

TOWN OF WARWICK PLANNING BOARD

May 1, 2019

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Christine Little,
Bo Kennedy, John MacDonald, Alt.
J. Theodore Fink, Greenplan
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, May 1, 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 Of James and Karla Barricella

Application for Site Plan Approval and Special Use Permit a/k/a *Nexamp Solar, LLC* for the construction and use of a large-scale community commercial 1.84 MW solar energy installation, situated on tax parcel S 29 B 1 L 62.2; project located on the western side of Union Corners Road 400 feet south of Meadow Ridge Road (35 Union Corners Rd), in the RU/AI zones, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the March 20, 2019 Planning Board Meeting.

Representing the applicant: Joe Fiori from Nexamp. Linda Stancliffe from Chazen Companies.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 09/18/18 prefers underground connection should be used for aesthetic and reliability concerns
4. Architectural Review Board – no comments received
5. OC Planning Department – 07/25/18 advisory for near wetlands, ag impacts, impaired water, and endangered land uses
6. TW Building Department – 06/11/18 no violations
7. The Decommissioning Plan shall include references to where the costs were derived (e.g., Decommissioning \$54,551, salvage (at 25 years) \$94,592, and salvage (at present) \$51,022. Please provide copies of the source documentation.
8. Applicant to clarify what the procedure is with the local fire department if the panels are on fire. Applicant offered training to Town of Warwick emergency responders, Planning Board confirms that this training should take place. Knox box location must be shown on the plan. Knox box model number and detail must be added to the plan. Also, the site contingency plan (as described in the response letter) should be added as notes on the plan.
9. Call out for Filter Sock on C151 is pointing towards silt fence linetype at eastern corner of site. Applicant to clarify which erosion control measure will be installed in this location.
10. Update line type shown on Sheet C131 to be the same on Sheet C130.
11. Applicant to resubmit updated SWPPP and NOI.

12. Additional trees (*Thuja standishii* x *Plicata*) have been added to the plant list, but are not depicted on the plans. Please add to the plans. While it is noted that these are a deer resistant variety of arborvitae, a note should be added to Sheet C131 Note 5 that if plants are damaged by deer, protection measures shall be undertaken.
13. On Sheets C-130 and DR-1, there are call outs that are obscured or that trail outside of the viewpoint limit near the lower sheet border that should be corrected.
14. The declaration information for the Agricultural Notes, Aquifer Overlay Notes, and Private Road and Maintenance for the common driveway must be added to the plans.
15. Surveyor to sign and seal final plans.
16. Surveyor to certify that iron rods have been set at all property corners.
17. Please provide the signed PPA from the utility company.
18. Since this application requires the approval for a special use, Planning Board to consider making the approval/permit renewable through the building department every year with proof of current ownership of the facility, confirmation that the current owner assumes the decommissioning obligations, and general status report of the operation of the facility. Please add a note to the plan.
19. Applicant to confirm that Orange & Rockland is aware of project and if any upgrades are required (e.g., lines, substation, etc.).
20. Applicant to provide a copy of the signed Interconnection Service Agreement.
21. Applicant to submit a copy of the lease/agreement between Warwick Renewables and Barricella.
22. Applicant to confirm the submittal timing for the detailed design, including civil, structural, and electrical drawings. The detailed design will also include the inverter type and circuit configuration for a pad-mounted system.
23. Applicant to provide screening as discussed at the April 03, 2019 site inspection to Town Planner's Specification.
24. Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/Attorney.
25. Applicant to provide Decommissioning Bond to the satisfaction of the Planning Board Attorney/Engineer. Assuming that any salvage amount has been removed from the bond determination, any salvage value recovered will be returned to Warwick Renewables.
26. Payment of all fees.

Items to be completed prior to issuance of a Building Department Permit:

1. Per the Geotechnical Interpretive Report – corrosion of the below grade steel foundation system is not a large risk over the life of the facility. Make sure that a Corrosion Engineer is involved with the final design and determines the galvanizing thickness rather than using a “standard” galvanizing thickness from the pile vendor. Saturated soil does not appear to have been used in the resistivity tests presented in this report which may affect the overall corrosion of the steel over 20+ years and should be checked.
 - a. Please provide the corrosion calculations when they are completed for verification of this item.
2. Per the Geotechnical Interpretive Report – the soils are comprised of silts and clays and are subjected to deep frost levels (4ft or more). This type of soil has a higher risk for frost heave of the solar steel piles over time. Although the water table is below the frost level now, it fluctuates and may contribute to frost heave at some point during the life of the facility. Therefore, it is recommended to use a fixed tilt racking system that can accommodate differential movement of adjacent posts and to take precautions during the maintenance of the facility. Some areas that help are using a racking system that is not one

continuous system but broken up into segments, the interconnecting cables have extra slack so they don't get pulled tight over time, as well as O&M procedures to monitor frost heave and allow for proper drainage of water in the fall and winter.

- a. Please provide the frost heave calculations and pile design calculations showing how frost heave was taken into account when completed for verification of this item.
3. Per the Geotechnical Interpretive Report – the Applicant's Geotechnical Engineer is recommending to use ground screws for the foundation system. Ground screws are not typically used except for really small solar applications and do-it-yourself projects. What typically is used in a solar application are helical piers which tend to go deeper and have more capacity than a ground screw. Helical piers are also engineered for the specific soils and tested while ground screws are just tested in the field. Both systems will require additional field testing to confirm they work in these soils and can resist the frost heave loads. If neither of these foundation systems are able to work then a more traditional pile driven into the Limestone bedrock (8 to 11ft below Top of Grade) can be used where you will achieve the required strength, but at a higher cost. Either way more field testing, time, and cost is required to finalize which foundation system will work or what strength they can achieve.
 - a. Steel piles will be used instead of ground screws per the responses provided by Nexamp
4. Per the Geotechnical Interpretive Report – the report is silent on the Inverter foundation system. It is assumed then that depending on the size of the inverter and if it comes on a skid it will either sit on a concrete pad or on a steel pile / helical pier foundation but will be decided during final design.
 - a. A concrete pad will be placed under the inverter skid per Nexamp's responses.
5. Per the Geotechnical Interpretive Report – the report is silent on LPile (a property of the soil) design parameters. These will be necessary for the final design to occur and will require the Geotechnical Engineer to spend some time to provide an updated report table.
 - a. Lateral capacity will be measured in pile tests per Nexamp's response. Please provide this information when the testing is completed.
6. Verify that during the rack design snow loads shall take drifting into account across the modules by incorporating the tilt angle into the snow design, as well as the effects of snow drifting from the ground at the lower edge of the modules.
 - a. Please provide the leading edge height, the snow depth as described in Nexamp's response, and how snow drifting was taken into account in the design.
7. For PV racks, the fundamental natural frequency of the racking system shall be at least 5 Hz or greater. Although a wind tunnel study is highly recommended for a racking system with a frequency greater than 5 Hz, if a wind tunnel analysis is not developed then a minimum gust effect factor of 1.0 shall be used in the static wind design. A wind tunnel analysis shall be performed on all PV Racks with a natural frequency of 5 Hz or less. The wind tunnel analysis shall account for the flexibility of the structural system into account (i.e. do not assume it is rigid). Additional analysis shall be performed showing that the system can support any dynamically amplified loads that result from the wind tunnel analysis. All wind speeds shall be checked for dynamic wind effects on the structural system and not just at the extreme wind speed.
 - a. Please provide the wind calculations for reference and conformance when they are completed and signed by the EOR.

8. The geotechnical report does not have the thermal Rho values. Recommend additional testing is required to obtain thermal values and its dry out curves. These values will be used for the low voltage and medium voltage circuit calculations.
- a. There is no code required the thermal Rho value to be in the geotechnical report. Thermal Rho values and its dry out curve is required for determining the heat dissipation from the cables within the ground. Its value varies from site to site and could be in the range of 50 to 500 degC-cm/W. National Electric Code (NEC) shows the cable ampacity of all cables are based on Rho value of 90 and if the actual Rho value for the site is much higher, the cable ampacity may not be as shown in the NEC and cannot be used to confirm the cable size. Contractor will need to model the circuits in ETAP, CYME or other qualified software to determine the actual cable ampacity depending on site parameters such as soil temperature, Rho value, load factor, # of parallel circuits, etc.

The following comment submitted by the Conservation Board:

James and Karla Barricella – None submitted.

The following comment submitted by the ARB:

James and Karla Barricella – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Negative Declaration was prepared and adopted at the March 20, 2019 Planning Board Meeting. SEQRA has been complied with.

Mr. Astorino: I am going to go through some of these comments. We just had you before us. There are a few outstanding issues. We met onsite at a neighbor's property regarding some plantings. We see on your plans that you have increased the plantings. You are going to a pad mounted site.

Joe Fiori: That is correct.

Mr. Astorino: With that, I will put on the record and on the comments that we will put the plantings to the Town Planner's specifications. Ted, if you need to run out to the site to see if any additional planting would be need, you could do that.

Mr. Fink: Yes.

Mr. Astorino: The planting could be added as to what we see fit. We know there is a limit to them. We might need to add a few plantings here and there if additional screening is needed.

Mr. Fink: Right. I did see the email that went back and forth between Mr. Fiori and Laura. It talked about planting some Arborvitaes.

Mr. Fiori: Ok.

Mr. Astorino: I do commend the Applicant for going to a pad mounted system. I think it would make a big difference for all of the residents around there. We will make that to the Town

Planner's specifications. We will make that a condition of the approval. We just want to make sure it is done correctly.

Mr. Showalter: Absolutely.

Ms. Little: Regarding the Arborvitae, would they not be decimated by deer?

Mr. Bollenbach: They are deer resistant.

Mr. Astorino: We will add to Comment #23 to the Town Planner's specifications. We will list Comment #2 through Comment #17 for the record. Let's go to Comment #18.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – 09/18/18 prefers underground connection should be used for aesthetic and reliability concerns

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/25/18 advisory for near wetlands, ag impacts, impaired water, and endangered land uses

Comment #6: TW Building Department – 06/11/18 no violations

Comment #7: The Decommissioning Plan shall include references to where the costs were derived (e.g., Decommissioning \$54,551, salvage (at 25 years) \$94,592, and salvage (at present) \$51,022. Please provide copies of the source documentation.

Comment #8: Applicant to clarify what the procedure is with the local fire department if the panels are on fire. Applicant offered training to Town of Warwick emergency responders, Planning Board confirms that this training should take place. Knox box location must be shown on the plan. Knox box model number and detail must be added to the plan. Also, the site contingency plan (as described in the response letter) should be added as notes on the plan.

Comment #9: Call out for Filter Sock on C151 is pointing towards silt fence linetype at eastern corner of site. Applicant to clarify which erosion control measure will be installed in this location.

Comment #10: Update line type shown on Sheet C131 to be the same on Sheet C130.

Comment #11: Applicant to resubmit updated SWPPP and NOI.

Comment #12: Additional trees (*Thuja standishii* x *Plicata*) have been added to the plant list, but are not depicted on the plans. Please add to the plans. While it is noted that these are a deer resistant variety of arborvitae, a note should be added to Sheet C131 Note 5 that if plants are damaged by deer, protection measures shall be undertaken.

Comment #13: On Sheets C-130 and DR-1, there are call outs that are obscured or that trail outside of the viewpoint limit near the lower sheet border that should be corrected.

Comment #14: The declaration information for the Agricultural Notes, Aquifer Overlay Notes, and Private Road and Maintenance for the common driveway must be added to the plans.

Comment #15: Surveyor to sign and seal final plans.

Comment #16: Surveyor to certify that iron rods have been set at all property corners.

Comment #17: Please provide the signed PPA from the utility company.

Comment #18: Since this application requires the approval for a special use, Planning Board to consider making the approval/permit renewable through the building department every year with proof of current ownership of the facility, confirmation that the current owner assumes the decommissioning obligations, and general status report of the operation of the facility. Please add a note to the plan.

Mr. Astorino: What that comment is about, we do the same thing with the cell towers. It is a yearly thing that goes to the Building Department. At any point the project gets sold to a different company, it is basically providing information to the Municipality if the project is still under the same company or a different company that would comply with everything that is set forth.

Joe Fiori: We have seen the requirement for showing the proof of ownership. We just haven't seen it as part of the renewal process.

Mr. Astorino: It is not the renewal of the approval. What it is about is to provide a letter or documentation on a yearly basis to the Building Department stating if it is still under the same company or if it is a new different company. If the company is under a different owner, it would have to state that they would comply with the same set of conditions. It is just to keep the Municipality up to date on everything that will be set forth.

Joe Fiori: Ok. What do we get in return after we submit that letter?

Mr. Astorino: What would you like in return?

Joe Fiori: I don't know. If we don't need anything, then that will be fine.

Mr. Astorino: You won't need anything. You are going to follow the site plan and special use permit. It is just to keep track of ownership of the solar company. Cell Tower companies changes ownership all the time. Our Municipality wants to keep track of the ownership. We want to know who to contact on a yearly basis.

Joe Fiori: Ok. No problem.

Mr. Astorino: Let's go to Comment #22.

Comment #19: Applicant to confirm that Orange & Rockland is aware of project and if any upgrades are required (e.g., lines, substation, etc.).

Comment #20: Applicant to provide a copy of the signed Interconnection Service Agreement.

Comment #21: Applicant to submit a copy of the lease/agreement between Warwick Renewables and Barricella.

Comment #22: Applicant to confirm the submittal timing for the detailed design, including civil, structural, and electrical drawings. The detailed design will also include the inverter type and circuit configuration for a pad-mounted system.

Mr. Astorino: That was what we had discussed the last time in regards to the soils. I confirmed that with our Engineer today. When it is time to get a Building Permit, there will be some review by our Engineer to make sure the final design layout for the soils at that time. When that happens, it will require an escrow account so that our Engineer could review the plans when a Building Permit is going to be obtained. That is not done at this time. That would be done at a later date when you are applying for your Building Permit.

Joe Fiori: Ok.

Mr. Astorino: Other than that, I believe we have covered everything out there. We do have some comments in here that are to be completed prior to issuance of a Building Permit. We will list Comment # 23 through Comment #26 for the record and Pre-Building Permit Comment #1 through Comment #8 for the record.

Comment #23: Applicant to provide screening as discussed at the April 03, 2019 site inspection to Town Planner's Specification.

Comment #24: Applicant to provide Decommissioning Report to the satisfaction of the Planning Board Engineer/Attorney.

Comment #25: Applicant to provide Decommissioning Bond to the satisfaction of the Planning Board Attorney/Engineer. Assuming that any salvage amount has been removed from the bond determination, any salvage value recovered will be returned to Warwick Renewables.

Comment #26: Payment of all fees.

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Mr. Astorino: Do any Board members or Professionals have any comments or concerns? This is a public hearing, if there is anyone in the audience wishing to address the Barricella Solar Farm application, please rise and state your name for the record.

Gary Johnson: I have concerns about the plantings. My wife and I took a ride out to Westtown on County Route 1. We had seen what that solar farm looks like which is hideous.

Mr. Astorino: That will not happen here in the Town of Warwick.

Gary Johnson: I believe that is located in Minisink. I don't know how their process works there.

Mr. Astorino: That will not happen here. The neighbor that is sitting next to you. We did do a visit out to their home. We took a look at it. We did have extensive discussions with the Applicant to go to a pad mounted site. I think that would be a big plus. As I had pointed out earlier, we will put the planting notes to the Town Planner's specifications. If additional plantings are needed, we will add it.

Gary Johnson: Who would decide on that? Would that be the Building Inspector?

Mr. Astorino: No. It would be our Town Planner.

Gary Johnson: Ok. Will the grass be mowed and maintained?

Mr. Astorino: Yes.

Gary Johnson: What is the life expectancy of this solar farm?

Mr. Astorino: I believe it is approximately 20 years.

Gary Johnson: What happens to it after 20 years?

Mr. Astorino: We will have a Decommissioning Plan in place.

Gary Johnson: Does all of that get taken out?

Mr. Astorino: Yes. It would get taken out or replaced.

Mr. McConnell: If after 20 years they want to continue the solar farm and/or upgrade it with a lease, they could do that to.

Mr. Astorino: Right.

Gary Johnson: Thank you.

Mr. Astorino: Is there anyone else wishing to address the Barricella Solar Farm application? Let the record show no further public comment.

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

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. Kennedy makes a motion on the James and Karla Barricella application, granting Site Plan Approval and Special Use Permit a/k/a *Nexamp Solar, LLC* for the construction and use of a large-scale community commercial 1.84 MW solar energy installation, situated on tax parcel S 29 B L 62.2; project located on the western side of Union Corners Road 400 feet south of Meadow Ridge Road (35 Union Corners Rd), in the RU/AI zones, of the Town of Warwick, County of Orange, State of New York. A Negative Declaration was adopted on May 15, 2019. Approval is granted subject to the following conditions:

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rigid). Additional analysis shall be performed showing that the system can support any dynamically amplified loads that result from the wind tunnel analysis. All wind speeds shall be checked for dynamic wind effects on the structural system and not just at the extreme wind speed.

- a. Please provide the wind calculations for reference and conformance when they are completed and signed by the EOR.
8. The geotechnical report does not have the thermal Rho values. Recommend additional testing is required to obtain thermal values and its dry out curves. These values will be used for the low voltage and medium voltage circuit calculations.
- a. There is no code required the thermal Rho value to be in the geotechnical report. Thermal Rho values and its dry out curve is required for determining the heat dissipation from the cables within the ground. Its value varies from site to site and could be in the range of 50 to 500 degC-cm/W. National Electric Code (NEC) shows the cable ampacity of all cables are based on Rho value of 90 and if the actual Rho value for the site is much higher, the cable ampacity may not be as shown in the NEC and cannot be used to confirm the cable size. Contractor will need to model the circuits in ETAP, CYME or other qualified software to determine the actual cable ampacity depending on site parameters such as soil temperature, Rho value, load factor, # of parallel circuits, etc.

Seconded by Mr. Showalter. Motion carried; 5-Ayes.

Joe Fiori:

Review of Submitted Maps:***Blue Arrow Too, LLC.***

Application for Site Plan Approval and Special Use Permit for the construction and use of proposed facilities a/k/a ***Blue Arrow Farm Too, LLC*** under General Use Group 88 (Outdoor Amusement Establishment) Butterfly Garden, Apiary, Sunflower Maze, Nature Walk, Picnics, Event Space, Storytelling Center, and Accessory Use Group 24 (Restaurants; eating and drinking places incidental to the Principal Use) – Food preparation, Bar/Tasting Rooms, Eating and Drinking Spaces and Associated Parking in addition to permitted Agricultural Uses of a Horse Farm, Rescue Horse Sanctuary, Horse Shows, and Hop Farm + Final Approval for a proposed Lot Line Change, situated on tax parcels S 24 B 1 L 46.22 and L 23; project located on the eastern side of Glenwood Road 2000-feet north of the NY/NJ border (86 Glenwood Road) in the RU/CO zones, of the Town of Warwick, County of Orange, State of New York. Public Hearing was closed at the Planning Board Meeting of 4/17/19.

Representing the Applicant: Dave Getz from Lehman & Getz Engineering. Dave Griggs from ERS Consultants. Bob Krahulik, Attorney.

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 – 05/04/18 advisory comments for combining parcels, commend for no construction in wetland or its buffer, needs stormwater management; 09/20/18 advisory comments for water usage, parking, endangered species, and lot line adjustment.
6. TW Building Department – several open permits (check with building department).
7. Illuminating Engineering Society (IES) recommends lighting levels for sidewalks and parking areas of a 1 footcandle average and 0.5 to 2 footcandle range. Lighting levels should be revised. For instance, the handicap ramp at Building #1 provides 0.3 footcandle levels.
8. Provide information on wall mounted fixture. Post mounted fixture has been provided, although this cannot be mounted to the buildings.
9. Verify the location of the light fixture near Building #1. It appears to be in the middle of the sidewalk.
10. Sheet 4, Note 7 §164-46.J(43) allows for screening of outdoor amusement use located within 100-ft of a lot line.
11. The Applicant currently proposes annuals; please add a note to the plan stating that annuals will be planted each year. An alternative would be to install perennials.
12. The light pole bases located along the southern entrance must either be removed or proposed lighting be added to the plan.

13. Sheet 8 indicates that a bridge will be located near the hop field. The signage on Sheet 8 indicates that the bridge will be a covered bridge. Applicant to provide additional information, details, calculations, and any applicable permitting.
14. Additional information shall be added to show the fire truck access either through or around the covered bridge. Applicant to verify that the bridge can withstand the load of a fire truck / emergency vehicles.
15. Proposed plantings (Sheet 8) should take into consideration the size of the plant when growth occurs. For instance, Arborvitae is proposed at approximately 6 feet on center, for plants that will be 10 to 15 feet in diameter. Plants should be staggered to provide screening. Consider specifying deciduous trees in/near the parking areas. Typically, coniferous trees branch closer to the ground and may extend into the parking lot. Shade trees are required in §164-43.2(7).
16. Verify plant labels. There are duplicate labels between shrubs and perennials (i.e. St). Parking lot trees should be installed at 3" caliper.
17. Applicant to clarify if plants are proposed in the "Nature Walk" area. If Nature Walk is publically accessible, it must be shown to be ADA compliant.
18. Applicant to update timber guiderail detail and notes (sheet 15).
19. A proposed handicap ramp is provided to Existing Building #1. Details of the ramp (i.e. width, slope, railings) should be included on the plans. Ramp should include a sidewalk connecting it to the handicapped parking.
20. Handicap access aisles are required be to 8 feet wide. One of the access aisles does not comply.
21. A sidewalk has been provided, but does not meet ADA requirements. There is a 5% maximum slope on a sidewalk. If over 5%, it is a ramp, and requires a hand rail that meets ADA requirements. Applicant to clarify if there is a curb. If not, provide wheel stops. If there is a curb, provide detail of curb ramp. Applicant should show accessible route to pavilion.
22. Access aisles are required to be nearly level in all directions to provide a surface for wheelchair transfer to and from vehicles, with a maximum slope of 2% in any direction. Detail notes 8% slope, this is not compliant. Handicap parking detail should include minimum dimension for access aisle of 8 feet.
23. Details noted in the nature walk detail do not meet ADA requirements. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48. Between 1:20 and 1:12 is considered a ramp. Ramp runs shall have a running slope not steeper than 1:12, with a landing every 30 feet and handrails provided. Grading plans must be updated to show grading along sidewalks, parking spaces with spot grades as needed.
24. Sheet 16 parking area pavement section shows that the surface will be 6" dense graded aggregate. Applicant to remove this cross section and all references to driveway and parking areas having a gravel surface; all driveways and parking areas are required to be paved.
25. Due to the inability of the covered bridge to pass two lanes of traffic, the southern entrance must be properly delineated as one-way in only. Additional signage will be required to ensure that people understand how to leave the site.
26. It appears that the wooden covered bridge should have a properly-sized culvert installed to carry the water and prevent erosion under and around the covered bridge.
27. Additional information should be submitted to demonstrate that the culvert/covered bridge can support larger vehicles (e.g., delivery trucks and emergency vehicles).
28. There are several white pipes extending out into the steep sloped area near Building #1. Applicant to show the purpose and proper erosion control measures for these pipes.

29. In the field, an existing stream appears to have been formed into a pond and the stream on-site relocated too close to the existing water supply well. The pond should be removed and the stream relocated back to its original location, which was a proper distance away from the existing well.
30. The Landscape Cost Estimate has been received. The backup documentation for the source of the plant costs must be submitted. Also the cost to install the plantings must be included.
31. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting waiver for iron pins that would be located in wetland areas.
32. Provide the liber and page for Agricultural notes, Biodiversity, time of year clearing, wetlands and permitting requirements.
33. Provide a three-year landscaping bond and any other required bonds for this project.
34. Payment of all fees.

The following comment submitted by the Conservation Board:

Blue Arrow Too, LLC. – None submitted.

The following comment submitted by the ARB:

Blue Arrow Too, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has adopted a Negative Declaration at the last meeting. SEQRA has been fully complied with.

Comment #2: Applicant to discuss project.

Bob Krahulik: Since our last appearance, we have made a number of revisions to the map. Dave Getz will go over some of the comments. We don't need to go through all of these comments tonight. We have also submitted a draft Declaration to the Planning Board's Attorney review. We are well on our way to satisfy all of these conditions.

Dave Getz: We talked to Laura about most of these comments. I would like to discuss Comment #24 regarding parking area pavement. We are required to pave the first 25 or 50 feet as required by the OCDPW of the driveways. We will be paving where the handicap spaces are proposed. We do not want to put asphalt paving on the other parts of the site. We request a waiver on that.

Mr. Astorino: We had discussed that.

Mr. McConnell: We discussed that. We had also asked as to what percentage would be impervious versus as to what percentage would be in pervious? This way we would have some clue as to what you are talking about. This description in Comment #24 is not very detailed about it.

Dave Getz: Looking at the map, on sheet #4 we have gray scale as proposed pavement. The other is shown as white. In New York State it is known that gravel and pavement are considered impervious.

Mr. McConnell: Ok. Thank you.

Dave Getz: We also added a note to the plans stating that the owner would maintain the gravel surfaces in dusty conditions.

Mr. Astorino: Ok. We have that note on the plans.

Dave Getz: Regarding Comment #31, the Surveyor to certify iron rods set at all property corners. The back of the property where the creek and wetlands are located is inaccessible. We would request a waiver on that.

Mr. Astorino: I agree with you on that regarding the back area of that property where it is wet.

Dave Getz: We are ok with the rest of the comments.

Mr. Astorino: Regarding Comment #30, the Landscape Cost Estimate. You will have to provide that. Regarding Comment #33, provide a three-year landscaping bond. You will need to provide that. We will list Comment #3 through Comment #34 for the record.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 05/04/18 advisory comments for combining parcels, commend for no construction in wetland or its buffer, needs stormwater management; 09/20/18 advisory comments for water usage, parking, endangered species, and lot line adjustment.

Comment #6: TW Building Department – several open permits (check with building department).

Comment #7: Illuminating Engineering Society (IES) recommends lighting levels for sidewalks and parking areas of a 1 footcandle average and 0.5 to 2 footcandle range. Lighting levels should be revised. For instance, the handicap ramp at Building #1 provides 0.3 footcandle levels.

Comment #8: Provide information on wall mounted fixture. Post mounted fixture has been provided, although this cannot be mounted to the buildings.

Comment #9: Verify the location of the light fixture near Building #1. It appears to be in the middle of the sidewalk.

Comment #10: Sheet 4, Note 7 §164-46.J(43) allows for screening of outdoor amusement use located within 100-ft of a lot line.

Comment #11: The Applicant currently proposes annuals; please add a note to the plan stating that annuals will be planted each year. An alternative would be to install perennials.

Comment #12: The light pole bases located along the southern entrance must either be removed or proposed lighting be added to the plan.

Comment #13: Sheet 8 indicates that a bridge will be located near the hop field. The signage on Sheet 8 indicates that the bridge will be a covered bridge. Applicant to provide additional information, details, calculations, and any applicable permitting.

Comment #14: Additional information shall be added to show the fire truck access either through or around the covered bridge. Applicant to verify that the bridge can withstand the load of a fire truck / emergency vehicles.

Comment #15: Proposed plantings (Sheet 8) should take into consideration the size of the plant when growth occurs. For instance, Arborvitae is proposed at approximately 6 feet on center, for plants that will be 10 to 15 feet in diameter. Plants should be staggered to provide screening. Consider specifying deciduous trees in/near the parking areas. Typically, coniferous trees branch closer to the ground and may extend into the parking lot. Shade trees are required in §164-43.2(7).

Comment #16: Verify plant labels. There are duplicate labels between shrubs and perennials (i.e. St). Parking lot trees should be installed at 3" caliper.

Comment #17: Applicant to clarify if plants are proposed in the "Nature Walk" area. If Nature Walk is publically accessible, it must be shown to be ADA compliant.

Comment #18: Applicant to update timber guiderail detail and notes (sheet 15).

Comment #19: A proposed handicap ramp is provided to Existing Building #1. Details of the ramp (i.e. width, slope, railings) should be included on the plans. Ramp should include a sidewalk connecting it to the handicapped parking.

Comment #20: Handicap access aisles are required be to 8 feet wide. One of the access aisles does not comply.

Comment #21: A sidewalk has been provided, but does not meet ADA requirements. There is a 5% maximum slope on a sidewalk. If over 5%, it is a ramp, and requires a hand rail that meets ADA requirements. Applicant to clarify if there is a curb. If not, provide wheel stops. If there is a curb, provide detail of curb ramp. Applicant should show accessible route to pavilion.

Comment #22: Access aisles are required to be nearly level in all directions to provide a surface for wheelchair transfer to and from vehicles, with a maximum slope of 2% in any direction. Detail notes 8% slope, this is not compliant. Handicap parking detail should include minimum dimension for access aisle of 8 feet.

Comment #23: Details noted in the nature walk detail do not meet ADA requirements. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48. Between 1:20 and 1:12 is considered a ramp. Ramp runs shall have a running slope not steeper than 1:12, with a landing every 30 feet and handrails provided. Grading plans must be updated to show grading along sidewalks, parking spaces with spot grades as needed.

Comment #24: Sheet 16 parking area pavement section shows that the surface will be 6" dense graded aggregate. Applicant to remove this cross section and all references to driveway and parking areas having a gravel surface; all driveways and parking areas are required to be paved.

Comment #25: Due to the inability of the covered bridge to pass two lanes of traffic, the southern entrance must be properly delineated as one-way in only. Additional signage will be required to ensure that people understand how to leave the site.

Comment #26: It appears that the wooden covered bridge should have a properly-sized culvert installed to carry the water and prevent erosion under and around the covered bridge.

Comment #27: Additional information should be submitted to demonstrate that the culvert/covered bridge can support larger vehicles (e.g., delivery trucks and emergency vehicles).

Comment #28: There are several white pipes extending out into the steep sloped area near Building #1. Applicant to show the purpose and proper erosion control measures for these pipes.

Comment #29: In the field, an existing stream appears to have been formed into a pond and the stream on-site relocated too close to the existing water supply well. The pond should be removed and the stream relocated back to its original location, which was a proper distance away from the existing well.

Comment #30: The Landscape Cost Estimate has been received. The backup documentation for the source of the plant costs must be submitted. Also the cost to install the plantings must be included.

Comment #31: Surveyor to certify that iron rods have been set at all property corners. Applicant requesting waiver for iron pins that would be located in wetland areas.

Comment #32: Provide the liber and page for Agricultural notes, Biodiversity, time of year clearing, wetlands and permitting requirements.

Comment #33: Provide a three-year landscaping bond and any other required bonds for this project.

Comment #34: Payment of all fees.

Mr. Astorino: We need a waiver on Comment #24 for partial paving and a waiver on Comment #31 for the iron pins located in the wetland area that are not accessible.

Mr. McConnell makes a motion to Waive Comment #24 for partial paving and a waiver on Comment #31 for the iron pins that are not accessible in the wetland areas.

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. Showalter makes a motion on the Blue Arrow Too, LLC application, granting Site Plan Approval and Special Use Permit for the construction and use of proposed facilities a/k/a **Blue Arrow Farm Too, LLC** under General Use Group 88 (Outdoor Amusement Establishment) Butterfly Garden, Apiary, Sunflower Maze, Nature Walk, Picnics, Event Space, Storytelling Center, and Accessory Use Group 24 (Restaurants; eating and drinking places incidental to the Principal Use) – Food preparation, Bar/Tasting Rooms, Eating and Drinking Spaces and Associated Parking in addition to permitted Agricultural Uses of a Horse Farm, Rescue Horse Sanctuary, Horse Shows, and Hop Farm + Final Approval for a proposed Lot Line Change, situated on tax parcels S 24 B 1 L 46.22 and L 23; project located on the eastern side of Glenwood Road 2000-feet north of the NY/NJ border (86 Glenwood Road) in the RU/CO zones, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on **April 17, 2019**. Approval is subject to the following conditions:

1. TW Building Department – several open permits (check with building department).
2. Illuminating Engineering Society (IES) recommends lighting levels for sidewalks and parking areas of a 1 footcandle average and 0.5 to 2 footcandle range. Lighting levels should be revised. For instance, the handicap ramp at Building #1 provides 0.3 footcandle levels.
3. Provide information on wall mounted fixture. Post mounted fixture has been provided, although this cannot be mounted to the buildings.
4. Verify the location of the light fixture near Building #1. It appears to be in the middle of the sidewalk.
5. Sheet 4, Note 7 §164-46.J(43) allows for screening of outdoor amusement use located within 100-ft of a lot line.
6. The Applicant currently proposes annuals; please add a note to the plan stating that annuals will be planted each year. An alternative would be to install perennials.
7. The light pole bases located along the southern entrance must either be removed or proposed lighting be added to the plan.

8. Sheet 8 indicates that a bridge will be located near the hop field. The signage on Sheet 8 indicates that the bridge will be a covered bridge. Applicant to provide additional information, details, calculations, and any applicable permitting.
9. Additional information shall be added to show the fire truck access either through or around the covered bridge. Applicant to verify that the bridge can withstand the load of a fire truck / emergency vehicles.
10. Proposed plantings (Sheet 8) should take into consideration the size of the plant when growth occurs. For instance, Arborvitae is proposed at approximately 6 feet on center, for plants that will be 10 to 15 feet in diameter. Plants should be staggered to provide screening. Consider specifying deciduous trees in/near the parking areas. Typically, coniferous trees branch closer to the ground and may extend into the parking lot. Shade trees are required in §164-43.2(7).
11. Verify plant labels. There are duplicate labels between shrubs and perennials (i.e. St). Parking lot trees should be installed at 3" caliper.
12. Applicant to clarify if plants are proposed in the "Nature Walk" area. If Nature Walk is publically accessible, it must be shown to be ADA compliant.
13. Applicant to update timber guiderail detail and notes (sheet 15).
14. A proposed handicap ramp is provided to Existing Building #1. Details of the ramp (i.e. width, slope, railings) should be included on the plans. Ramp should include a sidewalk connecting it to the handicapped parking.
15. Handicap access aisles are required be to 8 feet wide. One of the access aisles does not comply.
16. A sidewalk has been provided, but does not meet ADA requirements. There is a 5% maximum slope on a sidewalk. If over 5%, it is a ramp, and requires a hand rail that meets ADA requirements. Applicant to clarify if there is a curb. If not, provide wheel stops. If there is a curb, provide detail of curb ramp. Applicant should show accessible route to pavilion.
17. Access aisles are required to be nearly level in all directions to provide a surface for wheelchair transfer to and from vehicles, with a maximum slope of 2% in any direction. Detail notes 8% slope, this is not compliant. Handicap parking detail should include minimum dimension for access aisle of 8 feet.
18. Details noted in the nature walk detail do not meet ADA requirements. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48. Between 1:20 and 1:12 is considered a ramp. Ramp runs shall have a running slope not steeper than 1:12, with a landing every 30 feet and handrails provided. Grading plans must be updated to show grading along sidewalks, parking spaces with spot grades as needed.
19. Sheet 16 parking area pavement section shows that the surface will be 6" dense graded aggregate. Applicant to remove this cross section and all references to driveway and parking areas having a gravel surface; all driveways and parking areas are required to be paved. Pavement partially Waived.
20. Due to the inability of the covered bridge to pass two lanes of traffic, the southern entrance must be properly delineated as one-way in only. Additional signage will be required to ensure that people understand how to leave the site.
21. It appears that the wooden covered bridge should have a properly-sized culvert installed to carry the water and prevent erosion under and around the covered bridge.

22. Additional information should be submitted to demonstrate that the culvert/covered bridge can support larger vehicles (e.g., delivery trucks and emergency vehicles).
23. There are several white pipes extending out into the steep sloped area near Building #1. Applicant to show the purpose and proper erosion control measures for these pipes.
24. In the field, an existing stream appears to have been formed into a pond and the stream on-site relocated too close to the existing water supply well. The pond should be removed and the stream relocated back to its original location, which was a proper distance away from the existing well.
25. The Landscape Cost Estimate has been received. The backup documentation for the source of the plant costs must be submitted. Also the cost to install the plantings must be included.
26. Surveyor to certify that iron rods have been set at all property corners. Applicant requesting waiver for iron pins that would be located in wetland areas. Waived.
27. Provide the liber and page for Agricultural notes, Biodiversity, time of year clearing, wetlands and permitting requirements.
28. Provide a three-year landscaping bond and any other required bonds for this project.
29. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 5-Ayes.

Bob Krahulik: Thank you.

Dave Getz: Thank you.

WVLDC-CBD Accelerator Subdivision + Site Plan & Special Use Permit

Application for Sketch Plat Review for a proposed 2-Lot subdivision Town of Warwick as applicant and Application for Site Plan & Special Use Permit for WVLDC-CBD as applicant for the construction and use of the processing, research, production, packing and sales of Hemp, Hemp extraction and Hemp formation, situated on tax parcel S 46 B 1 L 39.2; parcel located off State School Road on the south side of John Hicks Drive, in the OI zone, of the Town of Warwick.

Representing the applicant: Brian Friedler from Lehman & Getz Engineering. Keith Woodruff from Engineering Properties. Bob Krahulik, Attorney. Jeff DeGraw, Architect. George Sewitt from Hemp Source.

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 – pending response
6. TW Building Department – 04/18/19 no violations
7. Applicant to submit a Fire Prevention Plan to the Planning Board and the Warwick Fire Department.
8. A copy of all required Planning Board Documents must be submitted (e.g., Ag data statement, deed, escrow, etc.).
9. There appears to be a structure located within in the front yard 50-ft setback area of Proposed Lot 1.
10. Planning Board to determine if a site inspection is necessary. Completed on 05/01/19.
11. Applicant to label Lot 2 on Sheets 1 and 2.
12. Applicant to clarify the lot area for Lot 2; need Bulk Table on only one drawing sheet.
13. Applicant to clarify the use group (Bulk Table, sheet 1).
14. Applicant to include “Proposed Laboratory” use in Sheet 1, Note 8 and Sheet 2, Note 6.
15. Applicant to clarify if land disturbance is proposed (Sheet 2, note 2).
16. All record lot owners within 300-ft must be shown on the plan.
17. Applicant to include all line types in the legend (Sheet 2) and confirm legend to match plan (i.e. NYSDEC wetland limit).
18. The final version of the Industrial Hygiene Review and Assessment shall be submitted to the Planning Board and Warwick Fire Department, including (but not limited to) the final processing method, materials needed, chemical/material storage amounts onsite and locations, administrative controls, safety recommendations, etc.
19. Applicant to provide the proposed use at the property (e.g., Ag use #19 manufacturing, assembling, altering, finishing, converting, fabricating, cleaning, or any other processing, packaging or repackaging of agricultural products or materials) and any conditions in §164-46.J.
20. Any signage and a Master Sign Plan must be in accordance with §164-43.1 – or Applicant to state on the plans that no advertising/ signage is proposed.
21. Applicant to clarify if outdoor storage is proposed (add note to plan to clarify).
22. §164-77.C.(2)(a) states, “To ensure public safety, the minimum distance from the base of any ground-mounted wireless telecommunications facility to any property line, road, habitable dwelling, business or institutional use, accessory structure or public recreation area shall be the height of the facility/mount, including any antennas or other

appurtenances. This setback is considered the fall zone.” The current lot line proposal would be within the fall zone of a proposed cell tower.

23. The details indicate that the handicapped spaces will be striped; Applicant to add striping detail for other proposed parking spaces.
24. There are details for ADA parking signage and striping on sheet 3. They indicate use of wall mounted signs but plan and detail seem to be on posts instead; Applicant to clarify.
25. Applicant to clarify and locate connection to water supply system (Sheet 1, Note 9).
26. Applicant to clarify the water tank that was decommissioned prior to the Town taking ownership of the property and the water tank that will be re-serviced and placed back into service.
27. Applicant to clarify and locate connection to sewer system (Sheet 1, Note 10).
28. Applicant to show water/wastewater calculations for the proposed uses on Lot 1.
29. Applicant to show water/wastewater quantities related to the processing operation on the drawings.
30. Sheet 1, Notes 14 and 15 references previously filed documents for land use control, aquifer protection, and utility easements. A complete copy of these documents shall be submitted to the Planning Board.
31. Declaration information for Aquifer and Biodiversity Notes must be added to the plans.
32. Plans must be signed and sealed by a Licensed Land Surveyor.
33. Surveyor to certify that iron rods have been set at all property corners.
34. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
35. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.
36. Payment of all fees.

The following comment submitted by the Conservation Board:

WVLDC-CBD Accelerator – None submitted.

The following comment submitted by the ARB:

WVLDC-CBD Accelerator – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF. It meets all of the three thresholds for this project to be listed as a Type 2 Action. No SEQRA review is necessary.

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

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.6

State Environmental Quality Review (SEQR)

Resolution

Type 2 Action

Name of Action: WVLDC CBD Accelerator Subdivision/Special Use Permit

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by the Town of Warwick and a Special Use Permit application by the Warwick Valley Local Development Corporation for a ± 6.6 acre parcel of land located at 43, 49, 53 John Hicks Dr, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 4/17/19 was submitted at the time of application, and

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 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(4), (9), and (18) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 617.6(a)(6) do not apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

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

Comment #2: Applicant to discuss project.

Brian Friedler: This is a proposed minor subdivision situated on tax parcel SBL #46-1-39.2. It is a 640-acre parcel that is owned by the Town of Warwick. The property has frontage on State School Road and John Hicks Drive. Right now the property contains several roads, driveways, parking areas, buildings and barns. The Town proposes to subdivide the property into 2 Lots. They propose to make one lot approximately 6.4-acres. Also with this application they are looking for site plan approval and special use permit for Lot #1. The action includes the processing, research, production, packing and sales of Hemp, Hemp extraction and Hemp formation. One of the barns would be a lab facility.

Mr. Astorino: We had done a site visit out to the property. For some of the Board members that could not make it to the site visit, there are photos that you could take a look at. I think they are wonderful. It would be a good use out there.

Jeff DeGraw the Architect presents architectural renderings to the Board showing them what the design of the project would look like once it is completed. He shows beautiful restoration drawings of the old dairy barn. They will be preserving the buildings and

putting them back to what was there. It would be giving the buildings a fresh face. The Board is very pleased with the architectural drawings that Mr. DeGraw has shown. They will be preserving the look and the character of the buildings.

Mr. Astorino: Regarding the Hemp production we discussed at the site visit, it was discussed that they are doing the same process as what they are doing in Pine Island. Everything will come into Laura, Ted and John for this project. Does the Board or Professionals have any comments or concerns?

Mr. McConnell: What is going to happen to the space in Pine Island?

George Sewitt: We will still be using the space in Pine Island. We will be using that for pre-production. Once the hemp dries out at the Pine Island space, we will chop it up and bring it over to this site for processing. All of the dirty work will be done out at the farm. Over at this site, it will be very clean.

Mr. McConnell: Thank you.

Mr. Bollenbach: Are there any comments the Applicant would like to discuss?

Brian Friedler: No.

Mr. Astorino: Do any Board members or Professionals have any comments? We will list Comment #3 through Comment #36 for the record. Does the Applicant wish to be set for a public hearing?

Brian Friedler: Yes.

Ms. Little makes a motion to set the WVLDC-CBD Accelerator application for a Final Public Hearing and Site Plan & Special Use Permit Public Hearing at the next available agenda.

Seconded by Mr. McConnell. Motion carried; 5-Ayes.

Brian Friedler: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending response

Comment #6: TW Building Department – 04/18/19 no violations

Comment #7: Applicant to submit a Fire Prevention Plan to the Planning Board and the Warwick Fire Department.

Comment #8: A copy of all required Planning Board Documents must be submitted (e.g., Ag data statement, deed, escrow, etc.).

Comment #9: There appears to be a structure located within in the front yard 50-ft setback area of Proposed Lot 1.

Comment #10: Planning Board to determine if a site inspection is necessary. Completed on 05/01/19.

Comment #11: Applicant to label Lot 2 on Sheets 1 and 2.

Comment #12: Applicant to clarify the lot area for Lot 2; need Bulk Table on only one drawing sheet.

Comment #13: Applicant to clarify the use group (Bulk Table, sheet 1).

Comment #14: Applicant to include "Proposed Laboratory" use in Sheet 1, Note 8 and Sheet 2, Note 6.

Comment #15: Applicant to clarify if land disturbance is proposed (Sheet 2, note 2).

Comment #16: All record lot owners within 300-ft must be shown on the plan.

Comment #17: Applicant to include all line types in the legend (Sheet 2) and confirm legend to match plan (i.e. NYSDEC wetland limit).

Comment #18: The final version of the Industrial Hygiene Review and Assessment shall be submitted to the Planning Board and Warwick Fire Department, including (but not limited to) the final processing method, materials needed, chemical/material storage amounts onsite and locations, administrative controls, safety recommendations, etc.

Comment #19: Applicant to provide the proposed use at the property (e.g., Ag use #19 manufacturing, assembling, altering, finishing, converting, fabricating, cleaning, or any other processing, packaging or repackaging of agricultural products or materials) and any conditions in §164-46.J.

Comment #20: Any signage and a Master Sign Plan must be in accordance with §164-43.1 – or Applicant to state on the plans that no advertising/ signage is proposed.

Comment #21: Applicant to clarify if outdoor storage is proposed (add note to plan to clarify).

Comment #22: §164-77.C.(2)(a) states, "To ensure public safety, the minimum distance from the base of any ground-mounted wireless telecommunications facility to any property line, road, habitable dwelling, business or institutional use, accessory structure or public recreation area shall be the height of the facility/mount, including any antennas or other appurtenances. This setback is considered the fall zone." The current lot line proposal would be within the fall zone of a proposed cell tower.

Comment #23: The details indicate that the handicapped spaces will be striped; Applicant to add striping detail for other proposed parking spaces.

Comment #24: There are details for ADA parking signage and striping on sheet 3. They indicate use of wall mounted signs but plan and detail seem to be on posts instead; Applicant to clarify.

Comment #25: Applicant to clarify and locate connection to water supply system (Sheet 1, Note 9).

Comment #26: Applicant to clarify the water tank that was decommissioned prior to the Town taking ownership of the property and the water tank that will be re-serviced and placed back into service.

Comment #27: Applicant to clarify and locate connection to sewer system (Sheet 1, Note 10).

Comment #28: Applicant to show water/wastewater calculations for the proposed uses on Lot 1.

Comment #29: Applicant to show water/wastewater quantities related to the processing operation on the drawings.

Comment #30: Sheet 1, Notes 14 and 15 references previously filed documents for land use control, aquifer protection, and utility easements. A complete copy of these documents shall be submitted to the Planning Board.

Comment #31: Declaration information for Aquifer and Biodiversity Notes must be added to the plans.

Comment #32: Plans must be signed and sealed by a Licensed Land Surveyor.

Comment #33: Surveyor to certify that iron rods have been set at all property corners.

Comment #34: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Comment #35: Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.

Comment #36: Payment of all fees.

Other Considerations:

1. **Wheeler Road Estates** – Letter from Nicholas Rugnetta, P&P Engineering, dated 4/8/19 addressed to the Planning Board in regards to the Wheeler Road Estates Subdivision – requesting 27th 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster subdivision, situated on tax parcel SBL #8-2-44.223; parcel located along the northerly side of Wheeler Rd. (C.R. 41), at the intersection with Dussenbury Drive, in the SL zone, of the Town of Warwick. Preliminary Approval was granted on 11/2/05. *The Applicant has stated that they are currently addressing comments from HDR comment letter, dated 3/20/19.* The 27th 6-Month Extension becomes effective on 5/2/19.

Mr. Kennedy makes a motion on the Wheeler Road Estates application, granting a 27th 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05.

The 27th 6-Month Extension becomes effective on, 5/2/19.

Seconded by Ms. Little. Motion carried; 5-Ayes.

2. **The Gables At Warwick Subdivision** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 4/15/19 addressed to the Planning Board in regards to the Gables Subdivision - requesting 3rd Re-Approval + 6-Month Extension on “Amended” Final Approval of a proposed 15-Lot Cluster subdivision, situated on tax parcel SBL # 44-1-132; parcel located on the southern side of State Hwy 17A at the intersection of East end of Ketchum Rd., in the RU zone, of the Town of Warwick. “Amended” conditional Final Approval was granted on 6/15/16. *The Applicant has stated that the economic climate is still not favorable for single-family residential development that includes the construction of road.* The 3rd Re-Approval of “Amended” Final Approval becomes effective on 6/15/19; subject to the conditions of “Amended Final Approval granted on 6/15/16. The 6-Month Extension becomes effective 12/15/19.

Mr. Kennedy makes a motion on the Gables At Warwick application, granting “**3rd Re-Approval**” of Amended Final Approval + 6-Month Extension of a proposed 15-Lot Cluster subdivision, situated on tax parcel S 44 B 1 L 132; parcel located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of “Amended” Final Approval granted on 6/15/16.

The 3rd Re-Approval of Amended Final Approval becomes effective on 6/15/19; subject to the conditions of approval granted on 6/15/16.

The 6-Month Extension becomes effective on 12/15/19.

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

3. **Jacob Best 3-Lot Lot Line Change** – Letter from Jacob Best, dated 4/17/19 addressed to the Planning Board in regards to the Best 3-Lot Lot Line Change – requesting Re-Approval of Final Approval + 6-Month Extension of a proposed 3-Lot Lot Line Change, situated on tax parcels SBL # 74-5-47, 49.2, & 41.1; parcels located on the southern side of Woodland Terrace 160 feet north of Forest Rd. (2-Woodland Ter., 4-Woodland Ter., & 13-Woodland Ter.), in the SM zone, of the Town of Warwick. Conditional Final Approval was granted on 4/18/18. *The Applicant has stated that he has been going through health issues so the re-approval & extension are needed.* The Re-Approval of Final Approval becomes effective on 4/18/19; subject to the conditions of Final Approval granted on 4/18/18. The 6-Month Extension becomes effective 10/18/19.

Mr. McConnell makes a motion on the Jacob Best 3-Lot Lot Line Change application, granting Re-Approval of Final Approval + 6-Month Extension of a proposed 3-Lot Lot Line Change, situated on tax parcels SBL # 74-5-47, 49.2, & 41.1; parcels located on the southern side of Woodland Terrace 160 feet north of Forest Rd. (2-Woodland Ter., 4-Woodland Ter., & 13-Woodland Ter.), in the SM zone, of the Town of Warwick. Conditional Final Approval was granted on 4/18/18.

The Re-Approval of Final Approval becomes effective on 4/18/19; subject to the conditions of Final Approval granted on 4/18/18.

The 6-Month Extension becomes effective 10/18/19.

Seconded by Ms. Little. Motion carried; 5-Ayes.

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 May 1, 2019 Planning Board Meeting.

Seconded by Mr. Showalter. Motion carried; 5-Ayes.

