

## TOWN OF WARWICK PLANNING BOARD

January 18, 2023

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Bo Kennedy,  
John MacDonald, 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, January 28, 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.

Mr. Astorino: Happy New Year to everyone. Before we start the meeting tonight, I would like to do some housekeeping. First, we would like to welcome Liz Axelson from CPL as our new Town Planner to the Planning Board. Secondly, I would like to appoint Roger Showalter as Vice-Chairman to the Board for the year 2023. I appreciate all that you do.

Mr. Showalter: Thank you.

Mr. Astorino: Lastly, if we have inclement weather on a meeting night, our Planning Board Secretary will contact you by email if a meeting has been canceled or changed.

### **Review of Submitted Maps:**

#### ***Ralph and Chris Ann Garcia***

Application for Review and Approval of “Chapter 150” Remediation Site Plan Application, situated on tax parcel S 58 B 2 L 39; parcel located on the western side of Nelson Road 1200 feet south of Rumsey Lane (339 Nelson Road), in the MT zone, of the Town of Warwick.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying. Ralph and Ann Garcia, Applicants.

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 – 01/05/23 no advisory comments
6. TW Building Department – 01/12/23 expired permit for pool deck (27650), notice of violation for land disturbance greater than 0.25-acre.

7. Additional information should be added to the plan to indicate if tree removal was involved or only land disturbance.
8. Planning Board to determine if additional landscaping is required.
9. The plan should include details for the topsoil, seed, and mulch that is proposed.
10. All requirements set forth in §150-5 Permit Procedure must be satisfactorily completed.
11. The plans should indicate if the natural drainage of the area has been affected, including if adjacent property owners will be affected.
12. Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).
13. Applicant to confirm if the silt fencing has already been installed. Also, please state if the silt fencing is at the top of the hill, bottom of the hill, or both. The line type indicating placement of silt fence should be clarified either in the legend or called out on the plans.
14. Confirm location(s) of any significant trees and if tree protection is required. If used, a detail must be added to the plan.
15. Clarification if all disturbed areas, especially where the soil is or was recently disturbed, have been sufficiently stabilized.
16. A stormwater plan in conformance with §164-47.10 Stormwater Management must be submitted.
17. Any required landscape plan should include planting details, such as tree planting and staking, tree protection details for trees to remain. Seed mixture information should be provided, such as type of wildflower meadow mix, installation notes, seeding rates, maintenance plan.
18. Any proposed landscaping shall include applicable notes, including three-year survivability.
19. The Town of Warwick standard notes must be added to the plan.
20. The Town of Warwick standard note for lighting must be added to the plan.
21. Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
22. The surveyor must sign and seal the plans.
23. Surveyor to certify that iron rods have been set at all property corners.
24. Applicant to post any Performance Bond and/or Landscape Bond, as determined by the Planning Board.
25. Payment of all fees.

The following comment submitted by the Conservation Board:

Ralph & Chris Ann Garcia – None submitted.

The following comment submitted by the ARB:

Ralph & Chris Ann Garcia – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: We reviewed the short EAF that the Applicant had provided. We looked at the SEQRA listing for action under the NYCRR617.4 and .5. The Planning Board has determined that the proposed project is a Type II Action. Therefore, SEQRA does not apply. I have prepared a draft Type II Action Resolution for the Planning Board’s consideration.

Mr. Showalter makes a motion for the Type II Action. Seconded by Mr. McConnell. The following Resolution was carried 5-Ayes and 0-Nays.

### 617.6

#### **State Environmental Quality Review (SEQR)**

##### Type II Action

**Name of Action:** Garcia Site Plan Application

**Whereas,** the Town of Warwick Planning Board is in receipt of an application for review and approval of a Site Plan approval by Ralph and Chris Ann Garcia for a 2.4-acre parcel of land, Tax Parcel SBL: 58-2-39, located at 339 Nelson Road, Town of Warwick, Orange County , New York; and

**Whereas,** the Town of Warwick Planning Board has reviewed the submittal including a drawing entitled Restoration Plan, prepared by David Getz, PE, Engineering & Surveying Properties showing an area of proposed regrading involving the addition of fill only, which would not involve excavation, including soil erosion and sedimentation control measures. And the Planning Board is now considering the applicant's request for approval of the Site Plan;

**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)(1) and (21) 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.

Dave Getz: Mr. and Mrs. Garcia have lived here since 1986. Last year they had hired an earth working contractor to bring in fill to their property to level off an area in the back yard behind their home and pool to extend the lawn area for a more usable area for their grandkids. The purpose was to expand the play area for them. They didn't realize a permit was needed. Fill was brought in. It exceeded 10,000 square feet. At the Work Session, we spoke about the limit of disturbance within their property. On the northern side of the property, the disturbance had extended onto the neighbor's property.

Mr. Astorino: You mentioned that you had a conversation with the neighbor. Is that correct?

Dave Getz: Yes. We have a letter from the neighbor.

Ralph Garcia: We have a letter from the neighbor that has been signed by him. The letter includes his phone number.

Dave Getz: Could we read the neighbor's letter for the record?

Mr. Astorino: Yes.

Dave Getz: The Letter is from Jonathan & Victoria Sismey, dated January 17, 2023 addressed to the Planning Board. The letter is stated as follows:

*To Whom it may concern:*

*Ref: Site Plan for the Garcia Property 339 Nelson Road/encroachment onto 347 property line.*

*This is to notify you that I am aware of the land encroachment onto my property caused by the above referenced project.*

*I have spoken with my neighbor Ralph Garcia who I have a good relationship with, and he assured me he will rectify the situation and restore the boundary to its original position. I have full confidence that this matter will be taken care of as quickly and efficiently as possible.*

*Kind regards,*

*Jonathan Sismey  
Neighbor*

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 01/05/23 no advisory comments

Comment #6: TW Building Department – 01/12/23 expired permit for pool deck (27650), notice of violation for land disturbance greater than 0.25-acre.

Mr. Astorino: That is why you are here. Regarding the pool deck, you could take care of that with the Building Department.

Ralph Garcia: Ok.

Comment #7: Additional information should be added to the plan to indicate if tree removal was involved or only land disturbance.

Dave Getz: There were a few trees taken down. Is that correct?

Ralph Garcia: There were a number of trees taken down.

Mr. Astorino: Add that to the plans.

Ralph Garcia: Ok.

Comment #8: Planning Board to determine if additional landscaping is required.

Mr. Showalter: I don't see that additional landscaping should be necessary.

Mr. Astorino: I agree.

Dave Getz: What we are proposing is to topsoil, seed and mulch.

Mr. Bollenbach: We could strike Comment #8.

Comment #9: The plan should include details for the topsoil, seed, and mulch that is proposed.

Dave Getz: We will add that.

Comment #10: All requirements set forth in §150-5 Permit Procedure must be satisfactorily completed.

Dave Getz: Yes. Will do.

Comment #11: The plans should indicate if the natural drainage of the area has been affected, including if adjacent property owners will be affected.

Dave Getz: We show existing contours. What I could do is estimate the current contours and filed contours with the topsoil. We are confident that the drainage pattern is straight back onto additional lands within their property. Their fill was placed in away that it didn't shift drainage onto one side or the other.

Comment #12: Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate).

Mr. Astorino: That would probably be a note on the plan that you would have it done by a certain date.

Dave Getz: Yes.

Ralph Garcia: We probably will do it this spring.

Mr. Bollenbach: We could add to Comment #12, provide by May 15, 2023.

Comment #13: Applicant to confirm if the silt fencing has already been installed. Also, please state if the silt fencing is at the top of the hill, bottom of the hill, or both. The line type indicating placement of silt fence should be clarified either in the legend or called out on the plans.

Dave Getz: The silt fencing has not been installed yet.

Mr. Astorino: Ok. The silt fencing is to be installed. You should get that done sooner than later. I wouldn't wait for the spring to do that. You should install the silt fence now.

Ralph Garcia: Ok.

Comment #14: Confirm location(s) of any significant trees and if tree protection is required. If used, a detail must be added to the plan.

Mr. Astorino: You are not taken any more trees down. Is that correct?

Dave Getz: No.

Mr. Astorino: You will need to add that to the plans.

Dave Getz: Ok.

Comment #15: Clarification if all disturbed areas, especially where the soil is or was recently disturbed, have been sufficiently stabilized.

Mr. Astorino: I could verify that when we were out there. The soil will not go anywhere. Just make sure the silt fence is put in.

Dave Getz: Ok.

Comment #16: A stormwater plan in conformance with §164-47.10 Stormwater Management must be submitted.

Laura Barca: The erosion control comments are actually geared more towards when you put the topsoil down. If you put that down and you get a crazy rain event before the seeding takes place, it could wash it down. That is what that is for.

Dave Getz: Ok.

Comment #17: Any required landscape plan should include planting details, such as tree planting and staking, tree protection details for trees to remain. Seed mixture information should be provided, such as type of wildflower meadow mix, installation notes, seeding rates, maintenance plan.

Dave Getz: It will be more of a lawn.

Mr. Astorino: Yes. It will be grassed seed.

Liz Axelson: There will be no trees.

Mr. Astorino: No trees and bushes.

Mr. Bollenbach: It has to be a lawn mix.

Dave Getz: Ok.

Comment #18: Any proposed landscaping shall include applicable notes, including three-year survivability.

Mr. Astorino: That does not apply. We can strike Comment #18.

Comment #19: The Town of Warwick standard notes must be added to the plan.

Dave Getz: Ok.

Comment #20: The Town of Warwick standard note for lighting must be added to the plan.

Dave Getz: Ok.

Comment #21: Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Dave Getz: Ok.

Comment #22: The surveyor must sign and seal the plans.

Dave Getz: We will do that.

Comment #23: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Yes.

Comment #24: Applicant to post any Performance Bond and/or Landscape Bond, as determined by the Planning Board.

Dave Getz: We request that a Performance and/or Landscape Bond is not needed.

Mr. Astorino: It is not needed. We can strike Comment #24.

Comment #25: Payment of all fees.

Dave Getz: Ok.

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

Mr. McConnell: I have a question regarding the trees that were removed. Do we have an idea of the quantification and size of the trees that were removed? Could you provide us with a photograph of before the trees were cut so that we could see where those trees were?

Mr. Bollenbach: I believe that is in our packet?

Mr. McConnell: No. I think this is all after the fact.

Dave Getz: There were pictures that were taken last week.

Mr. McConnell: Yes. I want pictures prior to. I want to see how many trees were cut and what size they were.

Dave Getz: Ok.

Mr. Astorino: Just add that to the plans.

Dave Getz: Ok.

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

Liz Axelson: I have a couple of minor comments. The first comment is that the school district and MT (Mountain) zoning district are required to be listed on the plan. The second comment is that the location, height, and setback measurements of all existing buildings, structures, and signs on the property need to be shown on the plan. Those comments are from my memo dated January 10, 2023.

Dave Getz: Ok.

Mr. Astorino: Ok. This application is for Chapter 150. Correct me if I am wrong...

Mr. Bollenbach: Yes, it is a Chapter 150 Site Remediation Plan. Does the Applicant wish to waive the public hearing?

Dave Getz: Yes. We do request a waiver of the public hearing.

Mr. Showalter makes a motion to waive the public hearing.

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

Mr. Astorino: John, this is just a recommendation to the Building Department. Is that correct?

Mr. Bollenbach: It is a formal site remediation plan recommending it to the Building Department. Correct.

Mr. Astorino: I just wanted to make sure we are wording this correctly.

Mr. Bollenbach: We are recommending this for a remediation plan.

Mr. Astorino: We are approving a remediation plan for recommendation to the Building Department to issue a permit with the conditions set forth by the Planning Board. It is the same thing like we did on Glenwood Road.

Mr. Kennedy makes a motion on the Ralph & Chris Ann Garcia application, granting Site Remediation Plan application for Chapter 150, situated on tax parcel S 58 B 2 L 39; parcel located on the western side of Nelson Road 1200 feet south of Rumsey Lane (339 Nelson Road), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on January 18, 2023. Approval is granted subject to the following conditions:



1. TW Building Department – 01/12/23 expired permit for pool deck (27650), notice of violation for land disturbance greater than 0.25-acre.
2. Additional information should be added to the plan to indicate if tree removal was involved or only land disturbance.
3. The plan should include details for the topsoil, seed, and mulch that is proposed.
4. All requirements set forth in §150-5 Permit Procedure must be satisfactorily completed.
5. The plans should indicate if the natural drainage of the area has been affected, including if adjacent property owners will be affected.
6. Provide anticipated restoration schedule, including site grading, topsoil placement, access restoration, and landscaping installation (as appropriate) by May 15, 2023.
7. Applicant to confirm if the silt fencing has already been installed. Install ASAP. Also, please state if the silt fencing is at the top of the hill, bottom of the hill, or both. The line type indicating placement of silt fence should be clarified either in the legend or called out on the plans.
8. Confirm location(s) of any significant trees and if tree protection is required. If used, a detail must be added to the plan.
9. Clarification if all disturbed areas, especially where the soil is or was recently disturbed, have been sufficiently stabilized.
10. A stormwater plan in conformance with §164-47.10 Stormwater Management must be submitted.
11. Any required landscape plan should include planting details, such as tree planting and staking, tree protection details for trees to remain. Seed mixture information should be provided, such as type of lawn grass mix, installation notes, seeding rates, maintenance plan.
12. The Town of Warwick standard notes must be added to the plan.
13. The Town of Warwick standard note for lighting must be added to the plan.
14. Provide a map note stating that “No additional construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
15. The surveyor must sign and seal the plans.
16. Surveyor to certify that iron rods have been set at all property corners.
17. Payment of all fees.

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

Dave Getz: Thank you.

Ralph Garcia: Thank you.

***Mary Jordan 2-Lot Subdivision***

Application for Sketch Plat Review of a proposed 2-Lot (Minor) subdivision, situated on tax parcel S 55 B 1 L 27.2; parcel located on the eastern side of Bellvale Lakes Road at the intersection with Iron Forge Road & Lower Wisner Road (22 Bellvale Lakes Rd.), in the RU zone, of the Town of Warwick.

Representing the Applicant: Dan Getz from Engineering Properties & Surveying. Bob Krahulik, Attorney. Guy Jordan, Applicant.

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 – 01/06/23 advisory comments on stormwater protection, construction on steep slopes, northern long eared bat, and area variances for lot area, front yard, and side yard setbacks.
6. TW Building Department – open permits to remove apartment in barn (17653), barn (15422), and deck (8174).
7. ZBA – pending submittal for insufficient lot area on Lot 1 for two dwellings, front yard setback and side yard setback or an interpretation of two dwellings on one lot.
8. Planning Board to determine if a site inspection is necessary.
9. NYS Parks, Recreation, and Historic Preservation letter is required because of the land disturbance.
10. An updated survey will be needed; the current surveyor is deceased.
11. Applicant must submit the FEMA Floodplain mapping for this area.
12. 911 addresses must be obtained from/clarified with the Building Department and then shown on the plan.
13. The number of bedrooms for Dwellings A and B must be shown on the plans.
14. A note must be added to the plan stating that there are no approved residential uses in the existing garage building.
15. The two existing septic systems on Lot 1 must be confirmed to be functioning properly; a letter from a NYS Professional Engineer must be submitted.
16. The separation distances between the existing wells and septic systems should be shown.
17. If the two buildings are to be combined, the Applicant must show the separation distance between the proposed building and the existing well.
18. Soil tests for the septic system on Lot 2 must be witnessed by the Office of the Planning Board Engineer.
19. The stormwater plans must be prepared in accordance with Town of Warwick Town Code §164-47.10.
20. The sight distance for both driveway locations must be added to the plan.
21. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-100, Note 16 should be updated to the Town’s standard note.
22. Surveyor to certify that iron rods have been set at all property corners.

23. The liber and page for the Agricultural Notes must be added to the plan.
24. Payment in lieu of parkland for one lot per Town of Warwick Town Code §75-3.A.(2)(a)[3].
25. Payment of all fees.

The following comment submitted by the Conservation Board:

Mary Jordan 2-Lot Subdivision – None submitted.

The following comment submitted by the ARB:

Mary Jordan 2-Lot Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Liz Axelson: The Applicant provided the Planning Board with a short EAF. It is an Unlisted Action under SEQRA as per regulations Sections 617.4 and 617.5. Additional information is needed before initiating review under the SEQRA.

Mr. Astorino: Ok. In this case the Applicant needs to go to the ZBA. I would recommend that we put off SEQRA at this time until they come back from the ZBA. We know that they would need to provide us with additional information. They could provide it at that time. Thank you, Liz.

Liz Axelson: Ok.

Comment #2: Applicant to discuss project.

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

Dan Getz: This application is for a proposed 2 lot subdivision. The plan is to keep the 2 existing dwellings that are close to each other near the road on one lot. The plan is to build a new dwelling on the new lot in the back and have a driveway back to that from Bellvale Lakes Road.

Mr. Astorino: That would all hinge on the ZBA variance.

Dan Getz: Yes.

Mr. Astorino: Are there any comments you want to discuss this evening? You would need to go to the ZBA first.

Bob Krahulik: We could wait. I could summarize the variances that I think we would need. Do you want to leave it up to us to prepare an application to the ZBA? We will let you know how we made out.

Mr. Astorino: Yes. That would be a wise move.

Laura Barca: I would like to know what he would be going to the ZBA for.

Bob Krahulik: Sure. We would need a variance for Lot 2 for the lot width. I think we are entitled to it just based on the size of the lots that prevail throughout the Bellvale area. We have two very large lots in comparison to the other lots, which is recognized under the laws as justification for a variance. The next variance that would be needed has to do with the number of dwellings on Lot 1. It would be our preference to keep two dwellings. It would seem counterintuitive to tear down a house that provides affordable housing for a tenant here in Warwick. Under our current Zoning Code, we advocate for the creation of affordable homes in larger subdivisions for every 10 lots. Supposed to provide 1-affordable lot. There has yet to be a single affordable home built in Warwick under the current Code. We are going to appeal that in front of the ZBA.

Mr. MacDonald: What is the definition of affordable housing?

Mr. Astorino: It is in the Code.

Bob Krahulik: That is going to be our argument allowing us to utilize the two-dwellings that are presently there on the property. If the ZBA is not happy with that, then we would rest with the idea of combining the two-dwellings to create one-dwelling by having a breezeway and removing the kitchen from one of the dwellings so that it constitutes a single-dwelling and/or demolish one of the dwellings if need be.

Mr. Astorino: The bottom line is to go sell it to the ZBA. Once you are done with the ZBA process, then you will be back to the Planning Board.

Mr. Showalter: Who owned this property before Mr. Jordan?

Guy Jordan: Mr. Anderson.

Mr. Showalter: Ok. Did this use to be Mr. Malocsay's property?

Dan Getz: No. His property is next door to it.

Mr. Astorino: We will list Comment #3 through Comment #25 for the record. Do any Board members or Professionals have any comments?

Liz Axelson: I have a comment regarding the short EAF. The one that I am urging you to do is have your Tracker Report submitted to SHPO via the Cultural Resource Information System. You would need to do that ASAP.

Dan Getz: Ok. We sent that to SHPO today. We will follow up on that. We will get that done.

Liz Axelson: Ok. I have other comments for you.

Mr. Astorino: We will work on them as we go through.

Liz Axelson: Yes.

Mr. Bollenbach: Bob and Dan, there is an exception to the Bulk requirements for median lot width. Give the calculations. You might not need the variance.

Dan Getz: Ok. We will take a look at it.

Mr. Astorino: You are off to the ZBA.

Bob Krahulik: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 01/06/23 advisory comments on stormwater protection, construction on steep slopes, northern long eared bat, and area variances for lot area, front yard, and side yard setbacks.

Comment #6: TW Building Department – open permits to remove apartment in barn (17653), barn (15422), and deck (8174).

Comment #7: ZBA – pending submittal for insufficient lot area on Lot 1 for two dwellings, front yard setback and side yard setback or an interpretation of two dwellings on one lot.

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

Comment #9: NYS Parks, Recreation, and Historic Preservation letter is required because of the land disturbance.

Comment #10: An updated survey will be needed; the current surveyor is deceased.

Comment #11: Applicant must submit the FEMA Floodplain mapping for this area.

Comment #12: 911 addresses must be obtained from/clarified with the Building Department and then shown on the plan.

Comment #13: The number of bedrooms for Dwellings A and B must be shown on the plans.

Comment #14: A note must be added to the plan stating that there are no approved residential uses in the existing garage building.

Comment #15: The two existing septic systems on Lot 1 must be confirmed to be functioning properly; a letter from a NYS Professional Engineer must be submitted.

Comment #16: The separation distances between the existing wells and septic systems should be shown.

Comment #17: If the two buildings are to be combined, the Applicant must show the separation distance between the proposed building and the existing well.

Comment #18: Soil tests for the septic system on Lot 2 must be witnessed by the Office of the Planning Board Engineer.

Comment #19: The stormwater plans must be prepared in accordance with Town of Warwick Town Code §164-47.10.

Comment #20: The sight distance for both driveway locations must be added to the plan.

Comment #21: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet C-100, Note 16 should be updated to the Town’s standard note.

Comment #22: Surveyor to certify that iron rods have been set at all property corners.

Comment #23: The liber and page for the Agricultural Notes must be added to the plan.

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

Comment #25: Payment of all fees.

**Other Considerations:**

1. **Crabtree Lot Line Change** – Letter from Dave Getz, Engineering Properties, dated 12/23/22 addressed to the Planning Board in regards to the Crabtree Living Trust Lot Line Change – requesting a 6-Month Extension on conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #49-1-75.2 & 76; parcels located on the westerly side of Wawayanda Road at the intersection of Crabtree Lane (6 & 19 Crabtree Lane), in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 7/20/22. *The Applicant has stated that they are working to satisfy the conditions of the approval but need time to finalize the legal requirements.* The 6-Month Extension becomes effective on 1/20/23.

Representing the Applicant: Dave Getz from Engineering Properties & Surveying.

Dave Getz: Their Attorney is Brenda Miller. It is my understanding that they have been working on the declarations and a shared driveway agreement. It is in the works. The Surveyor has done the new calculations for the new lot arrangements.

Mr. Astorino: We have been to the site. We had met with some of the neighbors. There were some questions about the driveway and the maintenance agreement. That could be a sticky point. I don't know.

Dave Getz: Ok.

Mr. McConnell makes a motion on the Crabtree Lot Line application, granting a 6-Month Extension on conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #40-1-75.2 & 76; parcels located at 6 & 19 Crabtree Lane, in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 7/20/22.

The 6-month Extension becomes effective on 1/20/23.

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

Dave Getz: Thank you.

2. **Maylor-Mitchell Lot Line Change** – Letter from Jeremy Havens, Esq., dated 1/3/23 addressed to the Planning Board in regards to the Maylor-Mitchell Lot Line Change – requesting “Re-Approval” of Final Approval on conditional Final Approval of a proposed lot line change, situated on tax parcels SBL #23-1-56.1 & 56.2; parcels located at 148 East Ridge Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 1/19/22. *The Applicant has stated that the Re-Approval is needed for unforeseen circumstances and unanticipated delays in getting all of the necessary documents prepared by the professionals representing the applicants, through no fault of their own, had been unable to complete execution and recording of the deeds.* The Re-Approval of conditional Final Approval becomes effective on 1/19/23.

Mr. Bollenbach: Is this Re-Approval request from Jeremy Havens?

Connie Sardo: Yes. I have been speaking to Jeremy Havens. When I told him that Maylor-Mitchell needed Re-Approval of Final Approval, it took him by surprise. He thought it was done. He thought the Applicant’s Engineer was working on it. He was a little frustrated to hear that it was not. He will see what he could do to get this done. Jeremy emailed me the Re-Approval of Final Approval request letter along with a copy of the check for the Re-Approval fee. He stated he mailed out the check on January 13, 2023. As of today, I still have not received the check.

Mr. Showalter: Give the mail a couple more days. The mail delivery hasn’t been good lately. It has been slow.

Mr. McConnell: Connie, what is Jeremy Havens telling you?

Connie Sardo: Jeremy thought the approval process was already done with their Engineer. I said no. The conditions of the approval have not been completed yet. He said ok. He would get the Re-Approval letter to me. I said that they would also need to pay the Re-Approval fee. I emailed him yesterday stating that I have not received the check. He said to me in the email that he mailed everything out last Friday. He sent me a copy of the check. As of today, I still have not received the Re-Approval fee in the mail.

Mr. McConnell: Today is Wednesday. Monday was a holiday.

Connie Sardo: I spoke to Jeremy about this last week.

Mr. Astorino: We won’t sign the maps until all fees are paid.

Connie Sardo: They are working on it.

Mr. McConnell: We don’t need a motion on this tonight. We don’t need to approve.

Mr. Astorino: We do need a motion for the Re-Approval.

Mr. McConnell: Why would we do that if we have not been paid?

Mr. Astorino: Because the approval is going to expire on January 19, 2023.

Mr. McConnell: That is not our issue.

Mr. Astorino: It is not our issue. Why are we making it an issue when he has stated that he mailed out the check?

Connie Sardo: Right. He did email a copy of the check.

Mr. McConnell: He had also stated that he was surprised that this hadn't been done already.

Mr. Astorino: I have no problem with it.

Mr. McConnell: I would say that I wouldn't necessarily think he knows what is going on.

Connie Sardo: He is the Applicant's Attorney.

Mr. McConnell: That is my point.

Mr. Astorino: Could I get a motion on this?

Mr. Showalter makes a motion on the Maylor-Mitchell Lot Line Change application, granting "Re-Approval" of conditional Final Approval of a proposed lot line change, situated on tax parcels SBL # 23-1-56.1 & 56.2; parcels located at 148 East Ridge Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 1/19/22.

The Re-Approval of Final Approval becomes effective on 1/19/23; subject to the conditions of Final Approval granted on 1/19/22.

Seconded by Mr. MacDonald. Motion carried; 4-Ayes and 1-Nay (Mr. McConnell).



3. **Capozza-Lightstar Four Corners Road Solar Project** – Planning Board to discuss scheduling a site visit for a proposed 3.0MW AC solar facility, situated on tax parcel SBL #23-1-17; 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. Jackie Basile & Andrew Mavian from Lightstar.

Representing the Applicant: Jackie Basile from NY Solar/Lightstar.

Mr. Astorino: Are you going to have the height markers up?

Jackie Basile: Yes. I could get like a post or something.

Mr. Astorino: Ok.

Mr. Bollenbach: As of this morning, there were no markers on the property.

Mr. Astorino: Jackie just mentioned that they will get the markers up.

Jackie Basile: I don't know exactly what you are expecting.

Mr. Bollenbach: I thought we had discussed something like a 10-foot pole.

Jackie Basile: Yes. I could get a pole. I just don't know if you want multiple poles put up out in the field.

Mr. Bollenbach: Put the poles up in the field showing where the panels would be located.

Mr. McConnell: It sounds like you would need more than one pole.

Mr. Astorino: Bring the poles to the site visit. We will figure it out.

Jackie Basile: Ok. If we need someone to go out there and go back to where the survey is and put in the poles, we would do that.

Mr. Bollenbach: That is the idea. It is for visual mitigation.

Jackie Basile: We would do visual renderings also. It is part of our package of our application to provide some sort of a visual analysis that shows the height based on topography and everything. I do have that in our application package. I could bring one pole or more than one pole.

Liz Axelson: I was wondering if it would make sense to have poles mark corners of the outer limits of the array or parts of the array.

Mr. Astorino: Let's have them bring a pole. We will decide at the site visit.

Mr. Showalter: Bring a pole and the plans.

Jackie Basile: Ok. Thank you.

The Planning Board discussed scheduling a date and time for the site visit. The Site visit is scheduled for Saturday, January 21, 2023 at 8:30 a.m.

4. Planning Board Minutes of 12/7/22 for PB approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 12/7/22.

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

5. Planning Board to discuss canceling the 1/23/23-W.S. & 2/1/23-PB Meeting.

Mr. Showalter makes a motion to cancel the 1/23/23-W.S. & 2/1/23-PB Meeting.

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

### **Correspondences:**

Mr. Astorino: Connie, do we have any 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. Let the record show no public comment.

**Mr. McConnell makes a motion to adjourn the January 18, 2023 Planning Board Meeting.**

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