposed.

Mr. McCannell: How about retail?

Ms. Hastings: No retail. We have a store in town.

Comment #13: Applicant to describe what activities are involved with the home occupation as a note on the plan.

Brian Friedler: Ok.

Comment #14: Applicant to add a note that no retail sales are proposed.

Brian Friedler: Ok.

Comment #15: §164-46.J(7) The lot on which the home occupation is proposed must meet the minimum lot area and setback requirements set forth in the Table of Bulk Requirements for the district and any accessory structures proposed to house the home occupation similarly must meet all setback and related bulk requirements. Applicant to provide setback distances for accessory structure.

Brian Friedler: No problem. It is an existing small lot.

Comment #16: §164-43.5 A(11): Applicant to clarify number of employees and number of vehicles used to operate business.

Brian Friedler: There will be no employees.

Chairman Astorino: Put a note on the plan to that effect.

Brian Friedler: Ok.

Comment #17: The date filed in the Orange County Clerk's Office, liber, and page for the Biodiversity Notes and Aquifer Protection Notes must be added to the plans.

Brian Friedler: No problem.

Comment #18: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1, General Notes, Note 12.

Brian Friedler: Ok.

Comment #19: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Not including metes and bounds.

Comment #20: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: We ask for a waiver on the certification of iron rods.

Comment #21: Payment of all fees.

Brian Friedler: Ok.

Chairman Astorino: Does the Applicant request to be set for a public hearing?

Brian Friedler: Yes.

**Mr. McConnell makes a motion to Set the Red Fox Coffee Company, LLC for a Public Hearing at the next available agenda.**

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

***Student Bus Company***

Application for Site Plan Approval and Special Use Permit for the use and construction of a school bus yard and repurpose of existing residence into an office building, situated on tax parcel S 35 B 1 L 20; project located on the northern side of Lake Station Road 800 feet east of Kings Highway (C.R. 13) (19 Lake Station Road, in the OI zone, of the Town of Warwick. Previously discussed at the PB Meeting of 6/18/25.

Representing the Applicant: Juan DeJesus from MJS Engineering. Matt Kuhl, Applicant.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Meagen Zapotoski: This was stipulated for the agency in January of this year at which time we prepared a Part 2, which we have reattached here for your convenience if you'd like to consider that tonight. The potential impacts that we've identified were potential impairments to the character or quality of the agency's community, potential adverse change in the existing level of traffic, and potential adverse impacts to natural resources.

Davis? No, this one slipped by me. Give me a moment.

Chairman Astorino: Meagen, do we have a Part 2 Resolution?

Meagen Zapotoski: I don't see a Resolution.

Chairman Astorino: I don't see a resolution either. Let's go through these comments.

Comment #2: Applicant to discuss project.

Juan DeJesus: At this time, we also have members of the company, Student Bus Company, LLC here with us tonight. We have Matt Kuhl who's an agent for the company, as well as Gary Kuhl, who is head of construction for this project. And since the last time we were before the Planning Board, we have had additional submissions. We've had wildlife studies to the board for bog turtles as well as bats. We've submitted a lighting plan, landscaping plans. And just given the progress of this project at this time, we would like to schedule a public hearing, preferably for October 15th.

Chairman Astorino: Well, that's not going to happen. We can schedule the next available agenda, and we'll see when that's going to take place. Let's go through a few comments.

Juan DeJesus: Absolutely.

Bob Krahulik: Did I read or was it reported to us that the company has now acquired Warwick School District as a new customer? And if that's true, does that impact the traffic study? Because one of the issues that came up in our examination of traffic was the buses would be taking a right-hand turn on the Kings Highway. If Warwick is a new customer or client, whatever you want to call them, we're not going to have a lot more left-hand turning traffic coming out of that road.

Chairman Astorino: Are we still the same trips per day by adding the Warwick Schools?

Matt Kuhl: It would be the same number of trips per day. And just to speak to the Warwick element. It's a smaller contract. Right now, the only children we're transporting are up towards Sargent Road and the Sugarloaf area, going to out-of-district placements. There are no public-school children.

Chairman Astorino: Okay. All right. So, with that being said, Laura, do you want to discuss the traffic? You're still working on the traffic, correct?

Laura Barca: They're almost done.

Chairman Astorino: Okay. But you may want to question with what Bob just had mentioned?

Laura Barca: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 01/03/25 permit needed for gazebo

Chairman Astorino: I don't know if you're going to keep the gazebo or take it down. but no matter what, if you keep it, you would need to get a permit.

Comment #6: OC Planning Department – pending submittal

Comment #7: OCDPW – 01/07/25 letter stating no impacts to any County Roads

Chairman Astorino: Let's jump to Comment #10 regarding the Bog Turtle Report dated 4/6/25. Laura. Did you review that?

Laura Barca: Yes. It is fine.

Chairman Astorino: Okay. Are you working on the traffic study as we speak?

Laura Barca: Yes.

Chairman Astorino: I don't see why we couldn't set it for a public hearing next for the available agenda. That would be when the Planning Board deems that everything is in and it's appropriate to have a public hearing. So we don't know if it'll be the 15th. We're not setting it for a date. We're setting it until we're comfortable with the traffic, we're comfortable with everything that's still outstanding.

Connie Sardo: You would have to make another submittal to the Planning Board?

Juan DeJesus: Absolutely.

Chairman Astorino: And then we will determine whether it's ready for a public hearing.

Mr. McConnell: Mr. Chairman, are we going to ask for a revision to the traffic study in light of Bob's question?

Chairman Astorino: We don't know if we need to yet. Our engineer would have to look into that. If the trips per day are the same, but we need to find out how many of them are making left turns. Not right turns, left turns. Laura has to look into that.

Mr. McConnell: Yeah, and I understand that, if I understand what you fellows were saying, that at this point they're not anticipating making left-hand turns, because they're only going out near Sugarloaf.

Chairman Astorino: Sargent Road is a left turn. If you're going to Sargent Road, you're making a left turn on Kings Highway. Unless you're going to go to Ridge Road and come back that way. You're going to make a left turn on Kings Highway if you're going to Sargent Road. It's on the other side of town.

Mr. McConnell: Ok.

Chairman Astorino: So that there is something that we need to look into. But I still don't have an issue setting this for a public hearing for the next available agenda. Is there a so moved?

**Mr. McConnell makes a motion to Set the Student Bus Company application for a Public Hearing at the next available agenda.**

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

Chairman Astorino: I suggest you get with our engineer rapidly about if there is any new. At lease provide the data so we can address that comment thoroughly.

Juan DeJesus: Absolutely.

Chairman Astorino: And now, also in the traffic report about... I know we discussed about the railroad tracks and stopping. If we are adding more buses, if we're not adding buses, where is the back up going to be? How many buses are coming in at a time? All of that. Because you have the railroad tracks there.

Juan DeJesus: Okay.

Chairman Astorino: We will list Comment #8 through Comment #34 for the record. Thank you.

Juan DeJesus: Thank you.

Comment #8: Applicant to submit all items from the required Site Plan and Special Use checklist. All property owners within 300-ft of the property line must be added to the plans, including address and section-block-lot.

Comment #9: Utilities Note and SWPPP Note from Town of Warwick Standard Notes must be added to plans.

Comment #10: The bog turtle report (4/26/25) prepared by D. Griggs is thorough and addresses the habitat question. Part 3 (Page 2 of 2) of the EAF should be corrected from “bug” to “bog”.

Comment #11: Applicant to submit a wetlands survey delineation report, and any other available resources related to the wetlands (ie: maps, delineation data sheets, photos, etc.).

Comment #12: §164-46J(81) require compliance with §164-48: Performance Standards should be followed: No land or building use 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. Please add this as a note on the plan.

Comment #13: §164-46J(89): Storage of vehicles in a bus, truck, or railroad freight terminal shall not be located nearer than 200 feet to a residence district. Applicant to include this note on the plans.

Comment #14: §164-46J(90): Shipping and receiving docks in a bus, truck or railroad freight terminal shall have adequate access to and from a public street without using said street for maneuvering purposes and shall not be located nearer than 200 feet to a residence district. Applicant to include this note on the plans.

Comment #15 §164-43.2(7) requires one 3” caliper tree and 10 shrubs per parking space. Trees and shrubs proposed meet the quantity required, however are not 3” caliper.

Comment #16: §164-46N notes that isolated trees over 12” caliper shall be identified. Please confirm the existing trees to remain and be removed are over 12” caliper.

Comment #17: Applicant to confirm that parking spaces can adequately fit buses and that buses can maneuver into parking spaces by showing bus turning radius or other methodology.

Comment #18: Applicant to clarify the intent behind the designated handicapped spaces in the bus lot, as there is no building access or sidewalk infrastructure nearby to support accessible use of these spaces.

Comment #19: Signage, specifically in walkable areas, must be a 7-ft clear span between the ground and the bottom of the posted sign.

Comment #20: Although plans were submitted separately and are referenced throughout the SWPPP, some drawing sheets should be included directly as appendices in this SWPPP package so that all relevant information is together. At a minimum, the erosion and sediment control plan showing all E&SC feature locations and a plan showing the locations of all post-construction stormwater control practices should be included.

Comment #21: In the SWPPP Appendix C – Post-Project Drainage Areas, please label locations of the post-construction stormwater management practices to provide clarity on the drainage flowing into each feature.

Comment #22: There is currently nothing included in SWPPP Appendix G – SPDES Permit Certification Form. Please include the form here, or at least some placeholder indicating that it is to be included at a later stage.

Comment #23: Applicant to include a sign schedule with all signs needed for lot, including stop signs, no parking signs, handicapped signs, etc.

Comment #24: Existing Traffic Counts:

- a. Remove the “manual” from the title as the data was not collected manual if Miovision cameras were used; please clarify which was used.
- b. Correct the typo in Park Dr (showing as Par Dr)
- c. Please provide field observation notes.

Comment #25: Data collection hours:

- d. Please clarify why the data was not collected in accordance with the operating hours stated in the Introduction section. Especially in the morning and afternoon periods, a data collection period should have been considered to capture the drivers arriving and leaving the sites.
- e. The explanation on page 2 refers to the bus operations and it is addressing part 1. Applicant to include the impact of the driver arriving and leaving the sites with their personal vehicles, including the number of vehicles and effect on the roadway.

Comment #26: Build:

- f. Applicant to clarify why 32 buses are assigned but the introduction discussed 40 buses.
- g. Please describe the staff shifts to explain the assignment (are they leaving the site once they are back with the buses and return in the afternoon before the 1:45pm shift starts?)
- h. Build synchro files and results will be checked once the above data is submitted.
- i. It is not clear how you are accounting for the trips created by the drivers arriving and leaving the site in their personal vehicles.

Comment #27: Crashes: It is not noted at what intersections the crashes occurred. Please summarize per intersection. The conclusion should mention that between 2020-2021 the decline in crashes may be attributed to COVID. The description text is not clear and requires reviewing the table in detail. For example: in 2017 – “There were five crashes with three of them having injuries” – Applicant to clarify where are these crashes occurred.

Comment #28: Applicant to clarify if there is a proposed septic system onsite. Soil testing must be witnessed by the planning board engineer.

Comment #29: 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 #13

Comment #30: Please add the declaration information for the Aquifer Protection Overlay Notes and any other notes required by the planning board.

Comment #31: Please provide a Performance Bond and Site Inspection fees for the stormwater infrastructure.

Comment #32: Surveyor to certify that iron rods have been set at all property corners.

Comment #33: Surveyor to sign and seal drawing.

Comment #34: Payment of all fees.



***Orange & Rockland Utilities Substation***

Application for Site Plan Approval and Special Use Permit for the use and construction of utility substation yard, transmission and distribution lines, situated on tax parcel S 46 B 1 L 48.21; project located on the southern side of John Hicks Drive (95 John Hicks Dr.), in the OI zone, of the Town of Warwick. Previously discussed at the PB Meeting of 7/16/25.

Representing the Applicant: Rudolph Zoda, Applicant's Attorney. Mike Homenick, Engineer.

The following review comments submitted by HDR:

Comment #1: Planning Board to discuss SEQRA.

Meagen Zapotoski: As far as this application, the Lead Agency circulation has already taken place. We are not yet in receipt of the draft Part 3 EAF, but we did receive some additional information. One thing that we wanted to bring to the Board's attention was the Visual impact analysis. The requested locations have been added, but they have not been added to the map on page 9. And it appears that this analysis took place during leave-on conditions.

This product may be partially visible during leave-off conditions, so the board should determine if it's going to accept the leave-on analysis or if you would require a leave-off analysis.

Chairman Astorino: Did you provide a leave-off simulation of the visual?

Rudolf Zoda: I don't believe we did.

Chairman Astorino: Could you do that?

Rudolf Zoda: Yes.

Chairman Astorino: Thank you.

Mr. McConnell: Good answer.

Comment #2: Applicant to discuss project.

Mike Homenick: I'm a civil engineer for the company. Orange and Rockland is proposing a public utility substation to be operated at 69,000 volts, converting power down to 13,000 volts, which will then distribute it out onto the street. We currently have a substation in the area on Chancellor Lane. This project would replace that substation and provide a new power source to the community here in Warwick.

Comment #3. Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – pending comments

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

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

Chairman Astorino: Yes. I agree.

Mr. McConnell: Yes.

The Planning Board discussed scheduling a site visit. The site visit is scheduled for October 6, 2025 @ 6:00 p.m.

Chairman Astorino: Laura, do any comments stand out at you that you would like to take care of this evening? All of these comments would have to be addressed.

Laura Barca: Do you guys have any questions on any of these?

Rudolph Zoda: No.

Bob Krahulik: The only question I was asked to look at was the building height restriction of 35 feet. These are not buildings that are being built, so I don't think it applies.

Chairman Astorino: It does not. And the fence doesn't apply as well.

Bob Krahulik: I think historically this board has never looked at utility infrastructure like cell phone towers as falling under that limitation, so.

Chairman Astorino: I think the fence will also, because the cell tower fence isn't much taller. I think that code was changed anyhow, correct?

Bob Krahulik: It's only residential.

Chairman Astorino: Okay, so that doesn't even apply.

Laura Barca: It was changed for solar.

Chairman Astorino: Ok. So, with that being said, I know we have to do a site visit, and I know you're working to move this process along. We could set this for a public hearing if the Planning Board so desires for the next available agenda. You would need to resubmit to the Planning Board and we then could move forward with a public hearing.

**Mr. McConnell Makes a motion to Set the O&R Utilities Substation application for a Public Hearing at the next available agenda.**

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

Second. Any discussion? All those in favor? Aye. Opposed? Motion carried.

Chairman Astorino: So we will see you on October 6th at 6pm.

Rudolph Zoda: Thank you.

Mike Homenick: Is there anything you guys want to particularly see on the 6th? You know, basically it's, okay, where is it going to be located? Which we know.

Chairman Astorino: Where it's going to be located. It's going to be a very quick site visit. The board needs to get eyes on it. For instance, where the fence is going. Bring your plans. We will probably have some questions out there,

Bob Krahulik: Is this adjacent to a residentially zoned property? Are you adjacent to Bob Schuler's property?

Mike Homenick: We are adjacent to one of his properties.

Laura Barca: That is the commercial lot that he owns.

Mike Homenick: We're not directly adjacent to it.

Chairman Astorino: I think it's all surrounded by commercials.

Mike Homenick: Correct.

Chairman Astorino: We will list Comment #3 through Comment #33 for the record. We will see you at the site visit on October 6, 2025 @ 6:00 p.m.

Rudolph Zoda: Ok. Thank you.

Comment #8: Bulk zoning table and setback distances should be included on the plans. The height of the takeoff structure (57-ft) with a lightning rod (15-ft) is a total of 72-ft tall.

Comment #9: Please provide documentation from ORU/state/Federal to demonstrate the safety needs of the proposed 10' fence around the facility.

Comment #10: Town of Warwick Standard Notes for limits of disturbance and lighting notes should be included on the plans.

Comment #11: §164-46J(31): Public utility, transportation and communication uses shall be subject to such conditions as the Planning Board may impose to protect and promote the health, safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. This comment will remain and any approval will be subject to this requirement.

Comment #12: §164-46.J(81): 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 this note to the plans.

Comment #13: §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.<sup>171</sup>

Comment #14: Applicant does acknowledge need for a Freshwater Wetlands/Article 24 permit from NYSDEC. Still incomplete on how long the timber mats are expected to remain in place – “duration of the construction” does not answer the question, please express as a range of months, if appropriate.

Comment #15: §164-46 G-5-b of Town Code may require a traffic impact study.

Comment #16: Grading and construction fence extends past the property line on the south and east property line (sheet 9). Applicant to clarify. Applicant indicated that an easement is being obtained; please add to the plans.

Comment #17: Applicant indicated that deer fence detail, including an access gate will be added, please clarify the location within the plan set.

Comment #18: The location of the sound survey seems to be quite far from the sensitive receptors identified as well as the property line. Please explain why sound survey was performed at the two locations identified. Neither seem to be near sensitive receptors (residences) or at the property line. Please provide the distance measurements from the sound survey locations to the sensitive receptors and property line. Please provide ambient noise levels at property line and sensitive receptor locations. Please include rationale for sound survey locations in the report.

Comment #19: The Evaluation of Future Site Sound Emissions does not provide an assessment of corona noise (hissing or crackling when air around high voltage conductors become ionized).

Comment #20: The Evaluation of Future Site Sound Emissions states that, “Site sound will also be significantly lower in level than the existing ambient sound in the area, making ORU sound likely to be inaudible at residential receptors.” Clarify if audibility was assessed on a spectral basis and the assumed background noise conditions.

Comment #21: Please confirm the height of the sound sources being modeled match the heights provided on Page 3 of the Evaluation of Future Site Sound Emissions report. Please provide CadnaA files to show how the ground cover was modeled.

Comment #22: The Criteria section of the report states that the code does not specify property line of source or receptor. Please note that the code applies to property line of the proposed project. The report should be updated accordingly where applicable.

Comment #23: The Criteria section of the report states “There were no Orange County codes regarding noise that could be found.” Not sure if we requested this before but I think this should be removed.

Comment #24: Please provide the following distances: (1) distance measurements from the sound survey locations to the sensitive receptors and property line, and (2) distance measurement between the sources and the property line as well as the sensitive receptors

Comment #25: Although SEQR guidelines were mentioned, construction noise analysis was not provided. It would be helpful to have an explanation for not including a construction analysis or provide either a qualitative or quantitative analysis. Reports states construction would be limited to day time hours; please provide length of construction and year of completion. See also Town of Warwick code §100A-3. and provide applicable notes to the plan.

Comment #26: The hours of operation should be shown on the plans.

Comment #27: The 911 address must be shown on the plan. Please confirm the 911 address with the building department.

Comment #28: Electrical and pip jacking drawings are currently pending review.

Comment #29: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 01 of 20

Comment #30: Surveyor to certify that iron rods have been set at all property corners.

Comment #31: Surveyor to sign and seal drawing.

Comment #32: Applicant to provide a Performance Bond for any proposed erosion control or drainage infrastructure. A Landscape Bond will be required for any proposed plantings. Site inspection fees will be determined based on the amounts of the bonds.

Comment #33: Payment of all fees.

**Other Considerations:**

1. PB Minutes of 8/20/25 for PB approval.

Mr. McConnell makes a motion to approve the PB Minutes of 8/20/25.

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

2. Planning Board to discuss canceling the 9/22/25-W.S. & 10/1/25-PB Meeting.

Mr. McConnell makes a motion to cancel the 9/22/25-W.S. & 10/1/25-PB Meeting.

3. **Seth Horn Subdivision** – Letter from Seth & Elenora Horn dated 9/8/25 addressed to the Planning Board in regards to Horn Subdivision – requesting a 6-Month Extension on conditional Final approval of a proposed 2-Lot subdivision, situated on tax parcel SBL #26-1-69.32; parcel located on 33 Deer Pond Drive, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 11/21/24. *The Applicants have stated that their Engineer, John Loch from AFR is working on the conditions of final approval.* The 6-Month Extension becomes effective on 5/21/25.

Mr. McConnell: Do we know which conditions?

Chairman Astorino: We have a meeting with them set up this week on Friday?

Laura Barca: We're meeting with the engineer and the owners on Friday.

Chairman Astorino: It seems like they're having difficulty following reading. I don't know. We've had meetings on this in the past.

Laura Barca: Correct.

Chairman Astorino: This meeting should hopefully address all these concerns. It's just taking forever for whatever reason.

Mr. McConnell: I mean, if they got conditional final approval in November of 2024...

Chairman Astorino: Dennis, I get it. I give them this time and we'll have the meeting.

Mr. McConnell: I just was curious as to what conditions they're having difficulty with.

Chairman Astorino: I don't know that.

Mr. McConnell: Ok.

Mr. McConnell makes a motion on the Seth Horn Subdivision application, granting a 6-Month Extension on conditional Final Approval of proposed 2-Lot subdivision, situated on tax parcel SBL #26-1-69.32; parcel located on Deer Pond Drive, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 11/21/24.

The 6-Month Extension becomes effective on 5/21/25.

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

### **Correspondences:**

1. Email correspondence from Denise Ginley, dated 9/11/25 addressed to the Planning Board in regards to concerns regarding Cannabis facilities on John Hicks Dr.
2. Email correspondence from Ron & Claudia Giglio, dated 9/13/25 addressed to the Planning Board in regards to concerns regarding Cannabis facilities at Warwick Woodland Park.
3. Email correspondence from Diana Carter NYS OPRHP, dated 9/17/25 in regards to Statewide Comprehensive Outdoor Recreation Plan.

Chairman Astorino: We have received Correspondences 1 through 3 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.

Denise Ginley. Thank you very much for the opportunity to comment today. I live at 6 Manno Farm Road here in Warwick. I'm here with my husband, Tim Ginley, and some of our neighbors also residing at Manno Farm Road. We've lived here for over 18 years in Warwick. Tim and I, we love this community. We also have been really, it's been great to see the development and repurposing of many of the properties around Warwick, including that prison property. We're very supportive of the redevelopment efforts and bringing new businesses into our community, adding to our tax base, etc. However, we have some concerns we wanted to raise. I mentioned these in an email that I recently sent to the board. Some of you may have read. Specifically subject to the unpleasant odors that we feel we are confronted with in our neighborhood at Manno Farm Road. It impacts our daily life. On any given day, the odors are very strong of cannabis. We love the outdoors. We love using our yards, our pools, our decks. We're confronted regularly with the smell that we don't enjoy. We feel it's become more frequent. In the beginning, when the businesses first started, we'd smell it occasionally. Now it's weekly. And some mornings, some portions of the day, very strong. We don't enjoy this. Also, I was also concerned about the air quality itself. So, in our own family, Tim and I, we have two asthma sufferers. We don't know if due to the odors and what we're breathing in, are there noxious aspects to the air? Is anything about the air quality different than normal? Has it been tested? These are the concerns and questions we'd like to raise to the Board, and we'd like to know if these could be addressed with the businesses themselves. Especially, we know that they're asking for expansion of facilities at this point. So, we felt it was time to bring forward our questions and

see if this could be addressed. So those are my comments, and we really appreciate the Board hearing them, and hopefully being able to address these with the businesses.

Chairman Astorino: We'll definitely address them, as you heard this evening, the comments back from them. So, we are awaiting their response to us as far as filter scrubbers. And as I did point out, I don't know if you heard, the other marijuana plant that they do have, or are pending an application before this Board for an expansion. We can't say definitely they're going to be here. If they pull that out, if they pull that expansion and don't do it, there's no way to bring them in front of us. But as of right now, we were told that they're going to have an application before this Board. So once they apply, that gives us more leeway to delve into what they have.

Denise Ginley: And I know there are restrictions in terms of what does the state allow or not allow, but community members also have concerns.

Chairman Astorino: I will tell you this. I know for a fact that agricultural operations, whether it be, and I can't speak for cannabis, but I do know dairy farms, chicken farms, poultry farms, onion farms, the Department of Ag and New York State Department of Ag and the Ag & markets are very, very supportive. And they do not play games, basically, with local municipalities. If you have the right to farm law, this is considered agricultural, and we will. We took all your concerns, our concerns, our professionals' concerns, and we're getting a letter out to both the federal one and the state one to get their feedback. But they do, ultimately, will say, you know, they have a right to farm. If it's considered a farm, they can farm. So we don't know that yet. Like I said, we're putting all of everything inside, and as our attorney pointed out this evening also, there's still maybe some new technology out there to filter these, the greenhouses. Can filters be put on greenhouses? The outside, well, I really don't know what you can do with that. It's pretty tough, in my opinion. But if you could filter the ventilation coming out of a greenhouse, that may stop a lot of it. And whatever scrubbers or filters you can put on the processing also is a huge thing. So like I said, we don't move any further forward until we get our information. So that's where we are. Thank you so much. Is there anyone else wishing to address any of the agenda items?

Mr. McConnell: Because there are a couple of places there that serve food. Do you ever smell hamburgers cooking?

Denise Ginley: No.

Mr. McConnell: I am trying to figure out why some odors are traveling...

Ron Giglio: I live a 7 Manno Farm Road. When it blows north, we smell it. And I'm telling you; it can knock you over.

Denise Ginley: But why do we not smell hamburgers?

Ron Giglio: Maybe they have filters, I don't know. The name Schluter was brought up? He has a light that they're working on in his building behind Church Street there in his building that can stop the smells out of all of these things. You could just bolt it on to the exhaust. And why are they allowed to have it outside other than the greenhouses?

Chairman Astorino: Because it could be an agricultural grow. It's the same as growing onions in Pine Island.



Kids can get in there and take it. No, they can't. If you go down there and try to get in there, go ahead.

I guarantee you're not getting too far.

Denise Ginley: I think the odors when I walk by there are coming from the inside processing that's going on.

Chairman Astorino: The greenhouses maybe, but we were just inside the processing plant last week for UrbanXtracts. I will have to be honest with you; I didn't smell hardly anything inside there. What I did smell was the outside grow. We knew that instantly. And why they're allowed, if it's considered agriculture.

Ron Giglio: Well, it's just a shame that they're wrecking that beautiful park because you walk through the park and you smell marijuana. Many kids ask us, what is that smell?

Mr. McConnell: You can't walk through any park in New York City. In fact, you don't even have to go into a park.

Chairman Astorino: Honestly, I agree. If you smell marijuana anywhere, it's horrible.

Ron Giglio: I spoke to Mike Sweeten and he insists to me that in the deed they have to have filtration.

Chairman Astorino: That very well may be.

Ron Giglio: In the deed when they sold the building.

Chairman Astorino: The buildings may have filtration as we speak.

Ron Giglio: I know the big plant does.

Chairman Astorino: Well, I don't know that.

Ron Giglio: I was in HVAC; I see the ventilation on the roof.

Chairman Astorino: I don't know what UrbanXtracts has for their processing. I don't know about that.

Ron Giglio: And the greenhouses.

Chairman Astorino: The greenhouses I don't think have anything.

Ron Giglio: Well, they should.

Chairman Astorino: Is it just coming from the greenhouses or is it coming from the outside grow? We smelled the outside grow also. Drive through the black dirt. You're going to smell onions pretty rampant too when they're really up and harvesting.

Denise Ginley: It's not that kind of smell.

Chairman Astorino: No, I get it. We know it's a skunky smell.

Ron Giglio: It smells like a skunk. And I'm in the fire department where we have the building right next door to them.

Chairman Astorino: And one other thing is that, it is zoned for cannabis. That is a cannabis zone in the Town of Warwick. We follow the zone. We can't rewrite the code just because we feel like it. We will follow the code. We will get our information. Your letter was actually very good. We took a lot of points. Our professionals, our board personally, our attorneys are going to send it up to the Ag and Markets and the Feds to get their feedback. I don't know. I'm not going to comment, but I think they're going to err on the side if it's an agricultural thing. But it might be wrong.

Denise Ginley: Have the businesses been made aware yet of our concerns?

Chairman Astorino: GTI does not know. And like I said, we don't know what's in there also.

Ron Giglio: I heard they're not even growing yet.

Chairman Astorino: No, they're doing something there.

Ron Giglio: They told me they're waiting for permits or something.

Connie Sardo: Keep a look on the town's portal on the town's website. All the submissions, maps and everything are submitted on the town's portal.

Ron Giglio: We're just hoping that they can at least filter the greenhouses.

Chairman Astorino: I think that's a wise thing, honestly.

Ron Giglio: Even if the agricultural says they don't have to, I think maybe as a good neighbor they could do something.

Chairman Astorino: Honestly, talking to the owner there, I don't think they're bad people. They're a business. But if they can do something to help, and they're state-of-the-art, I will say this, but what I saw, everything there was state-of-the-art. Your letters will get forward to them if they haven't already.

Mr. McConnell: We're not ignoring your concerns.

Ron Giglio: I know that.

Chairman Astorino: Hopefully they can do something, which I'm sure in this day and age almost anything can be done.

Ron Giglio: Thank you very much.

Chairman Astorino: Is there anyone else wishing to address any of the agenda items? Let the record indicate there's no further public comment.

Bob Krahulik: While our hands might be tied as far as having to restrict cannabis operations, the neighboring property owners do have a private cause of action if they have a financial wherewithal to sue on the theory of nuisance. So that's one remedy they could pursue if they're not satisfied with our ability to curtail the problem.

Chairman Astorino: Well, let's see where we go. I really think that having a conversation with UrbanXtracts on if something can be done for the greenhouses, it may be enough to curb some of that odor. The outside of the ground, I don't think you can do much with it. Wind blows, you're going to catch it. All right. Anything further?

Mr. Purcell: Mr. Chairman, I was hoping I could ask Mrs. Ginley, is there any time during the day when you don't smell it?

Denise Ginley: You know, it's not at a set time. I'll come out of my house and go toward my car, and I'm confronted with a massive smell. Another time, it's in the middle of the afternoon. It could be just regarding the processing, whether they're doing it any given day. Also, the wind.

Chairman Astorino: You know what I noticed? If you get a heavy dew in the morning, it keeps the air long, it's foggy, and then it comes up the hill.

Denise Ginley: Yeah. It really keeps the smell dampened down and close to the ground.

Chairman Astorino: Thank you.

**Mr. McConnell makes a motion to adjourn the September 17, 2025 Planning Board Meeting.**

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