

TOWN OF WARWICK PLANNING BOARD

March 6, 2019

**“DRAFT”**

Members present: Roger Showalter, Vice-Chairman  
Dennis McConnell, Christine Little,  
Bo Kennedy,  
Laura Barca, HDR Engineering  
J. Theodore Fink, Greenplan  
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, March 6, 2019 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**

***Hathorn House Inn***

Application for Site Plan Approval and Special Use Permit for the construction and use of a restaurant and tourist home in an existing vacant dwelling aka ***Old Stone House Inn***, situated on tax parcel S 52 B 1 L 5.22; project located on the north side of Hathorn Road 0 feet east of Co. Rte. 1, (21 Hathorn Rd.), in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering.

Connie Sardo: Mr. Vice-Chairman, we have received the certified mailings for the Hathorn House/Old Stone House Inn public hearing.

Mr. Showalter: 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. OC Planning Department – 07/12/17 advisory comments: walkways must be ADA compliant, stormwater should contain more Green Infrastructure
6. TW Building Department – 06/30/17 illegal 6’ fence in front yard, no permits for interior renovations, open permits for front porch (25453), re-roof (25254), and re-roof (25255)
7. OCDPW – 02/27/18 approval letter
8. OCDOH – 03/13/18 OCDOH letter to NYSDEC confirming water flow
9. ARB – pending submittal of new building & joint meeting coordination
10. Planning Board to determine if a site inspection is necessary.

11. Applicant to verify Sheet 1, Note 7 that the existing water supply is from the Village of Warwick. Agreement with the Village must be submitted to Town. (Pending letter from the Village).
12. Applicant to clarify location of two-1,000 gallons on the plans.
13. The plans must show compliance with §164-43.3.C (3) Special Use Requirements for Preservation of Historic Structures. Standard notes from the Code have been added, Applicant to make notes specific for this project.
14. Applicant to state if renovation completed at the project site have been conducted in accordance with the Preservation of Historical Structures Notes on Sheet 2 and Town Code §164-43.3C. Please add a note to the plan.
15. Sheet 1, Note 14 states that the project will confirm with the Town's Performance Standards for noise; application to remove "for noise" from this note because the project should comply with all requirements of the Performance Standards.
16. Include a sight distance detail and driveway profile for new parking lot driveway off of Hathorn Road. DPW site inspection to be conducted.
17. Provide handicapped ramp details or elevations to show ramps are not needed.
18. Drawing to be updated to show ADA access into the building: from the parking lot and/or front access drive.
19. Please add a detail or specification for the Timber Guiderail.
20. Provide details/documentation that lighting will be shielded, as required with §164-43.4F.
21. HCP Sign Detail does not meet minimum mounting height requirements
22. The parking labeled for the Inn should be corrected to be for the Tourist Home.
23. The Applicant is proposing two monument signs, where one monument sign is allowed. Also, there is a detail for a wall sign. Either a wall sign or a monument sign is allowed, but not both.
24. Both the Wall Sign and Monument Sign details need to be corrected to comply with the external lighting specifications of 164-43.3 Lighting (not the Town Engineer and Building Inspector). Please update the notes.
25. Applicable declaration information (Aquifer and Agricultural) must be added to the plans.
26. Surveyor to certify that iron rods have been set at all property corners.
27. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
28. Payment of all fees.

The following comments submitted by the Conservation Board:

Hathorn House Inn – None submitted.

The following comments submitted by the ARB:

Hathorn House Inn – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is a Type I Action. Even though this is a rehabilitation of a storage structure, it was designated as a Type I Action under the SEQRA regulations. Because there were a number of Agencies involved the Planning Board declared its Intent to be Lead Agency under SEQRA. We circulated letters to the NYSDEC, OCHD and SHPO.

The Planning Board has been conducting the SEQRA review process since none of the agencies had any problems with the Planning Board being Lead Agency. There were 2 primary studies that had to be undertaken under SEQRA for this project. One had to do with the historic character of the structure itself. The NYS Historic Preservation Office wanted to see fairly extensive documentation including photos of the interior and exterior of the building. They also wanted to have an Archeological study conducted on the site. Both of those were done. The State looked at them. They were pleased with the studies that were completed. They determined that there would be no adverse impact on the historic character of the main structure. The 2<sup>nd</sup> area were the endangered species. It is a known habitat area for the Indiana Bats and Bog Turtles. Both of those are endangered species. There were studies done by ERS Consultants to identify if there were any habitat for either species on the site. It was found that there was no habitat for the Bog Turtles. That one was eliminated. They found that there was no winter habitat for the Indiana Bats. But there is a potential for a summer habitat for the Indiana Bats. There are restrictions in place. They have been put on to the Site Plan that would prohibit any cutting of trees except for the period from October 1<sup>st</sup> to March 31<sup>st</sup> when bats would be roosting on the site. With those conditions, in my opinion SEQRA has been satisfied. I have prepared a Draft Negative Declaration for the Planning Board's consideration.

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 15-acre parcel that is located on Hathorn Road and C.R. 1A that we are proposing the rehabilitation of an existing structure to become a 95-seat restaurant. The building in the rear will be a guest room and tourist home as per the Code with 3 bedrooms. There is also proposed an outdoor patio restaurant area with 76 seats.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/12/17 advisory comments: walkways must be ADA compliant, stormwater should contain more Green Infrastructure

Karen Emmerich: We are ADA compliant. I think when OC Planning had reviewed this they had not seen the stormwater design which has a lot of green infrastructure. We have bio-retention basins and dry swales.

Mr. Showalter: Are we on the same page now with them?

Karen Emmerich: Yes.

Comment #6: TW Building Department – 06/30/17 illegal 6' fence in front yard, no permits for interior renovations, open permits for front porch (25453), re-roof (25254), and re-roof (25255)

Karen Emmerich: We will take care of that.

Comment #7: OCDPW – 02/27/18 approval letter

Karen Emmerich: Yes.

Comment #8: OCDOH – 03/13/18 OCDOH letter to NYSDEC confirming water flow

Karen Emmerich: Yes. We are waiting for our DEC SPEDES Permit after the Planning Board makes a SEQRA determination.

Comment #9: ARB – pending submittal of new building & joint meeting coordination

Laura Barca: That was for the proposed outdoor restaurant. Is that not a new structure?

Karen Emmerich: It is just a patio.

Laura Barca: Ok.

Mr. McConnell: Can we strike Comment #9?

Laura Barca: Yes. If it is just a patio area.

Comment #10: Planning Board to determine if a site inspection is necessary.

Mr. Showalter: We can strike Comment #10.

Comment #11: Applicant to verify Sheet 1, Note 7 that the existing water supply is from the Village of Warwick. Agreement with the Village must be submitted to Town. (Pending letter from the Village).

Karen Emmerich: Yes. You have a letter from the Village stating that they would continue to provide water. The Applicant's attorney is in the process of drafting the Legal Agreement between the Applicant and the Village.

Mr. Showalter: Ok.

Comment #12: Applicant to clarify location of two-1,000 gallons on the plans.

Karen Emmerich: Will do.

Comment #13: The plans must show compliance with §164-43.3.C (3) Special Use Requirements for Preservation of Historic Structures. Standard notes from the Code have been added, Applicant to make notes specific for this project.

Karen Emmerich: Will do.

Comment #14: Applicant to state if renovation completed at the project site have been conducted in accordance with the Preservation of Historical Structures Notes on Sheet 2 and Town Code §164-43.3C. Please add a note to the plan.

Karen Emmerich: Ok. We will discuss that with Laura.

Comment #15: Sheet 1, Note 14 states that the project will confirm with the Town's Performance Standards for noise; application to remove "for noise" from this note because the project should comply with all requirements of the Performance Standards.

Karen Emmerich: Ok. Will do.

Comment #16: Include a sight distance detail and driveway profile for new parking lot driveway off of Hathorn Road. DPW site inspection to be conducted.

Karen Emmerich: Ok.

Comment #17: Provide handicapped ramp details or elevations to show ramps are not needed.

Karen Emmerich: We do have a ramp that leads to the porch. I will have to get the Architect's plan to present that to the Board.

Laura Barca: Ok.

Mr. McConnell: Does that ramp comply with the historical preservation requirements?

Karen Emmerich: According to the Architect, it does.

Mr. McConnell: Ok. Ted, do you have any feedback on that? Do you have any experience with that ADA ramps could comply with the historical preservation standards? The State would have not seen that.

Mr. Fink: They would have not seen that.

Mr. McConnell: That would be something that we could not allow to fall through the cracks. We want the ramp. We want ADA compliant. We don't want to put you into a position gone afoul.

Karen Emmerich: The State has seen architectural plans for the porch, the exterior and the interior of the structure. The photographs that we had submitted shows the ramp.

Mr. McConnell: Ok. They do show the ramp.

Karen Emmerich: Yes.

Mr. McConnell: Ok. They had seen the ramp. Presumably it is on them.

Mr. Showalter: With the earlier correspondences, I would assume they have seen that.

Karen Emmerich: Yes. We have numerous submissions to SHPO. They came back asking for additional information and photographs.

Mr. Showalter: OK.

Comment #18: Drawing to be updated to show ADA access into the building: from the parking lot and/or front access drive.

Karen Emmerich: Ok.

Comment #19: Please add a detail or specification for the Timber Guiderail.

Karen Emmerich: Will do.

Comment #20: Provide details/documentation that lighting will be shielded, as required with §164-43.4F.

Karen Emmerich: Yes. We did submit cut-sheets of the lighting. Are you ok with that/

Mr. Fink: Yes. I am ok with that.

Comment #21: HCP Sign Detail does not meet minimum mounting height requirements

Karen Emmerich: Ok. I believe it is 7 feet. Laura, is that correct?

Laura Barca: I believe so.

Karen Emmerich: We will make that note.

Comment #22: The parking labeled for the Inn should be corrected to be for the Tourist Home.

Karen Emmerich: Ok.

Comment #23: The Applicant is proposing two monument signs, where one monument sign is allowed. Also, there is a detail for a wall sign. Either a wall sign or a monument sign is allowed, but not both.

Karen Emmerich: As far as the monument sign, are we allowed one monument sign per road frontage? We are on two different roads.

Mr. Showalter: That might be a good question for our attorney Mr. Bollenbach.

Laura Barca: I think that it makes sense. But I don't know if our Code specifically allows for that.

Mr. Kennedy: Karen, that is for sure in the Village.

Karen Emmerich: Yes. There is a section of the Code that allows for that. I will have to check the Code again on that.

Comment #24: Both the Wall Sign and Monument Sign details need to be corrected to comply with the external lighting specifications of 164-43.3 Lighting (not the Town Engineer and Building Inspector). Please update the notes.

Laura Barca: That is just a note change.

Karen Emmerich: We will correct that.

Comment #25: Applicable declaration information (Aquifer and Agricultural) must be added to the plans.

Karen Emmerich: Yes.

Comment #26: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: We will talk to John Bollenbach about that.

Comment #27: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Karen Emmerich: We understand.

Comment #28: Payment of all fees.

Karen Emmerich: Ok.

Mr. Showalter: Do any Board members have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Hathorn House Inn/Old Stonehouse Inn application, please rise and state your name for the record.

Sue Gardner: I am the secretary for the Friends of the Hathorn House. We are a historical society dedicated to the legacy that the house represents. We have a letter in support of the project. They have worked diligently in good faith. We are entirely in support of what they are doing. We have a letter from the Friends of Hathorn House that states we are in support of the project.

Connie Sardo: Thank you very much.

Mr. Showalter: We received the letter from the Friends of Hathorn House, dated 3/6/19 for the record.

Mr. Showalter: Is there anyone else wishing to address the Hathorn House application?

Michelle Figliomeni: I am the President of the Orange County Historical Society. Our Historical Society has many historic buildings. We felt we could be useful to this project. I have a brief statement. Could I read it to the Board?

Mr. Showalter: Yes.

Michelle Figliomeni: Our letter is dated 3/1/19 and it reads as follows:

*Dear Board Members:*

*Our society wishes to lend its voice to champion the cause for the Hathorn House, in Warwick, New York, currently being considered by your Board.*

*Despite many challenges along the way, Arek Kwapinski and Sylvia Kubasiak plan to lovingly restore this eighteenth century structure to its former magnificence. This structure was home not only to the famous Revolutionary War General John Hathorn but also in later years, to the distinguished members of the Durland family.*

*The home's idyllic setting is reminiscent of a former time and now, with its adaptive reuse through skillful renovation, it will be transformed into an asset befitting the rich cultural heritage of the Warwick community.*

*A visit to the Hathorn House will reveal the extraordinary restoration efforts planned that will infuse new life into the original woodwork, staircases, fine flooring and many decorative elements throughout this building.*

*This preservation effort for adaptive reuse of the house is laudable. It is a testament to the fact that with care, the use of correct preservation techniques and the persistent efforts of the owners, a historic structure will be more than just preserved. It will also become an attraction and educational example for Warwick, all of Orange County residents and for visitors from around the country interested in reserving the history of one of Warwick's most famous individuals.*

*Our society heartily endorses your recognition of this adaptive reuse restoration project proposed that is crucial to the furtherance of similar efforts throughout the State.*

*Sincerely,*

*Michelle P. Figliomeni  
President  
Orange County Historical Society*

Mr. Showalter: Thank you. Is there anyone else wishing to address the Hathorn House application?

Dr. Richard Hull: I am the official Historian of the Town of Warwick. I would like to congratulate Arek and Sylvia for an amazing job of restoration. I have been following that thoroughly for years even when it was owned by the Raynor family years ago. It is one of the best jobs of historical restoration that I have seen in 50 years in the Town of Warwick. They have done great work with the house. This is going to be a successful undertaking. It is going to add a great deal to Warwick in terms of attracting people to this. We thought the house would have been demolished and never restored. We would like to congratulate them for their great work in the restoration.

Mr. Showalter: Thank you. Is there anyone else wishing to address the Hathorn House application?



Gary Neiland: I am one of the founding members of the Friends of the Hathorn House. I am here to support Arek and Sylvia for this wonderful undertaking. It is a win situation for the Town. We appreciate them saving this historical property. I have a picture to give to the Board from the Friends of Hathorn House. Thank you.

Mr. Showalter: Thank you. Is there anyone else wishing to address the Hathorn House application? Let the record show no further public comment.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Ms. Little. The following Resolution was carried 4-Ayes.

617.12(b)

**State Environmental Quality Review (SEQR)**  
Resolution Authorizing Filing of Negative Declaration

**Name of Action:** Hathorn House Inn (AKA Old Stone House Inn)

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed adaptive reuse of a National Register of Historic Places property requiring Site Plan and Special Use Permit approvals, Town of Warwick, Orange County, New York, and

**Whereas**, there are other involved agencies pursuant to SEQR, including the New York State Department of Environmental Conservation, the Orange County Departments of Health and Public Works, and Town Board of the Town of Warwick and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated June 27, 2017, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

**Now Therefore Be It Resolved**, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

**Be It Further Resolved**, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Mr. McConnell: I would recommend having read through this findings of the Negative Declaration for those folks that have expressed appreciation for what has been done, I would suggest that you get a copy of this Negative Declaration and read it. In preparing it, Mr. Fink has included comments directly in quotes from SHPO. It is something that you would probably appreciate more than perhaps the average citizen. It was quite a good job in preparing this Negative Declaration that people should read.

Mr. Showalter: Thank you Dennis.

Ms. Little makes a motion to close the public hearing.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.

Mr. Showalter: Karen, we will see you back after the Negative Declaration gets filed with the Involved Agencies.

Karen Emmerich: Thank you.

**Review of Submitted Maps:*****Round Hill Subdivision Sectionalizing Plan***

Application for “**Amended**” Preliminary Approval for filing a 19-Lot + 1-Ag Lot Cluster subdivision in Sections and Application for Final Approval for Section I to consist of a proposed 3-Lot Cluster subdivision, situated on tax parcel S 7 B 2 L 51.1; parcel located on the northern side of Wheeler Rd. 30 feet west of Hunt Drive, in the RU zone of the Town of Warwick, County of Orange, State of New York. Original Preliminary Approval on Sectionalizing Plan and conditional Final Approval on Section I was granted on 9/19/18.

Representing the applicant: Dan Getz from Lehman & Getz Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board: 09/18/18 recommended that all open space be dedicated in Section 1, including Black Dirt
4. Architectural Review Board: no comments received
5. OCPD: 10/02/18 no advisory comments; waiting for full EAF to be submitted
6. OCDOH: Applicant to clarify status of project with Orange County Department of Health.
7. OCDPW: The Applicant should clarify the status of the project with Orange County DPW.
8. PB to determine if a desired site inspection is needed.
9. The applicant shall insert and update all applicable Town of Warwick Standard Map Notes that apply to this subdivision including but not limited to Town of Warwick Overlay Protection Districts, Utilities, Limit of Disturbance, Lighting, Private Road Notes (including Maintenance Agreements), Driveway Notes, and Stormwater Management Facility Maintenance.
10. The applicant to confirm the 9-1-1 addresses on Sheet 1.
11. Confirm if tree protection will be implemented within the areas of proposed development. If yes, include detail.
12. Identify on the plans how the conservation areas will be delineated under proposed conditions (post-construction).
13. 10/19/06 CFA #6: Applicant to provide irrevocable offer for 25 foot wide right-of-way strip for Wheeler Road for Town Board acceptance.
14. Provide a legal description of the proposed conservation areas in Section 1.
15. 10/19/06 CFA #14: Provide the declaration and the recording information on the plans for Agricultural Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Maintenance of Stormwater Management Facilities Notes (Section 1).
16. 10/09/06 #16: Surveyor to certify that iron rods have been set at all property corners (Section 1).
17. 10/19/06 CFA #18: Payment of Recreational Fees for two lots in Section 1.
18. 10/19/06 CFA #19: Payment of all fees.

The following comment submitted by the Conservation Board:

**Round Hill Subdivision Sectionalizing Plan** – None submitted.

The following comment submitted by the ARB:

Round Hill Subdivision Sectionalizing Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: SEQRA has been done. There is no need to reopen SEQRA. The Planning Board had adopted a Negative Declaration. There are no changes proposed to the plans other than to sectionalize it. There is no need to do any further SEQRA.

Comment #2: Applicant to discuss project.

Dan Getz: We were here before with a Sectionalizing Plan. This plan here is taking the previous Section I and turning it into two Sections. That plan has become Section I and Section II. The other section is increased by one. The new Section I creates 2 new lots. It becomes a 3-lot subdivision because it includes the remainder lot. Lot #19 is with the existing house. Lot #13 is for a proposed new dwelling.

Comment #3: Conservation Board: 09/18/18 recommended that all open space be dedicated in Section 1, including Black Dirt

Dan Getz: There is a Conservation area on Lot #19. That would be dedicated in Section I. Are they asking for that piece to be the remainder lot? We were not planning to dedicate open space of the remainder lot. That space has to do with the shape of the future lots.

Mr. Showalter: It is just their comment on it. We could discuss that further on in the future.

Dan Getz: Ok.

Comment #4: Architectural Review Board: no comments received

Comment #5: OCPD: 10/02/18 no advisory comments; waiting for full EAF to be submitted

Comment #6: OCDOH: Applicant to clarify status of project with Orange County Department of Health.

Dan Getz: We have applied to them.

Comment #7: OCDPW: The Applicant should clarify the status of the project with Orange County DPW.

Dan Getz: We have not contacted them. Wheeler Road is a Town Road. It is not a County Road.

Laura Barca: That is correct.

Mr. Showalter: We can strike Comment #7.

Comment #8: PB to determine if a desired site inspection is needed.

Mr. Showalter: That is not needed. We can strike Comment #8:

Comment #9: The applicant shall insert and update all applicable Town of Warwick Standard Map Notes that apply to this subdivision including but not limited to Town of Warwick Overlay Protection Districts, Utilities, Limit of Disturbance, Lighting, Private Road Notes (including Maintenance Agreements), Driveway Notes, and Stormwater Management Facility Maintenance.

Dan Getz: Ok.

Comment #10: The applicant to confirm the 9-1-1 addresses on Sheet 1.

Dan Getz: We did. There was one change. Lot #13 address is on Wheeler Road. We confirmed that with the Building Department.

Comment #11: Confirm if tree protection will be implemented within the areas of proposed development. If yes, include detail.

Dan Getz: Will do.

Comment #12: Identify on the plans how the conservation areas will be delineated under proposed conditions (post-construction).

Dan Getz: Ok. We will use stone cairns to identify. We will add that to the plans.

Comment #13: 10/19/06 CFA #6: Applicant to provide irrevocable offer for 25 foot wide right-of-way strip for Wheeler Road for Town Board acceptance.

Dan Getz: I believe in this case it wouldn't be needed. The property lines of the survey that these plans are based on do not go to the middle of the road. They are already offset from the edge of Wheeler Road. I have spoken to the Surveyor, Vince Pietrazak about that. It was his opinion that would not be needed. I would ask that to not be a condition of the approval.

Connie Sardo: We would have to ask John Bollenbach about that comment. He is not here this evening. If it is not needed, then he could mark it off.

Mr. Showalter: Yes.

Dan Getz: Ok.

Comment #14: Provide a legal description of the proposed conservation areas in Section 1.

Dan Getz: Will do.

Comment #15: 10/19/06 CFA #14: Provide the declaration and the recording information on the plans for Agricultural Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Maintenance of Stormwater Management Facilities Notes (Section 1).

Dan Getz: Will do.

Comment #16: 10/09/06 #16: Surveyor to certify that iron rods have been set at all property corners (Section 1).

Dan Getz: Will do.

Comment#17: 10/19/06 CFA #18: Payment of Recreational Fees for two lots in Section 1.

Dan Getz: Understood.

Comment #18: 10/19/06 CFA #19: Payment of all fees.

Dan Getz: Ok.

Mr. Showalter: We will list Comment #1 through Comment #26 for the record. Those comments relate to the Overall Sectionalizing plan.

#### Comments on the Overall Sectionalizing Plan:

1. The turnaround at the end of Section 2 must be created to provide suitable, safe, and prudent access for emergency vehicles, similar to §137-21.K(2)(a)[1].
2. Applicant to clarify who the responsible entity will be for maintenance of the post-construction stormwater management features (Section 2).
3. Applicant to add the location and description/details of outdoor lighting in accordance with Section 164-43.4.
4. Identify locations of soil stockpiles to be used on site.
5. Confirm if rock outlet protection is being installed at the pipe outfalls from the bioretention basins overflow structures. A stable outfall is called out on the detention pond detail on sheet 14 of 14. Provide rock size and layer dimensions, and include this feature under NOI question #26.
6. Include construction stormwater sequence on the drawings. The sequence should identify construction phasing to demonstrate that no more than 5 acres will be disturbed at a given time, and also that temporary grades will provide positive drainage to erosion control and stormwater management measures as designed.
7. 10/19/06 Condition of Final Approval #1: Provide additional landscape buffer along the westerly line of proposed Lots 1 through 4 (Section 5), to the Town Planner's specifications. Provide a map note for plantings to be installed prior to the issuance of Certificate of Occupancy.
8. 10/19/06 CFA #2: From the area of proposed Lot 6 (Section 4) noted on the plans as "Remaining Lands – Black Dirt Area", create a new lot to the limits of the black dirt area. Remove note on plans alluding to potential combination with adjoining parcels and add note, "Agricultural Use Permitted Only – No Residential Use." As per §164-41.1D, no additional dwelling units are permitted. Revise access easement and other references.
9. 10/19/06 CFA #3: Proposed construction of the town road (Kaylei Way) shall comply with revised §A168 (Sections 2 to 5), including subgrade testing and pavement design. Testing of the subgrade shall comply with §A168-10D. Complete test results, along with a plan showing the locations of tests, and design calculations for the pavement, signed and sealed by a NY licensed Professional Engineer, shall be submitted to the Town's Engineer for review and approval prior to beginning construction of the town road. Provide a map note.
10. 10/19/06 CFA #4: Add the following note to the plans: "No building permits, except for two model homes, shall be issued for construction of residences on lots fronting on and with access from the proposed road shown on this map until all public improvements are

installed or bonded pursuant to §137-11 of the Warwick Town Code. Further, no certificates of occupancy shall be issued on said lots until all public improvements are completed and accepted by the Town Board. Until such acceptance, the model homes are not to be sold.” (Sections 2 to 5).

11. 10/19/06 CFA #5: Applicant and Board to discuss use and location of a temporary trailer office for construction and/or sales, per §164-43D. (Sections 2 to 5).
12. 10/19/06 CFA #7: Provide a detail for erosion control at the discharge end of the 7’x3’ box culvert, consistent with the *NYSDEC Standards & Specifications for Erosion and Sediment Control*.
13. 10/19/06 CFA #8: Provide an existing condition analysis for the 1-year storm event.
14. 10/19/06 CFA #9: Revise number of acres for existing drainage basin N0. 3 under Section V in the engineer’s report for consistency in the narrative.
15. 10/19/06 CFA #10: Show pipe capacity calculations for the existing culvert running under Wheeler Road under proposed drainage basin No. 1.
16. 10/19/06 CFA #11: How is stormwater runoff being treated at proposed basin No. 1 and No. 2 for Water Quality? There is an increase in the impervious areas within these drainage areas. Consider the use of rain gardens.
17. 10/19/06 CFA #12: Revise invert elevation at the Outlet Structure detail for consistency with the report.
18. 10/19/06 CFA #13: Submit a signed and sealed structural design for the proposed 7’x3’ box culvert for the Town Engineer’s review and approval.
19. 10/19/06 The minutes from the October 18, 2006 planning board meeting (Page 5 of 71, near the top) indicates that the stormwater basin will be maintained by the individual lot owner. As stated in the Town’s Conditional Final Approval letter, dated October 19, 2006, the Town will have a backup drainage district (condition #15).
20. 10/19/06 The minutes from the October 18, 2006 planning board meeting (pages 6-7 of 71) discuss landscaping requirements for Lots 1 to 4 (Section 5).
21. 10/19/06 CFA #14: Provide the declaration and the recording information on the plans for Agricultural Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Maintenance of Stormwater Management Facilities Notes (Sections 2 to 5).
22. 10/19/06 CFA #15: Applicant to obtain Town Board approval/acceptance (Section 2):
  - a. Back-up drainage facility maintenance tax district creation.
  - b. Irrevocable offer of dedication for easements for associated drainage facilities.
  - c. Irrevocable offer of dedication for Town road (Kaylei Way).
23. 10/19/06 CFA #16: Surveyor to certify that iron rods have been set at all property corners (Section 2 to 5).
24. 10/19/06 CFA #17: Pay Performance Bond and Site Inspection Fee for public improvements (Town road, stormwater management facilities, erosion control). Provide a three-year Landscape Bond. (Sections 2 to 5).
25. 10/19/06 CFA #18: Payment of Recreational Fees for the number of lots in applicable Section (20 Lots total).
26. 10/19/06 CFA #19: Payment of all fees.

Mr. Showalter: Does the applicant wish to waive the public hearing?

Dan Getz: Yes. We wish to waive the public hearing.

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

Seconded by Mr. Kennedy. Motion carried; 4-Ayes.

Mr. Kennedy makes a motion on the Round Hill Subdivision application, granting ***“Amended”*** Final Approval (**Vote 4-0-0**) for Section I to consist of a proposed 3-Lot Cluster subdivision, situated on tax parcel S 7 B 2 L 51.1; parcel located on the northern side of Wheeler Rd. 30 feet west of Hunt Drive, in the RU zone of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. Conservation Board: 09/18/18 recommended that all open space be dedicated in Section 1, including Black Dirt
2. OCDOH: Applicant to clarify status of project with Orange County Department of Health.
3. The applicant shall insert and update all applicable Town of Warwick Standard Map Notes that apply to this subdivision including but not limited to Town of Warwick Overlay Protection Districts, Utilities, Limit of Disturbance, Lighting, Private Road Notes (including Maintenance Agreements), Driveway Notes, and Stormwater Management Facility Maintenance.
4. The applicant to confirm the 9-1-1 addresses on Sheet 1.
5. Confirm if tree protection will be implemented within the areas of proposed development. If yes, include detail.
6. Identify on the plans how the conservation areas will be delineated under proposed conditions (post-construction).
7. 10/19/06 CFA #6: Applicant to provide irrevocable offer for 25 foot wide right-of-way strip for Wheeler Road for Town Board acceptance.
8. Provide a legal description of the proposed conservation areas in Section 1.
9. 10/19/06 CFA #14: Provide the declaration and the recording information on the plans for Agricultural Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Maintenance of Stormwater Management Facilities Notes (Section 1) to the Planning Board Attorney’s specifications.
10. 10/09/06 #16: Surveyor to certify that iron rods have been set at all property corners (Section 1).
11. 10/19/06 CFA #18: Payment of Recreational Fees for two lots in Section 1.
12. 10/19/06 CFA #19: Payment of all fees.

Seconded by Mr. McConnell. Motion carried/ 4-Ayes.

Dan Getz: Thank you.



**Other Considerations:**

1. **Blue Arrow Too, LLC.** – Planning Board to discuss giving a Recommendation to the ZBA for the Blue Arrow project.

Representing the applicant: Dave Getz from Lehman & Getz Engineering

Mr. McConnell: Recommendation to what? What do they need to go to the ZBA for?

Laura Barca: After the Workshop on February 11, 2019, we had a technical meeting with the Applicant's consultants on February 14, 2019. It was determined that there were many building permits that were opened. Some could be closed if the final inspections were done. I believe since that Workshop there have been 3 permits closed out. There were 5 items that were in violation that the Applicant had receive violations for. That was for the construction trailer, covered bridge, the handicap ramp at Building #1, the well house and pillars at one of the driveway entrances. Those were the violations issued to the owner. There were 6-items that were required to go to the ZBA. Was it for proposed uses?

Connie Sardo: Let's have Dave Getz come up to the Board and explain.

Dave Getz: It was about the fact that a couple of variances were granted for the size of the arena, the existing barn that was renovated had certain proposed uses. It is a non-conforming setback from Glenwood Road. It is very close to the road. The maintenance building received a variance for its size. It was proposed to be a maintenance building. Now it is proposed for other uses. We were not going to the ZBA for Use variances. We are planning to go to the ZBA to discuss the area variances that were already granted where they were. We want to make sure they still apply or don't apply. We would request new variances or interpretations.

Laura Barca: Right. The first time you were before the ZBA there were specific uses for those structures when you were granted the area variances were different now versus then.

Dave Getz: Right.

Laura Barca: That is 3 of them. There is also a variance for parking within 50 feet of a property line. There is also a variance for proposed height and size of the pillars. Pillars might not be the correct word for what they are. They will also need a variance for the sign at the southern end of the property and for the number of signs on the property.

Dave Getz: Right.

Laura Barca: Those items have to be managed with the ZBA before the Planning Board can grant any action.

Dave Getz: We have applied to the ZBA. We will be discussing those items at the March 25, 2019 ZBA Meeting.

Mr. Showalter: Ok. That is the reason to refer this to the ZBA.

Mr. McConnell: Are we being asked to whether or not we want to give a recommendation?

Laura Barca: You are being asked to refer them to the ZBA.

Mr. Showalter: We are referring them to the ZBA.

Mr. McConnell: Ok. That is not what I have read here on the agenda. It said recommendation?

Mr. Showalter: The wording had changed on it.

Mr. McConnell: It says the Planning Board to discuss giving a Recommendation to the ZBA for the Blue Arrow project. I am not comfortable with doing that.

Mr. Showalter: We will change the word Recommendation to Referring.

Mr. McConnell: In that case, I am ok with that.

Connie Sardo: Do we have a consensus from the Planning Board on referring the Blue Arrow to the ZBA?

Ms. Little: Yes.

Mr. Showalter: Yes.

Mr. McConnell: Yes.

Mr. Showalter: We have a consensus from the Planning Board on referring the Blue Arrow to the ZBA.

Ms. Little: Before you head to the ZBA, does your client know not to do any further building without permits and approvals?

Dave Getz: Yes.

### **Correspondences:**

1. Letter from Edgar Minneker, addressed to the Planning Board, dated 1/31/19 – in regards to the Verizon Wireless/31 Ruszkiewicz La. Proposed cell tower.

Mr. Showalter: We have that correspondence for the record.

Laura Barca: Since the Planning Board had that site inspection, I have contacted the FAA. I also had a phone call with the Millennium Pipeline. The FAA had issued a No Hazard Letter. The Millennium Pipeline thanked the Board for wanting their input. They do helicopter inspections once to twice a year. The Piolet is licensed and trained to avoid obstacles in an around the flight path. Neither Agencies feel that having a cell tower in this location would be hazardous.

Mr. Showalter: Ok.

Ms. Little: As a personal observation, I have a similar situation like this at my work site. We have a large cell tower that is even closer in proximity to very large Orange & Rockland State powerlines. We have helicopter inspections there. We have never had an incident. There hasn't even been a near miss.

2. Letter from Michael Young, addressed to the Planning Board, dated 2/26/19 – in regards to Old Stone House Inn.

Mr. Showalter: We have that correspondence for the record.

3. Planning Board Minutes of 12/5/18 & 1/16/19 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 12/5/18 & 1/16/19.

Seconded by Ms. Little. Motion carried; 4-Ayes.

### **Privilege Of The Floor For Agenda Items!!**

Mr. Showalter: 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 March 6, 2019 Planning Board Meeting.**

Seconded by Ms. Little. Motion carried; 4-Ayes.