

TOWN OF WARWICK PLANNING BOARD
September 20, 2023

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Bo Kennedy,
Rich Purcell, Alt.
Laura Barca, HDR Engineering
Liz Axelson, CPL Planner
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, September 20, 2023 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Joe Vervoordt

Application for Site Plan Approval and Special Use Permit a/k/a M&V Guitars & Pickups for the conversion of an existing 476 S.F. accessory structure on site into a guitar studio, situated on tax parcels S 31 B 2 L 31; project located at 49 Ackerman Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the Applicant: Brian Friedler, Friedler Engineering. Joe Vervoordt, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for Joe Vervoordt public hearing

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. TW Building Department – 06/22/23 BD permit #30832 requires a CO; permit #30844 for driveway is open
6. OC Planning Department – submittal not required per planning board secretary
7. Planning Board to determine if a site inspection is necessary.
8. A note should be added to the plan stating that this is a Class 2 home occupation and will remain in compliance with §164-43.5 and this site plan.
9. The (approximate) location of the septic tank and system should be shown.

10. Service capacity letters are required to be submitted to the Fire Department, Police Department, and DPW Commissioner.
11. Any existing and all proposed signage must be shown on the plan. Applicant is allowed a 2-sf sign (that is also in compliance with all other sign requirements). Applicant should add a sign detail or add a note for a future sign.
12. The hours of operation should be shown on the plans. Applicant to confirm hours of operations shown.
13. This new home occupation will need a new 911 address from the building department. Please complete the form and submit the required information to obtain the number and then add that information to the plan.
14. §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.
15. 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.” Sht C2.01, Note 1
16. Please include applicable Town of Warwick standard notes on the plan (notes for all projects, lighting, overlay notes (if applicable), projects with access to a Town Road, etc.).
17. Surveyor to certify that iron rods have been set at all property corners. Requesting waiver.
18. Payment of all fees.

The following comment submitted by the Conservation Board:

Joe Vervoordt – None submitted.

The following comment submitted by the ARB:

Joe Vervoordt – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: The Planning Board had adopted a Type 2 Action on July 19, 2023.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Joe Vervoordt: M&V Guitars & Pickups does repairs, maintenance and modifications as well as constructing custom wooden electric guitars by hand. Clients would drop off and try out their guitars in my shop.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: TW Building Department – 06/22/23 BD permit #30832 requires a CO; permit #30844 for driveway is open

Mr. Astorino: I believe the driveway permit has been done. You will need to go to the Building Department regarding the other permit that is open.

Joe Vervoordt: Ok.

Comment #6: OC Planning Department – submittal not required per planning board secretary

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

Mr. Astorino: A site visit would not be necessary.

Comment #8: A note should be added to the plan stating that this is a Class 2 home occupation and will remain in compliance with §164-43.5 and this site plan.

Brian Friedler: Ok.

Comment #9: The (approximate) location of the septic tank and system should be shown.

Brian Friedler: Ok.

Comment #10: Service capacity letters are required to be submitted to the Fire Department, Police Department, and DPW Commissioner.

Mr. Bollenbach: It is a pre-existing structure. It is the nature of a home occupation. I don't see any adverse impacts. The Board might want to entertain a waiver for Comment #10.

Mr. Astorino: Ok. The Applicant could ask for a waiver on Comment #10.

Brian Friedler: Ok.

Comment #11: Any existing and all proposed signage must be shown on the plan. Applicant is allowed a 2-sf sign (that is also in compliance with all other sign requirements). Applicant should add a sign detail or add a note for a future sign.

Joe Vervoordt: Ok.

Mr. Astorino: If you are going to add any signage, you would need to add that on the plans.

Brian Friedler: Yes. Ok.

Comment #12: The hours of operation should be shown on the plans. Applicant to confirm hours of operations shown.

Brian: Yes.

Comment #13: This new home occupation will need a new 911 address from the building department. Please complete the form and submit the required information to obtain the number and then add that information to the plan.

Brian Friedler: Ok.

Comment #14: §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.

Brian Friedler: Ok.

Comment #15: 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.” Sht C2.01, Note 1

Brian Friedler: Ok.

Comment #16: Please include applicable Town of Warwick standard notes on the plan (notes for all projects, lighting, overlay notes (if applicable), projects with access to a Town Road, etc.).

Brian Friedler: Ok.

Comment #17: Surveyor to certify that iron rods have been set at all property corners. Requesting waiver.

Mr. Astorino: We had talked about that at the Work Session.

Brian Friedler: Yes.

Comment #18: Payment of all fees.

Brian Friedler: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments?

Mr. McConnell: I know it was discussed at the Work Session. Do you have a rough idea on the daily or weekly basis on what kind of traffic you would have?

Joe Vervoordt: It would be one person per day. That would be about the most.

Mr. McConnell: Ok. I just wanted to have that on the record. I know we had discussed it at the Work Session.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Joe Vervoordt/M&V Guitars & Pickups application, please rise and state your name for the record. Let the record show no public comment.

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

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays.

Joe Vervoordt: I realized that with the previous engineering firm I had, they had the square footage wrong. They included my garage. It is not 1,006 s.f. It is actually 476 s.f. It is just the one building.

Mr. Astorino: You could change that. We will make that note. You would need to correct that on the plans.

Brian Friedler: Yes. Will do.

Mr. Astorino: Ok. We need a motion to waive Comment #10 and Comment #17.

Mr. McConnell makes a motion to waive Comment #10 regarding the Service capacity letters and to waive Comment #17, Surveyor to certify that iron rods have been set at all property corners.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays.

Mr. Kennedy makes a motion on the Joe Vervoordt application, granting conditional Site Plan Approval and Special Use Permit (VOTE 4-0-0) a/k/a M&V Guitars & Pickups for the conversion of an existing 476 s.f. accessory structure on site into a guitar studio, situated on tax parcel S 31 B 2 L 31; project located at 49 Ackerman Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on July 19, 2023. Approval is granted subject to the following conditions:

1. TW Building Department – 06/22/23 BD permit #30832 requires a CO; permit #30844 for driveway is open.
2. A note should be added to the plan stating that this is a Class 2 home occupation and will remain in compliance with §164-43.5 and this site plan.
3. The (approximate) location of the septic tank and system should be shown.
4. Service capacity letters are required to be submitted to the Fire Department, Police Department, and DPW Commissioner. “WAIVED”.
5. Any existing and all proposed signage must be shown on the plan. Applicant is allowed a 2-sf sign (that is also in compliance with all other sign requirements). Applicant should add a sign detail or add a note for a future sign.
6. The hours of operation should be shown on the plans. Applicant to confirm hours of operations shown.
7. This new home occupation will need a new 911 address from the building department. Please complete the form and submit the required information to obtain the number and then add that information to the plan.
8. §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.
9. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained”. Sheet C2.01, Note 1.

10. Please include applicable Town of Warwick standard notes on the plan (notes for all projects, lighting, overlay notes (if applicable), projects with access to a Town Road, etc.).
11. Surveyor to certify that iron rods have been set at all property corners. Requesting waiver. "WAIVED".
12. Correct garage area to 476 SF on map.
13. Payment of all fees.

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

Review of Submitted Maps:***Capozza Four Corners Road NY LLC/Lightstar Solar Project***

Application for Site Plan Approval and Special Use Permit for the construction and use of a community scale solar generation facility of 3.2 megawatt (MW AC), situated on tax parcel S 23 B 1 L 17; project located on the southern side of Ridge Road 900 feet east of Four Corners Road (200 Ridge Rd.), in the RU zone, of the Town of Warwick. Previously discussed at the May 3, 2023 Planning Board Meeting.

Representing the Applicant: Jackie Basile from Four Corners Road, LLC. Andrew Mavin, EDR Project Manager.

Mr. Astorino: You have the comments from the last meeting.

Jackie Basile: Correct.

Mr. Astorino: What we intend to do this evening is discuss the Positive Declaration. We will start with the Planning Board to discuss SEQRA. Liz, please explain to the Board the process for a Positive Declaration.

Liz Axelson: I had done a quick snapshot of where this project is at. On November 16, 2022, the Planning Board adopted a Resolution determining that this would be Type I Action. There are copies of the SEQRA flowchart with arrows showing steps that have been taken. The Planning Board is Lead Agency. The Planning Board has reviewed the full EAF including the Part 2 and Part 3. A notice will be directed tonight that the Board could direct a Scoping Session be held. Looking at the steps in SEQRA. The Board is setting it up so that the public could come to a Public Scoping Session if the Board does a determination of significance tonight. It would be to discuss items that they would like to see in an Environmental Impact Statement (EIS).

Mr. Astorino: The bottom line with a Positive Declaration is that it is a more structured approach to an application.

Liz Axelson: Yes.

Mr. Astorino: If we decide to adopt the Positive Declaration this evening, there will be a date and the action for the Public Scoping Session. That would give the public an opportunity to come and speak and address concerns in which the Applicant would answer and address the scoping document which would be available to the public to review. Then they could add their comments. That would be addressed. It would come back to the Board to review it with the Professionals. The Board would deem if it is complete or not. We would move onto the next part of it. Is that correct?

Liz Axelson: The one step is that after the Scoping Session, a revised Draft Scoping outline would be prepared for the Board to adopt as their scoping outline. Then it would get handed to the Applicant who would create a DEIS. The DEIS is an extensive review of the project and all of the environmental impacts and possible mitigation measures. That would be submitted to the Board at some point in the future. The Planning Board and its Consultants would take a look at the EIS to see whether all of the information that was requested in the scoping outline is actually included in the DEIS. After that has been determined complete, then the public would have another chance to comment.

Mr. Astorino: Ok. Do any Board members or Professionals have any comments or concerns? We have the entire action in front of us. Dennis, will read the entire action for the record.

Mr. McConnell reads the Positive Declaration Notice of Intent to Require Preparation of Draft Environmental Impact Statement (DEIS) Determination of Significance and Scoping of the Draft EIS for the record as follow:

617.7 and 617.12

State Environmental Quality Review (SEQR)

Positive Declaration

**Notice of Intent to Require Preparation of a Draft Environmental Impact Statement (DEIS)
Determination of Significance and Scoping of the Draft EIS**

Date: September 20, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Warwick Planning Board, as Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and, that a Draft Environmental Impact Statement will be prepared.

Name of Action: Capozza Solar Site Plan & Special Use Permit (SUP) aka Four Corners Road Solar, Tax Parcel number Section 23, Block 1, Lot 17

SEQR Status: **Type I**
 Unlisted

Description of Action:

The proposed action involves the development of a 55.4-acre site to construct a commercial large scale solar energy installation requiring site plan approval and a special use permit. The project would involve 15.85 acres of lot coverage, with the same acreage for land disturbance, on a 39.5-acre area of the 55.4-acre site. The Applicant is Four Corners Road NY LLC (Lightstar Renewables LLC).

The proposed action, also known as the Four Corners Road Solar Project, is a 3.2 megawatt (MW AC) community solar project which will generate clean electricity for New York residents and businesses. It is a commercial large scale solar energy system as defined by the Code of the Town of Warwick, Chapter 164 Zoning. The Project is proposed on approximately 39.5 acres of leased area on the project site located to the southeast of the intersection of Four Corners Road and East Ridge Road, in the Town of Warwick, New York (aka the "Project Site").

The proposed action consists of an array of 7,020 solar photo-voltaic (PV) panels mounted on single-axis tracking support systems and associated infrastructure including an 1,856 linear foot internal gravel access road, fencing, and an underground electrical collection system. The maximum height of each of the panels at the maximum tilt angle of sixty (60) degrees is nine feet and eleven inches (9' 11"). The electrical collection system will aggregate the output from the photo-voltaic (PV) panels and convert the electricity from direct current (DC) to alternating current (AC) via inverters. The underground electrical collection system daylighted aboveground near East Ridge Road where it will interconnect to an existing electrical distribution line owned by Orange & Rockland Utility (O&R). The Project is approved by O&R for interconnection and the renewable electrical energy will be delivered to utility customers.

The site consists predominantly of ± 22.4 acres of forested land (40.5 % of the site), ± 7.2 acres of meadow or brushland (13 % of the site), ± 6.8 acres of surface waters including wetlands and streams (12.3 % of the site) and ± 0.5 acres of roads, buildings and landscaping (1 % of the site). The applicant has proposed that the development will be largely contained within the agricultural areas of the site, preserving almost all of the forested (22.3 acres) and meadow (7 acres) areas, which preserved area makes up 53% of the 55 \pm -acre site. Similarly, the development will preserve all, but 0.01 acres of the site's surface waters, including wetlands and streams (6.8 acres), which preserved area makes up 12.3% of the 55 \pm -acre site, leaving approximately 65 percent of the site in its natural condition.

Location: 200 Ridge Road, Town of Warwick, Orange County New York
Rural (RU) district; Agricultural Protection Overlay (AP-O); Ridgeline Overlay (RL-O 1); and Biodiversity Conservation Overlay (BC-O)
Zoning districts
Section 23, Block 1, Lot 17

Reasons Supporting This Determination:

1. The proposed action may have a large impact on agricultural resources, specifically, the proposed action may impact on the site's soils classified within soil group 1 through 4 of the New York State land classification system. The site is located in a designated agricultural district certified pursuant to Agriculture and Markets law, Article 25-AA (ORAN002) and includes 27.8 acres per the Web Soil Survey (WSS) Farmland Classification.
2. The proposed action may have a large impact on agricultural resources, specifically, the proposed action may result in the excavation or compaction of the soil profile of active agricultural land.
3. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resources. Specifically, the proposed action may be visible from an officially designated federal, state, or local scenic or aesthetic resource. Refer to New York State Department of Environmental Conservation (NYSDEC) DEO-00-2 Assessing and Mitigating Visual and Aesthetic Impacts. The site may be visible from:
 - a. Hudson River Valley National Heritage Area;
 - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);
 - c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district);
 - d. Bellvale to Esopus Ridgeline (a regional ridgeline running adjacent to the Appalachian National Scenic trail in the Town of Warwick, through numerous high points in Warwick, near the site of the Proposed Action, crossing Ridge Road, and beyond Warwick, continuing north in Orange County into Ulster County to the Town of Esopus [Orange County GIS mapping]);
 - e. Ridge Road (public road);
 - f. Sky View Road (public road);
 - g. West Meadow Way (public road);
 - h. Kay's Way (private road);
 - i. Neil Drive (private road); and
 - j. Properties adjacent to the site of the proposed action.
4. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resources. Specifically, the proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views. The site may be visible from:
 - a. Hudson River Valley National Heritage Area;
 - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);
 - c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district); and

- d. Bellvale to Esopus Ridgeline (see description above).
5. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resources. Specifically, the proposed action may be visible from publicly accessible vantage points. The site may be visible:
 - a. Seasonally for example screened by summer foliage but visible during other seasons;
and
 - b. year round.
 6. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resources. Specifically, the situation or activity in which viewers are engaged while viewing the proposed action may be:
 - a. Routine travel by residents, including travel to and from work;
 - b. Recreational or tourism based activities; or
 - c. Views from residences or residential properties.
 7. The proposed action may have a large impact on aesthetic resources, because the land use of the proposed action is obviously different from, or is in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resources. Specifically, the proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resources. The site may be visible from:
 - a. Hudson River Valley National Heritage Area;
 - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);
 - c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district);
 - d. Bellvale to Esopus Ridgeline (see description above);
 - e. Ridge Road (public road);
 - f. Sky View Road (public road); and
 - g. West Meadow Way (public road).
 8. The proposed action may have a large impact as it is not consistent with community plans, including adopted land use plans, specifically, the proposed actions land use components are different from or in sharp contrast to current surrounding land use patterns. The site may be visible from:
 - a. Hudson River Valley National Heritage Area (designated by the US Congress);
 - b. Agricultural Protection Overlay (AP-O) zoning district (zoning provisions adopted by the Town Warwick based on the 2016 Comprehensive Plan); and
 - c. Ridgeline Overlay (RL-O 1) zoning district (zoning provisions adopted by the Town Warwick based on the 2016 Comprehensive Plan).
 9. The proposed action may have a large impact as it is not consistent with community character, or is inconsistent with the existing community character, specifically, the

proposed action may interfere with the use or enjoyment of officially recognized or designated public resources. The site may be visible from:

- a. Hudson River Valley National Heritage Area;
 - b. Agricultural Protection Overlay (AP-O) zoning district (the project is located within and visible from this district);
 - c. Ridgeline Overlay (RL-O 1) zoning district (the project is located within and visible from this district);
 - d. Bellvale to Esopus Ridgeline (see description above);
 - e. Ridge Road (public road);
 - f. Sky View Road (public road); and
 - g. West Meadow Way (public road).
10. Additionally, the proposed action may have the following moderate impacts:
- a. The proposed action may have a moderate impact on land because it may involve construction on, or physical alteration of, the land surface of the proposed site. Specifically, the proposed action may involve construction on land where depth to water table is less than three feet;
 - b. The proposed action may have a moderate impact on land because it may involve construction on, or physical alteration of, the land surface of the proposed site. Specifically, the proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including treatment by herbicides);
 - c. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may involve construction within or adjoining a freshwater wetland or in the bed or banks of any other water body.
 - d. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may create turbidity in a water body, either from upland erosion, runoff or by disturbing bottom sediments.
 - e. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.
 - f. The proposed action may have a moderate impact on water because the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, wetlands, etc.). Specifically, the proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.
 - g. Additionally, a water rights concern was brought to the attention of the Planning Board that may be related to deed issues.

Scoping:

A public scoping session will be held on Wednesday, October 18, 2023 at 7:30 PM at the town of Warwick Town Hall, 132 Kings Highway, Warwick, NY 10990

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Scoping of the Draft EIS will be conducted. The applicant will first submit a Draft Scoping Document. Such Document will then be forwarded to all Involved and Interested agencies, through publication of a "Notice of Project Scoping" in the official Town newspaper, and through availability of the Draft Scoping Document on the Internet for viewing or downloading at <https://www.townofwarwick.org/>. The Draft Scoping Document, once submitted, will also be available for public review at the Town of Warwick Planning Board offices. The Public Scoping Session is scheduled, as set forth above, to discuss and comment on the Scoping Document. Additionally, written comments on the scoping outline will be accepted until Monday, October 30, 2023. Following the public Scoping Session, and consideration of any written comments received, the Planning Board will prepare and distribute a Final Scoping Document.

For Further Information:

Contact Person: Connie Sardo, Planning Board Secretary
Address: Town of Warwick Planning Board
 132 Kings Highway
 Warwick, NY 10990
Telephone: 845-986-1120

A Copy of this Notice Filed With:

Four Corners Road NY LLC (Lightstar Renewables LLC), c/o Jackie Basile
Supervisor Michael Sweeton
Town Board of the Town of Warwick
Town of Warwick Planning Board
Town of Warwick Zoning Board of Appeals
Town of Warwick Conservation Advisory Board
New York State Department of Environmental Conservation
United States Army Corps of Engineers
Orange County Dep't. of Planning

Environmental Notice Bulletin
enb@gw.dec.state.ny.us

ENCLOSURES:

- Full Environmental Assessment Form (Full EAF) Part 2; and
- Full EAF Part 3.

Mr. Purcell makes a motion for the Resolution Adopting Positive Declaration and Scoping of the Draft EIS.

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes & 0-Nays.

617.7
State Environmental Quality Review (SEQR)
**Resolution Adopting Positive Declaration and
Scoping of the Draft EIS**

Name of Action: Capozza Solar Site Plan and Special Use Permit (SUP) aka Four Corners Road Solar

Whereas, Four Corners Road NY LLC (Lightstar Renewables LLC) (hereafter referred to as the “applicant”) submitted an application for Site Plan Review and Approval and an application for a Special Use Permit to the Town of Warwick Planning Board (hereafter referred to as the “Planning Board”), to develop a ± 55.4 acre parcel of land located at 200 Ridge Road, identified as Section 23, Block 1, Lot 17; and

Whereas, at the regular Planning Board meeting On November 16, 2022, the Board adopted a resolution determining that the proposal is a Type I Action as per the New York State Environmental Quality Review Act (SEQRA) regulations, sections 617.4 and 617.5, subsections, declared their intent to act as Lead Agency and authorized circulation of a lead agency request letter to all other involved agencies;

Whereas, the Planning Board, has been designated as the SEQR Lead Agency for conducting the environmental review of this Type 1 Action following a Coordinated Review with other Involved Agencies; and

Whereas, the Planning Board has reviewed the Full Environmental Assessment Form (FEAF), Parts 1, 2 and 3, for the proposed project, the Criteria For Determining Significance contained in 6 NYCRR 617.7(c), and the applicant’s proposed Site Plan dated July 17, 2023; and

Whereas, the Planning Board has determined that the proposed project has the potential to have a significant adverse impact on the environment and has set forth the potential impacts that may reasonably be expected to result from the proposed action in a Positive Declaration attached to this Resolution; and

Whereas, the Planning Board desires public participation in the process of the SEQR review of the proposed action via a public scoping process;

Now Therefore Be It Resolved, that the Planning Board hereby adopts the attached Notice of Positive Declaration; and

Be It Further Resolved, that the Planning Board hereby sets a public scoping session which shall be held on Wednesday, October 18, 2023 at 7:30 PM at the Town of Warwick Town Hall, 132 Kings Highway, Warwick NY 10990; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached Notice of Positive Declaration and Scoping Session to all other involved and interested agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and to notify the public about the scoping process.

Mr. Astorino: The Positive Declaration has been adopted. For the public that is here this evening. This will be noticed neighbors within 300 feet as required by our Code. The Scoping Document that is being prepared by the Applicant will be available in the Planning office and on the Town's website. Liz, would we be looking to receive the draft Scoping Document on September 27th?

Liz Axelson: We will receive the draft Scoping Document on September 27th assuming that it comes in during the middle of the day. Everything would be published the next day on September 28th.

Mr. Astorino: Ok. You are saying that it would be available on September 28th. Is that correct?

Liz Axelson: Yes.

Mr. Astorino: Does the Applicant understand that you are in charge of getting that draft Scoping Document to us on September 28th?

Jackie Basile: Yes.

Mr. Astorino: Other than that, it will be available to the public in the Planning office and Town website.

Jackie Basile: Thank you.

Andrew Mavin: Thank you.

Chancellor Lane Solar Array Project

Application for Site Plan Approval and Special Use Permit for the construction and use of a 3.0 MW AC ground mounted community scale solar array, situated on tax parcel S 46 B 1 L 12; parcel located on the southern side of Chancellor Lane 300 feet south of Chancellor Lane (69 Chancellor Lane), in the RU zone, of the Town of Warwick. Previously discussed at the July 19, 2023 Planning Board Meeting.

Representing the Applicant: Travis Rosencranse, P.E, Creighton & Manning. Steve Long, Developer from Sol Source Power.

Mr. Astorino: There are comments from our Town Planner, dated 9/20/23 that I will hand over to you tonight. The other comments will be forthcoming. All that we are going to discuss tonight is Planning Board to discuss SEQRA. Liz, we had done the Intent to be Lead Agency. Is that correct?

Liz Axelson: The Planning Board determined it to be a Type I Action. The Planning Board declared Lead Agency on July 19, 2023.

Mr. Astorino: Ok. The Planning Board had done a site visit tonight with the Applicant. It is a very secluded site. I think that everyone on the Board would agree with that. We walked the site. They had pins put up. The Applicant showed us the height of the panels. A Visual Analysis would need to be done to prove that you would not be able to see it. It was a very good site visit for us to get out there and see. It showed us a lot. That would be forthcoming as the project moves along. There is some clearing that would need to be done. Dennis and commented on it that there is a lot of scrub to be cleared out. There are no specimen trees to be cleared. That will be forthcoming in documents to us. Do any Board members or Professionals have any comments?

Mr. McConnell: I was glad that we had gone out to the site visit. I am not too good looking at aerials and converting it to 6 feet above the ground. I was happy to see it. I had some concerns when I first had saw this map of those areas indicated as forested areas or treed areas that was going to be cleaned. I was concerned about that. I am no longer concerned about that because of the nature as to what those things are.

Mr. Astorino: Do any other Board members or Professionals have any comments? To the Applicant, you have comments to address. There is other stuff that you would need to address. You would need to get in touch with our Professionals regarding those comments. As far as now, you are proceeding.

Steve Long: We have some questions regarding the 4-Step Process.

Travis Rosencranse: We had previously provided those in four separate 11x17. I was not at the previous meeting. There was some discussion that previous applicants have shown it on one single paper. That is essentially those 4 layouts combined.

Mr. Astorino: That is what we are looking for.

Travis Rosencranse: Ok.

Steve Long: I just wanted to make sure that you would be getting that.

Mr. Astorino: That is fine. We will review it. That is what you would need to get to us.

Steve Long: Ok.

Liz Axelson: I did have a couple of specific comments. I went through the Code for the 4-Step Process to see what was there and what was missing. There are a couple of little fine prints.

Travis Rosencranse: Yes. When would we receive the additional comments?

Mr. Astorino: It will be soon.

Travis Rosencranse: Ok. You mentioned about specimen trees. Are you specifically looking for a tree survey to be completed specifying all?

Mr. Astorino: Yes.

Steve Long: We could do that.

Mr. Astorino: It will need to be provided. What we had seen at the site visit tonight, it doesn't look like there is any specimen trees there.

Steve Long: What we are going to do is hire a Forester. He will quantify as to what trees are out there.

Mr. Astorino: That is what we would need.

Liz Axelson: You would need to show that on a map.

Mr. Astorino: Yes. We need the information along with the line-of-sight. Even though we didn't see anything out there, we would still need it.

Liz Axelson: We would also need a Visual Analysis. That is stated in my comments.

Mr. Astorino: Yes.

Steve Long: Ok.

Mr. Bollenbach: What was the threshold for specimen trees? Was it 24”?

Lize Axelson: It is 12”.

Mr. Bollenbach: That is for isolated trees. What about for specimen trees? You would have to take a look at that.

Liz Axelson: I believe I have that in my comments.

Steve Long: Do we go to the next meeting?

Mr. Astorino: Once you address all of the comments, you would make a resubmittal to the Planning Board. We would go from there. How it works is that you would address all of the comments that we have. You would make a resubmittal to the Planning Board by the submittal deadline. We would then put your application on a Work Session for the Board to discuss. We would take it from there.

Steve Long: Ok.

Liz Axelson: Is the Planning Board ok with us having offline consultation?

Mr. Astorino: Any Applicant that needs to have a consultation with our Professionals could do that.

Connie Sardo: Travis, you could email me with any questions.

Travis Rosencranse: Ok. Thank you.

Mr. Astorino: Ok. We will list CPL Team, Town Planner’s comments/memo, dated September 20, 2023 for the record:

MEMORANDUM

Date: For September 20,2023 Planning Board Meeting

To: Chairman Ben Astorino and Town of Warwick Planning Board

From: Liz Axelson, AICP, Senior Planner

RE: Chancellor Lane Solar Array Site Plan & SUP
69 Chancellor Lane
Warwick, NY 10990
Section 46, Block 1, Lot 12
Project: R23.00030.10

We have reviewed the materials listed at the end of this memorandum according to pertinent requirements and standards of the Code of the Town of Warwick, primarily Chapter 164, Zoning and the NY SEQR regulations. Based on our review we offer the following comments:

General Comments:

1. The proposed action is described as the development of a portion of the 142-acre site to construct a commercial large scale solar energy (5 megawatt [MW]) installation requiring site plan approval and a special use permit. Existing site development includes a house, 2 barns and an outbuilding, driveways and/or trails and a smaller solar array. The proposed project would involve the disturbance of approximately 25 acres of agricultural land involving 6.18 acres of development in “Farmland of Statewide Importance” on an 18.35-acre fenced area of the 142-acre site.
2. This property is located within the Town of Warwick Zoning districts and Overlay Zoning Districts listed below:
 - a. Rural (RU) district;
 - b. Agricultural Protection Overlay (AP-O);
 - c. Aquifer Overlay (AQ-O); and
 - d. Biodiversity Conservation Overlay (BC-O).
3. Provide plan elements, mapping and narrative necessary to demonstrate compliance with the following Zoning sections:
 - a. The proposal involves extensive disturbance and land development in areas of the site identified as “Farmland of Statewide Importance” and areas of “Prime Farmland” due to the soil types in these areas. It is strongly recommended that the layout of the proposed solar array be revised to avoid these agriculturally significant soil resources. There is ample land area (62 acres) in other parts of the site with soils that are not prime farmland. There is also concern about the removal of wooded areas and specimen trees. In the submitted response letter it is indicated that “This project location depicted in the figure shows that the project encompasses ‘Farmland of Statewide Importance’ and does not impact ‘Prime Farmland’.” Add a sheet to the plan set to show the locations of “Farmland of Statewide Importance” and “Prime Farmland” and to demonstrate whether and how these lands with important soils would be impacted; and to show how these impacts would be mitigated.
 - b. Provide plan elements, mapping and narrative necessary to demonstrate compliance with the four-step design process at zoning section 164-41.1, E., (3) the Four-step design process, subsection (a), which refers to 164-41.1, E.(2)(c) While the submittal included a “Four Step Process Description” with narrative and maps, the following elements remain to be provided as per 164-41.1, E., (2)(C)[2] with plans “prepared at the scale of 1 inch equals 100 feet or one inch equals 200 feet whichever would fit best on a single standard size sheet”:
 - i. Topography between 15% and 25% and exceeding 25% shall be indicated;
 - ii. “Vegetative types shall be described by plant community, relative age and condition”;
 - iii. Soil series types and phases as per 164-41.1, E., (2)(C)[2][d];
 - iv. “A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands”;
 - v. Geologic formations as per 164-41.1, E., (2)(C)[2][g], for example, show any bedrock outcrops;
 - vi. The code requires quote “Locations of all historically significant site or structures on the tract and on any abutting tract”;
 - c. Address the supplementary regulations in section 164-42, G. regarding large-scale solar energy installations, including zoning subsections referenced

thereunder; The response to this comment requests identification of deficiencies. It is recommended that the response address 164-42, G., items (1), (3) through (9) with responses to each subparagraph. Also, I defer to the Planning Board's Engineer regarding 164-42, G., items (1) and (3) through (5) and (7) through (9). Regarding 164-42, G., item (2), which refers to 164-41.1, E., (3)(a), see comments 3. b., i through vi, above. Regarding 164-42, G., item (6), see comment 4 below about visual analysis.

- d. Address zoning section 164-46, J., (154) regarding (a) through (c), especially (c) [1] to [4] especially with regard to prime and statewide important agricultural soils; and decommissioning plans; and The response requests clarification for tree survey plan to indicate if the survey must identify removal of 12 inch (12") diameter or larger trees. Refer to zoning section 164-46, E.(4).
 - e. Provide a landscaping plan as per 164-42, G., (5) to screen the project from off-site public views so that the adequacy of the proposed landscaping and screening can be evaluated. The response indicates a request that the Planning Board assess the project location based on a site visit and determine whether landscaping is needed, and if so, a landscaping plan will be provided.
4. Provide a visual analysis of the proposed action using line-of-sight profiles, considering views from public locations. Refer to zoning section 164-42, G., (6). The submittal did not provide any visual analysis. The submittal offers only a series of LOS (line of sight) illustrations without any introduction or narrative, without any images of the site or surrounding area, nor any map showing the context of the illustrations to the site, or surrounding area. A visual assessment or analysis should present existing conditions of visual character and aesthetic values, using images of the existing area. Online materials are available about visual analysis and visual assessment. Please refer to the Full Environmental Assessment Form (Full EAF) comments below.
 5. Please also refer to the comments of the Orange County Department of Planning, dated June 2, 2023 regarding "Prime Agricultural Soils and Soils of Statewide Importance". As per the comments above, this must be demonstrated on the plans.
 6. We defer to the Planning Board's Engineer regarding code and engineering review, including the grading, erosion and sedimentation control, and Stormwater Pollution Prevention Plan (SWPPP).
 7. Please refer to the comments below. Although the submittal provides additional information about the proposed action, the application is incomplete. Therefore, no Planning Board action is recommended at this time. A submittal should be prepared to address the comments herein. I may have additional comments when more detailed information is provided.

SEQR Comments:

8. Following submittal of the required visual analysis, additional review comments will be provided regarding the potential impacts of the project on visual, aesthetic and scenic aspects of the site and its environs, which will pertain to the Planning Board's considerations under SEQR.
9. Please refer to the Plan Comments below that relate to areas of potential environmental impact and corresponding recommended development practices and mitigation.
10. We defer to the Planning Board's Engineer for coordinating detailed review of the following wetlands and habitat assessment reviews:
 - a. Phase 1 Bog Turtle Survey Report;
 - b. Wetland and Stream Delineation Report; and
 - c. Threatened and Endangered Species Habitat Report.

Full Environmental Assessment Form Comments:

11. In Full EAF Part A., update the "Brief description of the Proposed Action" to state that the

proposed action is a commercial large scale solar energy system. It is recommended that this section refer to the Project Narrative, which should be expanded to address the following:

- a. Prior comments requested quantification about the extent of the fenced in area of the array (18+ acres), the area of the site to be cleared and the disturbed areas, lot coverage and impervious surface coverage areas. The submitted Full EAF includes an appended "Project Site Coverage Data" table, which should be consistent with values in the plan set. Another consideration is to add the table to the plan set, confirming values and revising as needed. . These areas should be stated consistently through the Full EAF, the project plans, reports, etc. Refer to Zoning provisions to be consistent;
 - b. Add a section about Impacts to "Farmland of Statewide Importance" ; and
 - c. A phase 1 Archaeological report was submitted. Address the following:
 - i. Provide copies of any responses from the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP or SHPO) via the Cultural Resource Information System (CRIS) .
 - ii. It is recommended that Connie Sardo, the Town of Warwick Planning Board Secretary, be included as a SEQR contact in the CRIS for this project.
12. Regarding the response to E. 2. H. iv., it is suggested the EAF refer to the Wetland and Stream Delineation Report. The report concludes that "All jurisdictional boundaries are subject to verification by the USACE-New York District and/or the NYSDEC Region 3, under their respective jurisdictions." Please submit copies of any responses to the Planning Board.
13. Regarding the response to E. 2. O., it is suggested the EAF refer to the Phase I Bog Turtle Survey Report. The report concludes that "It is LaBella's opinion that bog turtle habitat is not present within the Study Area or immediate vicinity, and additional studies such as a Phase II bog turtle presence/absence study is not required. Concurrence of our findings should be coordinated with the USFWS and NYSDEC." Please submit copies of any responses to the Planning Board.
14. Regarding the response to E. 2. O., it is suggested the EAF refer to the Threatened and Endangered Species Habitat Assessment Report. The report concludes that "Further coordination with NYSDEC and USFWS is recommended to ensure that winter clearing is suitable to avoid impacts to both bat species." Please submit copies of any responses to the Planning Board.
15. The responses to E.3, e. and f. indicate proximity to a site listed on or eligible to be listed on the National of State Register of Historic Places; or an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (NY SHPO) archaeological site inventory. At the Planning Board Workshop meeting, the Applicant's Representatives were urged to make a submittal via the NY Office of Parks Recreation and Historic Preservation Office's (NYS OPRHP) Cultural Resource Information System (CRIS) online portal as soon as possible. Please submit to the Planning Board copies of all information, reports, maps, etc., that have been submitted to the SHPO via the CRIS for their records. Importantly, regarding the CRIS, please add the Planning Board Secretary and her email address as a SEQR contact within the CRIS for this project.
16. Based on a review of various online Orange County and other mapping platforms, the scenic and aesthetic resources listed below are noted to be in the vicinity of the project site (with an estimated approximate distance in miles [mi] from the project site). Additional scenic and aesthetic resources, and historic sites, may be added to the list of sites from which the proposed action may be visible. As per comments above, the submittal did not provide a visual analysis or assessment, only a series of LOS (line of sight) illustrations without any introduction or narrative, without any images of the site or surrounding area, nor any map showing the context of the illustrations to the site, directions toward the site or surrounding area. Methodology must be presented to support how the line of sight images and cross section are created and accurately depicted. Prior CPL comments listed the following places for consideration as part of a

visual analysis. The following locations should be presented on an area map showing the site parcel, and project area within the parcel, and indicating the direction and orientation of location to the site or portion of the site. The actual line of site beginning and end should be shown on a map. Each LOS should state the address from which the locations' line of sight originated with photographs from each location toward the site. Other elements must be provided in a visual analysis. Below are comments about any line-of-site-style images provided;

- a. King's Highway (0.45 mi): Confirm that the trees are shown to scale, and indicate whether they would remain or be removed during development. Indicate whether there are other points long King's highway from which the site may be visible;
 - b. Route 17A (1.2-1.3 mi): the line of sight shown appears to be a place with the hill within the view when looking toward the site. However, if the line of sight was taken at other points on 17A such as to the West on 17A or towards Ketcham Road, the project may be visible;
 - c. Veteran's Memorial Park (1.4 mi);
 - d. Hickory Hill Golf Course (1.6 mi);
 - e. Bellvale Lakes Road (1.65 mi): where an LOS is indicated to be obstructed by topography, provide an excerpt of a topographic map. Indicate whether there are other points long Bellvale Lakes Road from which the site may be visible;
 - f. Warwick Park (2.1 mi): The line of sight appears to depict the Warwick Town Park, which is 3.8 miles away and likely to far away for the site or improvements to be visible. Warwick Park is 2.3 miles south to southwest from the site with hills and trails and from which visibility should be evaluated;
 - g. Bellvale Mountain on Appalachian National Scenic Trail (2.25 mi); and
 - h. Sterling Forest State Park (3.5 mi); and
 - i. Neighbor LOS was not on the list in my prior review memorandum: the LOS should show the roads between the building and site; and since there is a considerable area of existing vegetation, the maps and plans would have to demonstrate that the trees shown would not be removed by depicting them on a map.
17. There may be other areas from which the proposed solar away array would be visible including the following:
- a. the end of John Hicks Rd;
 - b. Wisner road;
 - c. Upper Wisner Road;
 - d. Lower Wisner Road;
 - e. Desanto Lane;
 - f. Rabbit Run Farm; and
 - g. State School Road.

Plan Comments:

The plan comments below focus on creating plans that identify the environmental and other resources of the site and surroundings, clearly depict the proposed action and demonstrate the extent of impacts and corresponding mitigation.

18. As noted above, the proposed project area should be reconsidered and redesigned to avoid disturbance in areas of "Farmland of Statewide Importance", prime agricultural soils, and wooded areas and specimen trees.
19. Prior comments requested that the plans show and label the pathway of runoff from the panels, how it will be directed to drainageways such as swales along the rows of solar panels or some other method for directing runoff to the "On site stormwater management practices" noted in the EAF. On plan sheet C-8 there are arrows pointing through the array in directions apparently to show the "Drainage Direction, (Typ.)". On the northern and western sides of the array there is a "Stormwater Swale with Check Dams" that wraps around this part of the array within the fenced area.

However, there is no "Stormwater Swale with Check Dams" for the eastern and southern sides of the array. Please explain. This is a concern because this area of the array is adjacent to wetlands and NYSDEC wetland 100 foot adjacent areas.

20. Since many of the plan sheets do not include legends for the various types of hash marks, it would be helpful if a legend is either added to plan sheets with these hash-marked areas or labeled somewhere on each plan sheet.
21. The submitted plan set includes the Town of Warwick Standard Map Notes corresponding to the Overlay Zoning Districts in which the project site is located:
 - a. Agricultural Notes, as the site is in the AP-O;
 - b. Aquifer Protection Notes, as the site is in the Aquifer Overlay (AQ-O); and
 - c. Biodiversity Conservation Notes, as site is in the BC-O. Address the following:
 - i. Biodiversity condition 4. a., regarding limiting tree clearing from October 1st through March 31st, should be added to the Biodiversity Conservation Notes on the plans;
 - ii. Biodiversity condition 4. b., regarding maintenance of a 100 foot or greater buffer to streams, should be added to the Biodiversity Conservation Notes on the plans.
22. A decommissioning plan sheet was provided as part of the plan set. I defer to the Planning Board's Engineer about whether it was prepared in accordance with Code Section 164-42. G. (9). Please address the following comments:
 - a. indicate any improvements to remain;
 - b. delineate the limits of all related removal activities and/or disturbance;
 - c. show measures for protection of wetlands, streams, habitat or wooded areas or other natural features during decommissioning activities;
 - d. show the extent of site restoration and stabilization; and
 - e. add all corresponding details, specifications, and notation, etc.
23. Also, in accordance with Code Section 164-42. G. (9) decommissioning estimate/plan was submitted. While I defer to the Planning Board Attorney and Engineer on their review of the written aspect, it is recommended that the salvage value should not be included in the corresponding decommissioning cost estimate or cost analysis.
24. Upon submittal of revised plans and other application materials and documents, we may have additional comments.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at eaxelson@cplteam.com.

Materials Reviewed:

- Cover Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated August 17, 2023;
- Response Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated August 17, 2023;
- Project Narrative, revised August 16, 2023;
- Engineering, LLP, dated August 2023, including the following:
 - G-0 Cover, August 2023;
 - G-1 General Notes And Legend, dated 8/16/23;
 - C-2 ALTA/NSPS Land Title Survey, dated April 7, 2023 and April 14, 2023, unsigned;
 - C-3, Existing Conditions Plan, dated 8/16/23;
 - C-4, Overall Site Plan, dated 8/16/23;
 - C-5 Tree Clearing Plan, dated 8/16/23;
 - C-6, Phasing Plan, dated 8/16/23;
 - C-7, Layout and Materials Plan, dated 8/16/23;
 - C-8 Grading and Drainage Plan, dated 8/16/23;
 - G-9 Access Road Plan and Profile, dated 8/16/23;
 - C-10 Landscaping Plan, dated 8/16/23;
 - C-11 Erosion and Sediment Control Plan, dated 8/16/23;
 - G-12 Erosion and Sediment Control Details, dated 8/16/23;
 - C-13 & C-16, Miscellaneous Details-1 through 4, dated 8/16/23; and
 - C-17 Decommissioning Plan, dated 8/16/23;
- Full Environmental Assessment Form, prepared by Steve Long, Senior Civil Engineer, signed August 14, 2023; with attached Project Site Coverage Data table;
- Series of annotated photographic illustrations identified as "Line of Sight Exhibit Sensitive Areas", with

names of areas, preparer not indicated, undated;

- CESIR Report, prepared by Orange & Rockland Utilities, Inc. dated 5/1/23, revised 6/6/23;
- Decommissioning Estimate/Plan, preparer not indicated, dated 8/2/23;
- Agricultural Data Statement, apparently signed by an applicant representative, signed May 17, 2023, with attached Tax Section 41 sheet, annotated and highlighted to show project site and adjoining properties, preparer not indicated, undated;
- Photographs of envelopes entitled "Agricultural Data Statement Mailing Confirmation", showing portions of letters dated August 4, 2023;
- Chancellor Lane Solar Four Step Process Description, preparer not indicated, Creighton Manning, dated 7/14/2023, including the following items:
 - Four Step Process Description;
 - Figure 1 Sensitive Area Figure:
 - Figure 2 Sensitive Area Figure:
 - Figure 3 Sensitive Area Figure:
 - Figure 4 Sensitive Area Figure:
- Electrical Diagram for Chancellor Solar, by Sol Source Power, undated;
- Phase I Archaeological Survey, Chancellor Lane Solar, authored by Justin Sabino, signed by Jordon Loucks, Principal Investigator, dated August 2023
- FINISH SUBMTL LIST!!
- .

als Previously Reviewed:

- Cover Letter prepared by Travis Rosencranse, PE, CPESC, Creighton Manning Engineering, LLP, dated May 25, 2023;
- Project Narrative, dated May 26, 2023;
- Application for Site Plan and Special Use Approval, signed by Robert Schluter, May 11, 2023, as prepared by Travis Rosencranse, PE, signed 5/18/23;
- Full Environmental Assessment Form, prepared by Steve Long, Senior Civil Engineer, signed May 22, 2023; with attached:
 - Copy of area of CRIS Map annotated; and
 - Copy of letter prepared by Heidi Krahling, Environmental Review Specialist, NYS Natural Heritage Program;
- Agricultural Data Statement, apparently signed by an applicant representative, signed May 17, 2023;
- Plans entitled Chancellor Lane Solar Array, prepared by PREPARER NOT INDICATED, Creighton Manning Engineering, LLP, dated May 2023, including the following:
 - G-0 Cover;
 - G-1 General Notes And Legend, dated 5/26/23;
 - C-2 ALTA/NSPS Land Title Survey, dated April 7, 2023 and April 17, 2023, unsigned;
 - C-3, Existing Conditions Plan, dated 5/26/23;
 - C-4, Overall Site Plan, dated 5/26/23;
 - C-5 Tree Clearing Plan, dated 5/26/23;
 - C-6, Phasing Plan, dated 5/26/23;
 - C-7, Layout and Materials Plan, dated 5/26/23;
 - C-8 Grading and Drainage Plan, dated 5/26/23;
 - G-9 Erosion and Sediment Control Plan, dated 5/26/23;
 - G-10 Erosion and Sediment Control Details, dated 5/26/23;
 - C-11 & C-12, Miscellaneous Details-1 and 2, dated 5/26/23; and
- ALTA/NSPS Land Title Survey, dated April 7, 2023 and April 17, 2023, unsigned;
- Copy of Town of Warwick, Tax Map Section 46, Tax Year 2022, with outlines of the Project Parcel and the Project Site;
- Map of Chancellor Lane Solar Array created via DEC Mapper showing wetlands, dated May 8, 2023;
- Map of Chancellor Lane Solar Array created via US Fish and Wildlife Service National Wetlands Inventory showing Federal wetlands, dated May 8, 2023;
- Orange County – State of New York County Clerk’s Recording page of deed, Book 14624 Page 1353, regarding Curti and Curti Trust, recorded 9/13/19;
- Orange County – State of New York County Clerk’s Recording page of deed, Book 12779 Page 859, regarding William and Nancy Russell; and Robert J Schluter and Rosemarie Curti, recorded 2/6/09;
- Easement granted to Orange and Rockland Electric Company, May 16, 1956 by Chas, Mabel, Louise and Donald Bender;
- Easement granted by Harvey and Martha Green to Warwick Valley Light and Power company October 16, 1914;
- Grant of right-of-way granted to Orange and Rockland Utilities, Inc, September 18, 1969 by Chas, Donald and Louise Bender;
- Service Capacity Communication to Nick Schupp, Sol Source Power regarding Chancellor Lane Solar, regarding Orange and Rockland Utility, dated 5/17/23;
- Escrow account form signed 5/17/23;
- Phase 1 Bog Turtle Survey Report for Chancellor Lane Solar, prepared by LaBella Associates, DPC, dated February 2023;
- Wetland and Stream Delineation Report for Chancellor Lane Solar, prepared by LaBella Associates, DPC, dated January 2023;

- Threatened and Endangered Species Habitat Report for 69 Chancellor Lane, prepared by LaBella Associates, DPC, dated April 10, 2023;
- Copy of checks; and
- Annotated/Highlighted Copy of Town of Warwick Standard Map Notes.

Bruno Rzeznik Chapter 150

Application for Review and Approval of "Chapter 150" Site Remediation Plan Application, situated on tax parcel S 58 B 1 L 39.223; parcel located on the northwestern side of Old Dutch Hollow Road 3200 feet south of Nelson Road (353 Old Dutch Hollow Rd.), in the MT zone, of the Town of Warwick.

Representing the Applicant:

Mr. Astorino: The Applicants did not show up for the meeting this evening. We will hold them off for another time.

Nicholas Albanese, Trust

Application for Site Plan Approval for the construction and use for the demolition of an existing 2-bedroom dwelling, single-story dwelling, and the construction of a new 2-story, 2-bedroom dwelling located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 74 B 5 L 4; project located on the southern side of Lake Shore Road 40 feet east of Ann Ct. (142 Lake Shore Road), in the SM zone, of the Town of Warwick.

Representing the Applicant: Brian Friedler, Friedler Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – PB secretary determined submittal not required
6. TW Building Department – 09/11/23 illegal demolition of building (07/18/23)
7. Planning Board to determine if a site inspection is necessary.
8. FEMA floodplain map must be submitted.
9. The location of the well or other water supply source for this property must be added to the plans.
10. Add a note to the site plan stating that all new utilities must be installed underground.
11. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
Map Note on Sheet 1 of 1
12. Applicant to clarify and indicate on plans what site features are to remain or are modified (i.e. porch, deck, driveway, etc.).
13. The surveyor must sign and seal the plan because metes and bounds are included on the drawings.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Payment of all fees.

The following comment submitted by the Conservation Board:

Nicholas Albanese, Trust – None submitted.

The following comment submitted by the ARB:

Nicholas Albanese, Trust – None submitted.

Comment #1: Planning Board to discuss SEQRA

Liz Axelson: I have prepared a draft Resolution to determine this application is a SEQRA Type 2 Action. It requires no further SEQRA Review.

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

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes and 0-Nays.

617.6

State Environmental Quality Review (SEQR)

DRAFT Resolution

Type II Action

Name of Action: Albanese 142 Lake Shore Site Plan and Special Use Permit Application

Whereas, the Town of Warwick Planning Board is in receipt of an application for review and approval of a Site Plan and Special Use Permit for removal of an existing dwelling and construction of a new two-story, 2-bedroom single-family dwelling submitted by Applicant Jude Albanese on behalf of the Nicholas Albanese Trust. The existing ___ (1,300) square foot (SF) dwelling would be removed, and a new dwelling would be constructed on the same building footprint on a 3,823 SF parcel of land (SBL: 74-5-4), located at 142 Lake Shore Drive, Town of Warwick, Orange County, New York; and

Whereas, since the dwelling is located in a Designated Protection Area, associated with Greenwood Lake, as defined in the Code of the Town of Warwick, Chapter 164 Zoning section 164-22, the proposed expansion requires “approval of plans and authorization by the Planning Board”, according to section 164-46;

Whereas, the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Site Plan, Albanese Property, prepared by Brian Friedler, PE, Friedler Engineering, PLLC, dated August 28, 2023, based on a Survey by John A. McGloin, PLS, showing the site, location of the existing and proposed residence, existing subsurface sewage disposal system, and driveway; and with the project description in the submitted Short EAF indicating the property is within 100 feet of Greenwood Lake; and

Whereas, the Planning Board is now considering the applicant’s request for approval of the Site Plan and Special Use Permit;

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, the Planning Board has determined that the proposed project is a Type II Action that meets the thresholds found in 6 NYCRR 617.5 (c)(2) and (11), regarding reconstruction of a structure and construction of a residence, respectively; and, therefore, SEQR does not apply.

Now Therefore Be It Resolved, that the Town of Warwick Planning Board hereby declares that that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Brian Friedler: Initially the owners of the property were only supposed to remove the roof and build a second-story. During that construction the structural integrity of the house was poor. They ended up going down to the foundation. They discovered that was in horrible condition. They would need to pour a new foundation and rebuild a whole new house instead of just building an addition. Right now, there is no house there.

Mr. Astorino: They had done that without obtaining permits.

Brian Friedler: Right. That is why we are here in front of the Planning Board.

Liz Axelson: Is it proposed to be 1300 s.f.? In the Type 2 Resolution it says 1300 s.f. I think I got that information either from your plan or your materials.

Brian Friedler: That was what I had down for the limit of disturbance which is 1300 s.f. The house itself would be a lot smaller than that.

Liz Axelson: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – PB secretary determined submittal not required

Comment #6: TW Building Department – 09/11/23 illegal demolition of building (07/18/23)

Mr. Astorino: That is why you are before the Planning Board.

Brian Friedler: Yes.

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

Mr. Astorino: Would the Board like to do a site visit?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Purcell: Yes.

Mr. Astorino: Ok.

The Planning Board discussed and scheduled a site visit for September 25, 2023 @ 6:00p.m.

Comment #8: FEMA floodplain map must be submitted.

Brian Friedler: Ok.

Comment #9: The location of the well or other water supply source for this property must be added to the plans.

Brian Friedler: Ok.

Comment #10: Add a note to the site plan stating that all new utilities must be installed underground.

Brian Friedler: Ok.

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

Brian Friedler: Ok.

Comment #12: Applicant to clarify and indicate on plans what site features are to remain or are modified (i.e. porch, deck, driveway, etc.).

Brian Friedler: Ok.

Comment #13: The surveyor must sign and seal the plan because metes and bounds are included on the drawings.

Brian Friedler: Ok.

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: Ok.

Comment #15: Payment of all fees.

Brian Friedler: Ok. We ask the Board if we could be set for a public hearing.

Mr. Astorino: I don't see a problem with doing that.

Mr. McConnell makes a motion to Set the Nicholas Albanese, Trust Site Plan Application for a Public Hearing at the next available agenda.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays.

Brian Friedler: Thank you.

Ball Farm, LLC

Application for Sketch Plat Review of a proposed 14-Lot Cluster (MAJOR) subdivision + 1-Affordable Home, situated on tax parcel S 53 B 1 L 37.2; parcel located on the northern side of Ball Road intersection of South Street Extension and Ball Road (56 Ball Rd.), in the SL zone, of the Town of Warwick.

Representing the Applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – sent 08/24/23
6. TW Building Department – 08/25/23 overgrown property and dwelling in disrepair
7. NYS Parks, Recreation, and Historic Preservation letter
8. The Open Space notes on the Sketch Cluster Subdivision Plan indicate that the open space will be part of Lot #14, which also includes the “Barn Lot”. Not having a residential unit on Lot 14 requires a ZBA variance to have an accessory structure without a primary structure.
9. Planning Board to determine if a site inspection is necessary.
10. Applicant to clarify status of the existing dwelling in disrepair that will be located on Proposed Lot 13.
11. Clarify status of opting into the AP-O Overlay District with the Warwick Town Board.
12. The Yield Plan indicates that 13 lots can be constructed on this property; the Cluster Plan shows 14 lots. Applicant to clarify number of lots proposed.
13. A note shall be added to the plan stating that there will be no future subdivision of any lot included within this subdivision.
14. The Site Context Plan does not appear to show woodlands over ½ acre in area, utility easements and rights of way, public land, and land protected under conservation easements.
15. The Context Plan shows the contour lines, but the contour elevation numbers should be shown.
16. The Context Plan should indicate the 100-year floodplain or add a note stating that there is not one on this property.
17. The Existing Resources Plan does not appear to show slopes between 15 and 25%, existing vegetative cover, vegetative types described by plant community, relative age, and condition, viewshed analysis, geologic formations, historically significant sites or structures, and all easements/encumbrances.
18. On the Existing Resources Plan, there is a rectangle to the northwest of the existing dwelling and what appears to be septic system to the west of the existing dwelling. Please label these two features.

19. The Four-Step Process, Step 1: The vegetation types by community, views to and from the site, and steep slopes between 15 and 15% should be shown.
20. The Four-Step Process, Step 1C: The sketch indicates that the plan will use two existing driveway entrances, but there appears to be only one existing driveway entrance to Ball Road. Applicant to clarify.
21. The Four-Step Process, Step 3: Applicant to clarify why two cul-de-sacs are proposed instead of one looped road.
22. §164-41.1.G(4) states that the land used for agricultural purposes shall be buffered from residential uses with a 100 to 200-ft setback. If this buffer is not wooded, the planning board may require vegetative screening be provided. Applicant to clarify.
23. §164-41.1.G(5) states that no parcel of open space shall be less than one acre. Applicant to clarify.
24. Applicant to clarify that proposed Sketch Cluster layout complies with §164-41.1H(2). New dwelling setbacks.
25. Applicant to confirm that project confirms to §164-41.1.H(6) proposed wells must be at least 100- ft from active agricultural lands.
26. To comply with §164-46.H(7)(a)[8], please show the areas with slopes of 15% or greater on the drawings, so that it can be confirmed that these areas are avoided.
27. §164-46H(7)(a)[9] requires the subdivision to avoid the habitats of any threatened or endangered species. Please confirm if any of these locations are present.
28. The metes and bounds for all lot lines must be shown on the drawings.
29. The type of roadway being proposed should be clarified (e.g., common driveway, private road, etc.).
30. Applicant to provide right-of-way and cross-section for the proposed roadway(s).
31. Applicant to provide proposed roadway profiles.
32. Potential street trees may be required per §137-19.B(5).
33. Applicant to add notes to the plan to clarify the proposed owner of the new roadway(s), stormwater management practices, etc.
34. Applicant to provide Aquifer impact assessment performed by a qualified professional.
35. All well and septic location to be approved by the Orange County Department of Health (OCDOH). OCDOH to witness soil testing, as well.
36. 911 addresses must be obtained from the Building Department and shown on the plan.
37. Applicant to include appropriate Stormwater management items, details, SWPPP, etc.
38. Applicant to clarify the owner of the open space, as well as the entity that will maintain the open space area.
39. Sight distance triangle descriptions and maintenance requirements must be shown on the plans.
40. 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.” Sketch Cluster Plan, Note 12
41. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.
42. A metes and bounds description shall be provided for the proposed open space.
43. The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.

44. Payment in lieu of parkland for 13 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].
45. Payment of all fees.

The following comment submitted by the Conservation Board:

Ball Farm, LLC – None submitted.

The following comment submitted by the ARB:

Ball Farm, LLC – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: I cannot confirm if this property is located in an Agricultural District or not. The online information says it is located in the Agricultural District. There is other information that says it is not.

Mr. Astorino: I am pretty sure it is located within the Agricultural District. It is a farm. John, isn't this property located in the Ag District #2?

Mr. Bollenbach: It is located within the Orange County Agricultural District #2. Unless, it has been added or deleted. I don't know that. I would have to confirm that.

Liz Axelson: I thought there was something about requesting to be in the Ag District or in the Ag Protection Overlay District?

Mr. Astorino: That is not the Ag District.

Liz Axelson: I understand that. It is not absolutely clear about that. I did not prepare a Resolution. If it is in the Ag District, I will prepare a Resolution for the next time making it a Type I Action.

Kirk Rother: I will confirm that to. I believe it is within the Agricultural District.

Mr. Astorino: I am pretty sure it is.

Mr. Bollenbach: At one time there was discussion as to whether or not it was eligible for PDR (Purchase Development Rights). It went through those first hurdles. It was determined at that time. If it is currently in or not, I don't know.

Kirk Rother: I believe it is. I will check.

Mr. Astorino: Liz, please make a not of that. If we don't do SEQRA now, it could get lost in the process here.

Liz Axelson: It is mentioned in my comments this evening.

Mr. Astorino: I understand that.

Kirk Rother: I will get an answer on that matter. It is also within the Agricultural Protection Overlay, which the Applicant would want to opt into. There is a provision in there to get one lot.

Liz Axelson: Yes. I had seen that in there.

Comment #2: Applicant to discuss project.

Kirk Rother: This is a new application before the Board for a proposed 14-Lot Cluster subdivision of approximately 40 acres of land on Ball Road formally as well known as the Ball Farm. It was purchased by the owners of Maskers Orchard. They are looking to do the subdivision and preserve a lot of the farm as ongoing agricultural property to continue to hay it. The Yield Plan was prepared based on the SL zoning district. It gave us 13 lots by right. If we have more than 10 lots, then we would have one affordable lot required. Our Cluster plan shows 14 total lots. Out of that, 12-Lots would be for new construction, one lot would be for the existing Ball Farm house and the remaining lands would be agricultural land.

Mr. Astorino: Ok. As far as these comments this evening, Laura or Kirk, do any of the comments stand out? We know this is a new subdivision. We would need to do a site visit. We could schedule a site visit at the Work Session on Monday night. The site visit could possibly be set for October 4, 2023 before the meeting. We will determine a site visit date at the Work Session on September 25, 2023. Do any Board members or Professionals have any comments?

Laura Barca: No.

Kirk Rother: No.

Mr. Astorino: Ok. We will list Comment #3 through Comment #45 for the record. We will also list CPL Planner's Memo/Comments, dated 9/20/23 for the record.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – sent 08/24/23

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

Comment #7: NYS Parks, Recreation, and Historic Preservation letter

Comment #8: The Open Space notes on the Sketch Cluster Subdivision Plan indicate that the open space will be part of Lot #14, which also includes the "Barn Lot". Not having a residential unit on Lot 14 requires a ZBA variance to have an accessory structure without a primary structure.

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

Comment #10: Applicant to clarify status of the existing dwelling in disrepair that will be located on Proposed Lot 13.

Comment #11: Clarify status of opting into the AP-O Overlay District with the Warwick Town Board.

Comment #12: The Yield Plan indicates that 13 lots can be constructed on this property; the Cluster Plan shows 14 lots. Applicant to clarify number of lots proposed.

Comment #13: A note shall be added to the plan stating that there will be no future subdivision of any lot included within this subdivision.

Comment #14: The Site Context Plan does not appear to show woodlands over ½ acre in area, utility easements and rights of way, public land, and land protected under conservation easements.

Comment #15: The Context Plan shows the contour lines, but the contour elevation numbers should be shown.

Comment #16: The Context Plan should indicate the 100-year floodplain or add a note stating that there is not one on this property.

Comment #17: The Existing Resources Plan does not appear to show slopes between 15 and 25%, existing vegetative cover, vegetative types described by plant community, relative age, and condition, viewshed analysis, geologic formations, historically significant sites or structures, and all easements/encumbrances.

Comment #18: On the Existing Resources Plan, there is a rectangle to the northwest of the existing dwelling and what appears to be septic system to the west of the existing dwelling. Please label these two features.

Comment #19: The Four-Step Process, Step 1: The vegetation types by community, views to and from the site, and steep slopes between 15 and 15% should be shown.

Comment #20: The Four-Step Process, Step 1C: The sketch indicates that the plan will use two existing driveway entrances, but there appears to be only one existing driveway entrance to Ball Road. Applicant to clarify.

Comment #21: The Four-Step Process, Step 3: Applicant to clarify why two cul-de-sacs are proposed instead of one looped road.

Comment #22: §164-41.1.G(4) states that the land used for agricultural purposes shall be buffered from residential uses with a 100 to 200-ft setback. If this buffer is not wooded, the planning board may require vegetative screening be provided. Applicant to clarify.

Comment #23: §164-41.1.G(5) states that no parcel of open space shall be less than one acre. Applicant to clarify.

Comment #24: Applicant to clarify that proposed Sketch Cluster layout complies with §164-41.1H(2). New dwelling setbacks.

Comment #25: Applicant to confirm that project confirms to §164-41.1.H(6) proposed wells must be at least 100- ft from active agricultural lands.

Comment #26: To comply with §164-46.H(7)(a)[8], please show the areas with slopes of 15% or greater on the drawings, so that it can be confirmed that these areas are avoided.

Comment #27: §164-46H(7)(a)[9] requires the subdivision to avoid the habitats of any threatened or endangered species. Please confirm if any of these locations are present.

Comment #28: The metes and bounds for all lot lines must be shown on the drawings.

Comment #29: The type of roadway being proposed should be clarified (e.g., common driveway, private road, etc.).

Comment #30: Applicant to provide right-of-way and cross-section for the proposed roadway(s).

Comment #31: Applicant to provide proposed roadway profiles.

Comment #32: Potential street trees may be required per §137-19.B(5).

Comment #33: Applicant to add notes to the plan to clarify the proposed owner of the new roadway(s), stormwater management practices, etc.

Comment #34: Applicant to provide Aquifer impact assessment performed by a qualified professional.

Comment #35: All well and septic location to be approved by the Orange County Department of Health (OCDOH). OCDOH to witness soil testing, as well.

Comment #36: 911 addresses must be obtained from the Building Department and shown on the plan.

Comment #37: Applicant to include appropriate Stormwater management items, details, SWPPP, etc.

Comment #38: Applicant to clarify the owner of the open space, as well as the entity that will maintain the open space area.

Comment #39: Sight distance triangle descriptions and maintenance requirements must be shown on the plans.

Comment #40: 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.” Sketch Cluster Plan, Note 12

Comment #41: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set along open space boundaries.

Comment #42: A metes and bounds description shall be provided for the proposed open space.

Comment #43: The liber and page for the Ridgeline, Aquifer Protection, Agricultural, and Open Space Notes must be added to the plan. Also, the liber and page for the sight distance triangle maintenance requirements must be shown.

Comment #44: Payment in lieu of parkland for 13 lots per Town of Warwick Town Code §75-3.A.(2)(a)[3].

Comment #45: Payment of all fees.

MEMORANDUM

Date: For September 20, 2023 Planning Board Meeting

To: Chairman Ben Astorino and Town of Warwick Planning Board

From: Liz Axelson, AICP, Senior Planner

RE: Ball Farm Cluster Subdivision
56 Ball Road
Warwick, NY 10990
Section 53, Block 1, Lot 37.2
Project: R23.00030.16

I have reviewed the materials listed at the end of this memorandum according to pertinent requirements and standards of the Code of the Town of Warwick, primarily Chapter 164, Zoning; SEQR forms and online mapping resources. Based on our review I offer the following comments:

General Comments:

25. The proposed action is a conservation cluster subdivision of a 40.1-acre site into 14 lots with access via two (2) 16-foot-wide common driveways to South Street Extension and Ball Road. The cover letter notes there are 13 proposed lots plus one affordable lot. Each of the proposed lots would be served by individual wells and subsurface sewage disposal systems (SSDSs or "septics"). The proposal as depicted on the Sketch plan set would result in:
 - a. 13 lots for proposed residential development; and
 - b. The 14th lot would include the existing barn with an area reserved for future residential development and related improvements on the barn lot. One of the proposed open space areas of 23.13 acres is associated with Lot 14.
26. This property is located within the Town of Warwick Zoning districts and Overlay Zoning Districts, described in zoning sections 164-30 and 164-31, listed below. The corresponding Overlay plan notation must be added to the preliminary plans:
 - a. Suburban Residential Low Density (SL) district;
 - b. Aquifer Protection Overlay (AQ-O); and
 - c. Ridgeline Overlay (RL-O2) in the northern portion of the site; and
 - d. Traditional Neighborhood Overlay (TN-O) district.
27. While the project site is not in the Agricultural Protection Overlay (AP-O) district, it has a history of agricultural use. Notation on the submitted "Yield Subdivision Plan" sheet indicates "Note: Applicant to petition Town Board to opt into Agricultural Protection Overlay". At some point in the project's review the AP-O notes may need to be added to the plan set.
28. I defer to the Planning Board's Engineer regarding code review.
29. The submitted Sketch plan set provides the yield, site context, existing resources, four-step design process and a sketch cluster subdivision. A revised submittal should be prepared to address the comments herein.

SEQR Comments:

30. It is unclear whether the site of the proposed action is located in an agricultural district. Online property tax information indicates the site is not in an agricultural district, however information in online platforms may be outdated. Please verify whether the site is in an agricultural district. This information is needed to indicate whether the site whether the proposed action may be an Unlisted action under SEQR or a Type 1 action. The proposed action would be a Type 1 action per the SEQR regulations at section 617.4 (b)(5)(ii). See EAF comments below.

Short Environmental Assessment Form Comments:

31. The submitted cover letter indicates a Full Environmental Assessment Form (Full EAF) would be enclosed yet a Short EAF was submitted. Given the proposed development, a Full EAF should be provided in the next submittal.
32. The response to Short EAF question 3 indicates 10 acres of disturbed area. Grading, drainage improvements and the limits and acreage of disturbed area should be shown on the preliminary plans.
33. The response to Short EAF question 9 regarding the state energy code requirements is answered "yes". Please provide a response to the subsequent question, that is, a description of the design features and technologies that will allow the proposed action to

exceed the state energy requirements. Additionally show any pertinent design features on the preliminary plans.

34. There was no response to Short EAF question 12. b. regarding sensitivity for archaeological sites. Please provide a response to all questions in EAF forms.
35. A blank Short EAF was generated from the online New York State Department of Environmental Conservation (NYSDEC) EAF Mapper platform as part of my review. The response to Short EAF question 12. b., indicates the site is sensitive for archaeological sites. Consultation with the New York State Office of Parks Recreation and Historic Preservation (NYS OPRHP or SHPO) via the NYS OPRHP's Cultural Resource Information System (CRIS) should be done as soon as possible. It is likely that a phase 1A and or phase 1B cultural resource investigation may be required.
36. Please provide copies of all materials submitted to the SHPO via the CRIS to the Planning Board, including any phase 1A and or phase 1B cultural resource investigation reports, and all responses from the CRIS.
37. The response to question 13. a. Indicates there are wetlands or water bodies on the project site. This is consistent with the EAF Mapper information. Specifically, there's a stream on the West side of the site, which may potentially be a federal wetland. Provide a wetland assessment report including maps of the existing stream and related wetland areas.
38. The response to question 14 regarding habitat types should indicate wetlands.
39. In response to question 15, the Threatened or Endangered species and habitats noted are the Indiana Bat and Bog Turtle habitat. Provide a habitat assessment report including maps.
40. Regarding the responses to question 17, I defer to the Planning Board's Engineer regarding the Storm Water Pollution Prevention Plan (SWPPP).
41. A Full EAF Mapper blank form was generated for the project site indicating the following environmental resources:
 - a. Surface water features, specifically, a stream and wetlands with the stream classified as C(T), which is a Class C Trout stream;
 - b. Wetlands indicated as Federal Waters;
 - c. Aquifers including a sole source aquifer indicate as "Northwest New Jersey 15 Basin SSA". Provide narrative about this aquifer referring to any existing description, designation or report about this aquifer; and referring to the AQ-O notation on the preliminary plans;
 - d. The "ORANc01" agricultural district is indicated in the Full EAF mapper at question e.3, a. Confirmation is needed about agricultural district status of the site;
 - e. The responses to Full EAF mapper questions E.3., f. and g., also indicate the site is sensitive for archaeological sites. As noted in the Short EAF comments above, consultation with the NYS OPRHP via the CRIS should be done as soon as possible and will likely require a phase 1A and or phase 1B cultural resource investigation. Please provide copies of all materials submitted to and responses from the SHPO via the CRIS.
 - f. Please refer to the Short EAF comments above regarding the need for any investigations, assessments, reports, etc.
42. A Full EAF, including project narrative and related reports, should be submitted.
43. Additional comments will be offered upon submittal of more detailed plans and a Full EAF.

Plan Comments:

The sketch plan comments below focus on creating plans that identify the environmental and other resources of the site and surroundings, clearly depict the proposed action and demonstrate the extent of impacts and corresponding mitigation.

44. The submittal is a somewhat detailed sketch with plan sheets for yield, site context,

existing resources, the four-step design process and a sketch cluster subdivision.

Regarding environmentally sensitive resources, address the following:

- a. Show and label any archaeologically sensitive areas on the site;
 - b. Twenty-five percent (25%) or greater slopes are shown on the submitted yield, existing resources, four step design, and sketch cluster plan sheets. In the Cluster subdivision design process in zoning section 164-41.1, subsection E., subparagraph (1) Sketch plan, (c) the topographical and physical features required include steep slopes greater than fifteen percent (>15%). The areas with greater than 15% slopes should be shown throughout the project site instead of slopes > 25%. Please revise the corresponding plan sheets accordingly;
 - c. Per 164-41.1, subsection E., subparagraph (1)(b) show any state and/or federal wetlands; and
 - d. Show any existing rights-of-way or easements.
45. While it is noted that a visual analysis would be required during the preliminary review of the proposal, it is suggested that a brief narrative about views of the site and a couple of key images from nearby roads or other places be provided.
46. Additional comments will be offered upon submittal of more detailed sketch or preliminary plans.

If you have any questions, please do not hesitate to contact me at 845-686-2309, or e-mail at eaxelson@cplteam.com.

Materials Reviewed:

- Cover letter by Kirk Rother, PE, Consulting Engineer, PLLC, dated August 15, 2023;
- Application for Sketch Subdivision Approval, signed by Victor Ludmerer on May 22, 2023;
- Application for Preliminary Approval of a Major Subdivision, signed by Victor Ludmerer on May 22, 2023;
- Application for Final Approval of a Major Subdivision, signed by Victor Ludmerer on May 22, 2023;
- Town of Warwick Agricultural Data Statement, signed by Victor Ludmerer on May 22, 2023;
- Attached Town of Warwick Planning Board Subdivision Checklist for Sketch Approval, prepared by Kirk Rother, PE, Consulting Engineer, PLLC, dated 8/15/23;
-
- Copy of Tax Map section 53N showing the project site;
- Short EAF prepared by Kirk Rother PE, dated August 15, 2023;
- NYSDEC Environmental Resource Mapper showing project site and environs and nearby Streams and wetland areas, dated May 26, 2023;
- National Flood Hazard Layer Firmette map showing project site, undated;
- US Fish and Wildlife Service, National Wetland Inventory map, showing the project site and environs and nearby Streams and wetland areas, dated May 26, 2023;
- Cultural Resource Information System map showing project site and environs and nearby archaeological buffer areas, undated;
- Plan set entitled Lands of Ball Farm LLC, prepared by Kirk Rother, PE, Consulting Engineer, PLLC, dated May 22, 2023, including the following plan sheets:
 - Yield Subdivision Plan;
 - Site Context Plan;
 - Existing Resources Plan;
 - Four Step Design Process; and
 - Sketch Cluster Subdivision Plan.

Other Considerations:

1. Planning Board Minutes of 8/16/23 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 8/16/23.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays.

2. Planning Board to discuss scheduling a site visit for Old Forge Road, LLC (57-61 Old Forge Rd.)

Mr. Astorino: Is there anyone here this evening to represent the Old Forge Road, LLC application? Since there is no one here to represent the application this evening, we will “Table” it. We will put the Old Forge Road LLC application on the Work Session for September 25, 2023.

Correspondences:

1. Email Letter from Alicia Stoklosa, Attorney dated 8/23/23 addressed to the Planning Board in regards to Capozza Four Corners Road Solar Project.

Mr. Astorino: We have that correspondence in our packets. Connie, do we have any other correspondences this evening?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. 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?

Rodger Friedman: I am President of the Sterling Lake HOA which abuts the property that you are going to visit on Old Forge Road. I am also the Co-Chair of the Sterling Forest Partnership a 5013C dedicated to the integrity of Sterling Forest Park. I was admiring the Town of Warwick Seal. We are represented by the chain in that seal. It is the chain that prevented British ships from going up the Hudson was forged. It is basically where the Old Forge Road is. The Old Forge Road was named for the forge where that chain was forged. My question is as interested parties in the property located at 57 Old Forge Road, would we be allowed to accompany you on the site visit?

Mr. Astorino: We do not own the property. We cannot say to you that you could come onto anyone's property. This site visit is for the Planning Board and for the Planning Board only. We are the agency involved in it. If you want to contact the owner or the Applicant's Representative and ask that question, that would be totally up to you. We will not give permission for that.

Rodger Friedman: Ok. I understand that. We will be hoping to be included as interested parties in the SEQRA process.

Mr. Astorino: That is something we would go forward with our Planner.

Rodger Friedman: Thank you very much. It has been very educational for me.

Mr. Astorino: Is there anyone else wishing to address any of the agenda items? Let the record show no further public comment. Regarding the Old Forge Road application, we do need to get a verified address of on the owners of the Applicant. We will reach out again to the Applicant's Professionals to get an updated area where we could send our escrow letters and other correspondences to. There was a miscommunication here that we as a Planning Board do not have the proper address. We need to ascertain that. Quite frankly, if we don't get that information, I don't think we should do anything until we have that information. That is my opinion.

Mr. McConnell makes a motion to adjourn the September 20, 2023 Planning Board Meeting.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 0-Nays.