

TOWN OF WARWICK PLANNING BOARD

August 21, 2019

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Christine Little,
John MacDonald, Alt.
Laura Barca, HDR Engineering
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, August 21, 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.

Review of Submitted Maps:

Pawelski Lot Line Change

Application for Final Approval of a proposed Lot Line Change, situated on tax parcel S 6 B 2 L 4 and L 7; parcel located on the northern side of Quaker Creek Lane south of Pulaski Highway, in the AI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Caleb Pawelski from P&P Engineering

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – 05/14/19 no comments
5. OC Planning Department – 06/06/19 advisory for archeological review; recommend Phase 1A
6. TW Building Department – 04/29/19 lot 6-2-4 no violations; lot 6-2-7 four expired permits, please contact building department directly
7. ZBA – Variance is required for the area of Lot 6-2-4; lot depth and front yard for Lot 6-2-4 are existing and not changing as part of this proposal.
8. Applicant to submit the private road agreement for Quaker Creek Lane (10' wide ROW, filed map #05-07).
9. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, map note
10. Surveyor to certify that iron rods have been set at all property corners.
11. The liber and page for the deed referencing the changes made to the lot lines.
12. The liber and page for the Agricultural Notes must be added to the plan.
13. Payment of all fees.

The following comment submitted by the Conservation Board:

Pawelski Lot Line Change – None submitted.

The following comment submitted by the ARB:

Pawelski Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: Because this is a lot line change, it should be classified as a Type 2 Action under SEQRA. The Applicant did provide us with a short EAF. They do need variances. The Board doesn't need to do anything but acknowledge that it is a Type 2 Action.

Connie Sardo: They did go to the ZBA. The variances were granted. The variances were granted at the August 19, 2019 ZBA Meeting.

Mr. Fink: Ok. I think we already did a Type 2 Action back in May some time?

Connie Sardo: We did. The Planning Board adopted the Type 2 Action on May 15, 2019.

Mr. Fink: Ok.

Mr. Astorino: Ok. We are good with that.

Comment #2: Applicant to discuss project.

Caleb Pawelski: This is a proposed lot line change between Lot #4 and Lot #7. We are moving area from Lot #4 over to Lot # 7. There is no construction proposed. It is just to store some onion boxes.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – 05/14/19 no comments

Comment #5: OC Planning Department – 06/06/19 advisory for archeological review; recommend Phase 1A

Mr. Bollenbach: There is no construction proposed.

Comment #6: TW Building Department – 04/29/19 lot 6-2-4 no violations; lot 6-2-7 four expired permits, please contact building department directly

Caleb Pawelski: Ok. Will do.

Comment #7: ZBA – Variance is required for the area of Lot 6-2-4; lot depth and front yard for Lot 6-2-4 are existing and not changing as part of this proposal.

Mr. Astorino: You will need to put the variances on the plan.

Caleb Pawelski: Ok.

Comment #8: Applicant to submit the private road agreement for Quaker Creek Lane (10' wide ROW, filed map #05-07).

Caleb Pawelski: We have it referenced on the plan to that filed map. That is what we have.

Mr. Astorino: John that is all they got.

Mr. Bollenbach: That is all they have then.

Comment #9: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1, map note

Mr. Astorino: Just put the note on the plan.

Comment #10: Surveyor to certify that iron rods have been set at all property corners.

Mr. Bollenbach: Are they in the ditches? Where are the property corners?

Caleb Pawelski: Some might be close to a ditch.

Mr. Bollenbach: The Board might want to consider waiving that.

Mr. Astorino: I was thinking the same. It doesn't make sense to have that. Do we need a waiver for that?

Mr. Bollenbach: Yes.

Laura Barca: They can do that. But they should put in the ones that they can put in.

Mr. Bollenbach: We will waive it to the Planning Board Engineer's specifications.

Comment #11: The liber and page for the deed referencing the changes made to the lot lines.

Caleb Pawelski: Will do.

Comment #12: The liber and page for the Agricultural Notes must be added to the plan.

Caleb Pawelski: Ok.

Comment #13: Payment of all fees.

Caleb Pawelski: Ok.

Mr. Astorino: Do any Board Members or Professionals have any comments or concerns? Does the Applicant wish to waive the Final Public Hearing?

Caleb Pawelski: Yes.

Mr. McConnell makes a motion to waive the Final Public Hearing.

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

Mr. Showalter makes a motion on the Pawelski Lot Line Change application, granting Conditional Final Approval of a proposed Lot Line Change, situated on tax parcels S 6 B 2 L 4 and L 7; parcels located on the northern side of Quaker Creek Lane south of Pulaski Highway, in the AI zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Type 2 Action was adopted on May 15, 2019. Approval is subject to the following conditions:

1. TW Building Department – 04/29/19 lot 6-2-4 no violations; lot 6-2-7 four expired permits, please contact building department directly
2. ZBA – Variance is required for the area of Lot 6-2-4; lot depth and front yard for Lot 6-2-4 are existing and not changing as part of this proposal. Place ZBA Variance verbiage on map.
3. Applicant to submit the private road agreement for Quaker Creek Lane (10' wide ROW, filed map #05-07).
4. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, map note
5. Surveyor to certify that iron rods have been set at all property corners. Waived to Planning Board Engineer’s specifications.
6. The liber and page for the deed referencing the changes made to the lot lines.
7. The liber and page for the Agricultural Notes must be added to the plan.
8. Payment of all fees.

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

Caleb Pawelski: Thank you.

Lewis Lot Line Change #2

Application for Final Approval of a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 64.2 and L 64.322; parcels located on the eastern side of NYS Route 94N 1000 feet south of Old Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – pending comments
7. Please label the two lots as Lot 1 and Lot 2.
8. The 911 addresses must be shown on the plan.
9. Applicant is proposing to create a land-locked parcel for 31-2-64.322; this lot has an existing home and should have its own access to either a public or private road.
10. Applicant is proposing to connect the farm-field portion of 31-2-64.332 and 31-2-64.2 across a 50-ft wide portion of 31-2-64.112; Applicant to clarify.
11. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 6
12. Surveyor to certify that iron rods have been set at all property corners.
13. The liber and page for the deed referencing the changes made to the lot lines.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

Lewis Lot Line Change #2 – None submitted.

The following comment submitted by the ARB:

Lewis Lot Line Change #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF. The application is for a proposed lot line change. There is not construction proposed. It is classified as a Type 2 Action. There is a Type 2 Resolution for the Planning Board’s consideration.

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

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

Resolution

Type 2 Action

Name of Action: Lewis Re-Subdivision (Lot Line Alteration)

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Corinna Lewis for a ± 34.68 acre parcel of land located at 506 State Route 94N, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6/26/19 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)(11) and (18) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed with the owners of farm operations identified in the Statement, and the Planning Board must then evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district , 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.

Kirk Rother: This is an application for a proposed lot line change between 2 lots. It is located on the eastern side of NYS Route 94N and Old Ridge Road. It is south of the Landmark Inn. It is situated on approximately 35 acres. Mrs. Lewis has been farming this land historically. Mrs. Lewis is looking to separate the Agricultural lands from her house. It is to shield her from potential liabilities for future users of the property.

Mr. Astorino: This is going to create a land lock parcel. A 280-(a) variance is required for that driveway access route or Right-Of-Way from Route 94 of this parcel. We will refer you to the ZBA for the variance. Does the Board agree on that?

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Ms. Little: Yes.

Mr. Astorino: Ok. We will list Comment #3 through Comment #14 for the record. You are off to the ZBA. You will be back.

Kirk Rother: Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – pending comments

Comment #7: Please label the two lots as Lot 1 and Lot 2.

Comment #8: The 911 addresses must be shown on the plan.

Comment #9: Applicant is proposing to create a land-locked parcel for 31-2-64.322; this lot has an existing home and should have its own access to either a public or private road.

Comment #10: Applicant is proposing to connect the farm-field portion of 31-2-64.332 and 31-2-64.2 across a 50-ft wide portion of 31-2-64.112; Applicant to clarify.

Comment #11: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 6

Comment #12: Surveyor to certify that iron rods have been set at all property corners.

Comment #13: The liber and page for the deed referencing the changes made to the lot lines.

Comment #14: Payment of all fees.

Mark and Matthew Rogowski Lot Line Change

Application for Final Approval of a proposed Lot Line Change, situated on tax parcels S 5 B 1 L 1 and L 2; parcels located on the northern side of Pulaski Hwy 300 Feet of Ciron Road (401 Pulaski Highway), in the AI zone, of the Town of Warwick, County of Orange, State of New York.

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 – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 08/13/19 no violations
7. Application forms for Sketch Subdivision and Final Subdivision must be notarized and submitted.
8. ZBA: The following ZBA variances are required:
 - a. Proposed Lot 1: lot area (1.85ac vs. 1.5ac)
 - b. Proposed Lot 1: lot width (150ft vs. 200ft)
 - c. Proposed Lot 1: front setback (54.2ft vs. 100ft)
 - d. Proposed Lot 1: lot coverage (67% vs. 40%)
 - e. Proposed Lot 2: lot area (0.43ac vs. 1.5 ac)
 - f. Proposed Lot 2: lot depth (156ft vs. 200ft)
9. The following zoning requirements are not satisfied but are more conforming than the existing configuration (ZBA variances are required):
 - a. Proposed Lot 2: lot width (120ft vs. 150ft)
 - b. Proposed Lot 2: one sideyard (23.4ft vs. 35ft)
 - c. Proposed Lot 2: both sideyard (46.9ft vs. 80ft)
 - d. Proposed Lot 2: lot coverage (26% vs. 20%)
10. The following are existing non-conformities but are not proposed to be changed as part of this application (ZBA variances are required):
 - a. Proposed Lot 1: rear setback (15.1ft vs. 15.1ft)
 - b. Proposed Lot 1: 1 sideyard (0ft vs. 0ft)
 - c. Proposed Lot 1: both sideyards (0ft vs. 0ft)
11. Applicant to clarify if other encroachments would be resolved as part of this application.
12. The well for proposed Lot 1 should be shown on the plan.
13. The septic system for proposed Lot 1 should be shown on the plan.
14. The 911 addresses must be shown on the plan.
15. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
16. Surveyor to certify that iron rods have been set at all property corners.
17. The liber and page for the deed referencing the changes made to the lot lines.
18. The liber and page for the Agricultural Notes must be added to the plan.

19. Payment of all fees.

The following comment submitted by the Conservation Board:

Mark & Matthew Rogowski Lot Line Change – None submitted.

The following comment submitted by the ARB:

Mark & Matthew Rogowski Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF. This application is for a proposed lot line change. There is no construction proposed. No SEQRA review is necessary. It is classified as a Type 2 Action. The Board doesn't have to deem that tonight because they need to go to the ZBA first for several variances.

Comment #2: Applicant to discuss project.

Dan Getz: This is 2 lots on the northern side of Pulaski Highway and Ciron Road. They have a commercial use and residential use on the property. The idea is to do a lot line change so that the residential use has its own lot. They want the commercial use lot with the buildings on it to be on its own lot. It is approximately 2.25 acres between the 2 lots. The proposed lot configuration does not apply to all of the Zoning Codes. We will need to go to the ZBA. There are also a couple of waivers that we would need from the Planning Board.

Mr. Astorino: We will take care of those waivers when you get back from the ZBA. We will refer you to the ZBA. We will list Comment #3 through Comment #19 for the record.

Laura Barca: I believe the Planning Board is referring them to the ZBA regarding Comment #'s 8, 9, and 10.

Mr. Astorino: They will know what variances are needed.

Dan Getz: Ok. I believe that includes the ones that haven't been changed.

Laura Barca: Correct. Because it is so complexed. In order to make it complete, you will just need to do them.

Dan Getz: Ok. Will do. Thank you.

Mr. Astorino: You will be on your way to the ZBA.

Dan Getz: Yes. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 08/13/19 no violations

Comment #7: Application forms for Sketch Subdivision and Final Subdivision must be notarized and submitted.

Comment #8: ZBA: The following ZBA variances are required:

- a. Proposed Lot 1: lot area (1.85ac vs. 1.5ac)
- b. Proposed Lot 1: lot width (150ft vs. 200ft)
- c. Proposed Lot 1: front setback (54.2ft vs. 100ft)
- d. Proposed Lot 1: lot coverage (67% vs. 40%)
- e. Proposed Lot 2: lot area (0.43ac vs. 1.5 ac)
- f. Proposed Lot 2: lot depth (156ft vs. 200ft)

Comment #9: The following zoning requirements are not satisfied but are more conforming than the existing configuration (ZBA variances are required):

- g. Proposed Lot 2: lot width (120ft vs. 150ft)
- h. Proposed Lot 2: one sideyard (23.4ft vs. 35ft)
- i. Proposed Lot 2: both sideyard (46.9ft vs. 80ft)
- j. Proposed Lot 2: lot coverage (26% vs. 20%)

Comment #10: The following are existing non-conformities but are not proposed to be changed as part of this application (ZBA variances are required):

- k. Proposed Lot 1: rear setback (15.1ft vs. 15.1ft)
- l. Proposed Lot 1: 1 sideyard (0ft vs. 0ft)
- m. Proposed Lot 1: both sideyards (0ft vs. 0ft)

Comment #11: Applicant to clarify if other encroachments would be resolved as part of this application.

Comment #12: The well for proposed Lot 1 should be shown on the plan.

Comment #13: The septic system for proposed Lot 1 should be shown on the plan.

Comment #14: The 911 addresses must be shown on the plan.

Comment #15: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

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

Comment #17: The liber and page for the deed referencing the changes made to the lot lines.

Comment #18: The liber and page for the Agricultural Notes must be added to the plan.

Comment #19: Payment of all fees.

MTAG, Inc., Migrant Housing Site Plan & Special Use Permit

Application for Site Plan Approval and Special Use Permit for the construction and use of migrant housing, situated on tax parcels S 3 B 1 L 65.2 and 71.2; project located on the southern side of Mission Land Road 850 feet west of C.R. 1, in the SL zone, of the Town of Warwick.

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 – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – pending comments
6. TW Building Department – 08/13/19 no violations; 2 barns, 1 family dwelling, 2 family dwelling, shed
7. OCDOH – sanitarians for permit and operations; engineering department for water and septic system
8. ZBA:
 - a. The rear setback of the existing shed structure is 48-ft where 50-ft is required.
 - b. Existing Agricultural storage building has a sideyard set back of 22-ft where 35-ft is required.
 - c. If lots are not combined, existing Ag Building has frontyard setback of less than required.
 - d. There is a small shed shown on the property line of 3-1-65.2 and 3-1-71.2.
9. Applicant to clarify if lots 3-1-65.2 and 3-1-71.2 will be combined as part of this application.
10. Applicant to provide owner of the right of way identified as lot 3-1-65.2 on the drawing. Also the right of way boundaries should be clarified with a different line type.
11. Applicant to clarify driveway encroaching on both lots (Brozdowski Lane) and show right of way with a different line type.
12. Applicant to clarify if the use will be for seasonal or year-round farm owners.
13. Applicant to clarify how structure will be utilized if it is no longer used for migrant housing.
14. The existing residences on this property are a one-family and two-family structures; Applicant to label on the drawings.
15. §164-46.J(120) Accessory tenant housing and mobile homes to house tenant and migrant farm laborers shall be located no closer than 100 feet from any public road, shall be suitably landscaped in accordance with § [164-46H\(8\)](#), shall be operated in conformance with Orange County Health Department regulations, and shall be located only on land that is considered a part of the same farming operation in which the tenant/migrant labor is employed. Employment documentation shall be provided annually to the Town Code Enforcement Officer.
16. A note shall be added to the plans stating that employment documentation shall be provided annually to the Town Code Enforcement Officer.
17. Please provide the proposed limit of disturbance on the plan (in acres).

18. Applicant must demonstrate compliance of §164-47.10 stormwater regulations on the plans.
19. Applicant to provide dumpster location and associated screening.
20. Applicant to clarify why a portion of the proposed curtain drain for the septic system transforms is a dotted line and the rest is a solid line.
21. Please show the proposed well for migrant housing to be connected to migrant house with type and diameter of the pipe.
22. Soil testing for the proposed septic system must be witnessed by the office of the planning board engineer or Orange County Department of Health.
23. The water supply for the two existing dwellings must be shown on the plan.
24. The septic systems for the two existing dwellings must be shown on the plan.
25. There is a proposed septic system to the east of the property along Mission Land Road. The Applicant should clarify the source of the sewage for this system.
26. The agricultural notes must be shown on the plan.
27. The 911 address must be shown on the plan. Applicant to clarify if more than one address is needed.
28. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
29. Surveyor to certify that iron rods have been set at all property corners.
30. The liber and page for the Agricultural Notes must be added to the plan.
31. Payment of all fees.

The following comment submitted by the Conservation Board:

MTAG Inc., Migrant Housing Site Plan & Special Use Permit – None submitted.

The following comment submitted by the ARB:

MTAG Inc., Migrant Housing Site Plan & Special Use Permit – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has provided us with a short EAF. It is classified as an Unlisted Action. There are no other Involved Agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Showalter makes a motion for the Lead Agency.

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

617.6

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

Name of Action: MTAG Inc. Migrant Housing

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan Approval and Special Use Permit by MTAG Incorporated for a ± 6.5 acre parcel of land located at 35 Mission Land Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/31/19 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 1 action, and

Whereas, the Planning Board has determined that the proposed project is within a New York State Agricultural District or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district, 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 itself Lead Agency for the review of this action.

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

Comment #2: Applicant to discuss project.

Dan Getz: This project is located off Mission Land Road. It is an existing Agricultural operation. There is an existing building on the site that the owners wish to renovate and use for migrant housing.

Mr. Astorino: This project would also need to go to the ZBA. The Planning Board will refer you to the ZBA. We will list Comment #3 through Comment #31 for the record.

Mr. Bollenbach: They are going to the ZBA for setbacks. Even though it is an existing structure, the use of that structure is being changed.

Mr. Astorino: Ok. You are off to the ZBA.

Dan Getz: Ok. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 08/13/19 no violations; 2 barns, 1 family dwelling, 2 family dwelling, shed

Comment #7: OCDOH – sanitarians for permit and operations; engineering department for water and septic system

Comment #8: ZBA:

- a. The rear setback of the existing shed structure is 48-ft where 50-ft is required.
- b. Existing Agricultural storage building has a sideyard set back of 22-ft where 35-ft is required.
- c. If lots are not combined, existing Ag Building has frontyard setback of less than required.
- d. There is a small shed shown on the property line of 3-1-65.2 and 3-1-71.2.

Comment #9: Applicant to clarify if lots 3-1-65.2 and 3-1-71.2 will be combined as part of this application.

Comment #10: Applicant to provide owner of the right of way identified as lot 3-1-65.2 on the drawing. Also the right of way boundaries should be clarified with a different line type.

Comment #11: Applicant to clarify driveway encroaching on both lots (Brozdowski Lane) and show right of way with a different line type.

Comment #12: Applicant to clarify if the use will be for seasonal or year-round farm owners.

Comment #13: Applicant to clarify how structure will be utilized if it is no longer used for migrant housing.

Comment #14: The existing residences on this property are a one-family and two-family structures; Applicant to label on the drawings.

Comment #15: §164-46.J(120) Accessory tenant housing and mobile homes to house tenant and migrant farm laborers shall be located no closer than 100 feet from any public road, shall be suitably landscaped in accordance with § [164-46H\(8\)](#), shall be operated in conformance with Orange County Health Department regulations, and shall be located only on land that is considered a part of the same farming operation in which the tenant/migrant labor is employed. Employment documentation shall be provided annually to the Town Code Enforcement Officer.

Comment #16: A note shall be added to the plans stating that employment documentation shall be provided annually to the Town Code Enforcement Officer.

Comment #17: Please provide the proposed limit of disturbance on the plan (in acres).

Comment #18: Applicant must demonstrate compliance of §164-47.10 stormwater regulations on the plans.

Comment #19: Applicant to provide dumpster location and associated screening.

Comment #20: Applicant to clarify why a portion of the proposed curtain drain for the septic system transforms is a dotted line and the rest is a solid line.

Comment #21: Please show the proposed well for migrant housing to be connected to migrant house with type and diameter of the pipe.

Comment #22: Soil testing for the proposed septic system must be witnessed by the office of the planning board engineer or Orange County Department of Health.

Comment #23: The water supply for the two existing dwellings must be shown on the plan.

Comment #24: The septic systems for the two existing dwellings must be shown on the plan.

Comment #25: There is a proposed septic system to the east of the property along Mission Land Road. The Applicant should clarify the source of the sewage for this system.

Comment #26: The agricultural notes must be shown on the plan.

Comment #27: The 911 address must be shown on the plan. Applicant to clarify if more than one address is needed.

Comment #28: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #29: Surveyor to certify that iron rods have been set at all property corners.

Comment #30: The liber and page for the Agricultural Notes must be added to the plan.

Comment #31: Payment of all fees.

Other Considerations:

1. **NADA/Pulpit Rock Inn** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 7/17/19 addressed to the Planning Board in regards to the Pulpit Rock Inn for the Board to discuss SEQRA.

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

Mr. Fink: What happened here originally we thought that this project would be an Unlisted Action. Then we had discovered that the property is within an Agricultural District. What that had done was change the thresholds under SEQRA. It would make this project to be a Type 1 Action. We had done a circulation for Lead Agency which is optional if it had been an Unlisted Action. A Type 1 Action is mandatory. What is also mandatory with a Type 1 Action, you have to do your Lead Agency Coordinated Review using the Full EAF not the Short EAF. We had only a Short EAF that was circulated to the NYSDEC and the OCDOH. Now, we have to redo SEQRA again. It is just to confirm that there was no objection with the Planning Board acting as Lead Agency. I would not expect that to happen on this time around. We want to procedurally do it correctly. We don't want

to have a little glitch that we did not properly notify the other 2 Agencies as a Type 1 Action. I think it would be wise to do the circulation again.

Mr. Astorino: Is there any action that is needed by this Board?

Mr. Fink: Yes. That is a Resolution establishing your Intent To Be Lead Agency for the project as reclassified as a Type 1 Action. There is a Resolution for that in your packets. There are also the letters for circulation to the NYSDEC and OCDOH.

Mr. McConnell makes a motion for the Intent To Be Lead Agency for the Type 1 Action.

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Type 1 Action

Name of Action: Pulpit Rock Site Development

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by NADA, LLC for a ± 9.022 acre parcel of land located at West Street Extension 1000 feet east of County Route 1, Town of Warwick, Orange County, New York; and

Whereas, a Short Environmental Assessment Form (EAF) dated 5/28/19 was submitted at the time of application and then later updated with a Full EAF dated 8/1/19; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board had previously determined on the basis of the Short EAF that the proposed project was an Unlisted Action but later reclassified the action as a Type 1 action on the basis of the Full EAF; and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district or on property with boundaries within 500 feet of a farm within an Agricultural District and, therefore, the requirements of 6 NYCRR 617.6(a)(5) apply meaning that an Agricultural Data Statement must be filed with the owner(s) of farm operations identified in the Statement and the Planning Board must evaluate and consider the Statement to determine possible impacts the proposed project may have on the functioning of farm operations within the agricultural district; and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the New York State Department of Environmental Conservation and the Orange County Department of Health.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Mr. Fink: The Board had discussed the potential for a Positive Declaration on this project. I have prepared a "Preliminary" Draft Positive Declaration. No action is to be taken on this tonight. It is for the Board to review and for the Applicant to take a look at it. That is also in the Planning Board's packets as well.

Mr. Astorino: Yes. Thank you.

2. **Round Hill Subdivision Section I (3 Lots)** – Letter from Dan Getz, Lehman & Getz Engineering dated 8/13/19 addressed to the Planning Board in regards to the Round Hill Subdivision – requesting 6-Month Extension on conditional Final Approval for filing Section I to consist of 3-Lot Cluster subdivision, situated on tax parcel SBL #7-2-51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick. Conditional Final Approval on Section I was granted on 3/20/19. *The Applicants have stated that they require more time to finalize the Legal Declarations and surveying tasks.* The 6-Month Extension becomes effective on 9/20/19.

Representing the applicant: Jim Mezzetti and Steve Spiegel, Applicants.

Mr. Astorino: Where are you at with this project?

Steve Spiegel: The last we met was around Christmas time.

Mr. Astorino: We went over at that time a lot of items. Has any of the items been taken care of?

Steve Spiegel: Yes. The most important issue and maybe you could give us some guidance and help. Part of this issue is that we have to do some declarations. Most of the declaration is pretty straight-forward. There was an issue raised with a potential endangered species on the property. It is called the Northern Harrier, which is a Hawk. John Bollenbach had asked that to be in the declaration. I asked that I don't know why it needs to be in the declaration? We are affecting 2-lots. We are not affecting a 3rd lot. John had said to follow up with David Griggs. I have done that. I have been trying to follow up with David Griggs. We are also working with Lehman & Getz Engineering on this project. They have tried to reach out to David Griggs. We can't get David Griggs from ERS Consultants. We have no idea where David Griggs is. The issue for us is that we are trying to get Steve Wheeler his lot.

Mr. Astorino: That was going to be my next question. We have been dealing with this matter forever.

Laura Barca: If you are having trouble reaching David Griggs the Biologist, there are other Biologists out there.

Ms. Little: Right.

Steve Spiegel: I am just trying to be responsive to the Town Attorney.

Mr. Astorino: John, how do you want this note to read for the Northern Harrier?

Mr. Bollenbach: The way it was left with that particular item that Ted, Town Planner and the Applicant's Professional for whomever that might be David Griggs or somebody else come up with the map note. This was a NYSDEC criteria. Ted, could you chime in on this?

Mr. Astorino: This should be a simple note thrown on the plan. What should this note say?

Mr. Fink: That is a good question. I attempted to resolve it. The way that it was left was that Dave Getz and David Griggs were going to get together to figure out what they would recommend in the way of a note.

Mr. Astorino: This is where we are. We are waiting for your Professionals to get it to our Professionals in which your escrow account needs to be replenished so that our Professionals could review it.

Mr. Bollenbach: The Northern Harrier is just one small item. I have not seen a draft document on the rest of the items.

Mr. Astorino: I think that we could all agree that this is getting ridiculous. It is getting old. What I would do is find another Biologist rapidly. Dave Getz from Lehman & Getz is usually responsive. I don't know where the escrow is at. Get with Connie tomorrow to replenish the escrow. That way the Professionals could review this.

Steve Spiegel: Where ever this is now, I am looking for help on this one issue.

Mr. McConnell: We have given the help. The help is to find another Professional. That is your help. Go find another Biologist. Have that Biologist work with Dave Getz to satisfy this.

Steve Spiegel: Dave Getz and I have been working on this. I don't know why I need a Biologist to sanction the solution. Is that what the Board is asking for us to do?

Laura Barca: What solution do you offer?

Steve Spiegel: We have said that there is some land behind Steve Wheeler's parcel. That has a type of terrain a habitat. It is a wetland kind of area. Could we go and dedicate that? That is why we are holding up on the Surveyor to see if it would need to be mapped. We thought that would be a fair and appropriate solution. It would give a buffer. We paid David Griggs and asked him if we could do that. He then originally said that we have black dirt there. He asked if we could go and keep that area. I told him that we started farming that black dirt area. We have cilantro on it now. The last conversation we had with David Griggs, he started talking about a field survey on it.

Mr. Astorino: How long ago was that?

Steve Spiegel: I think that was around July.

Jim Mezzeti: It makes no sense.

Mr. Astorino: It is required from a Professional from your side.

Steve Spiegel: It is David Getz that is proposing a solution. Does that work for you?

Ms. Little: You are proposing to dedicate a certain section of land. Does the Northern Harrier currently have a nest on your property currently that is not in the proposed designated area?

Steve Spiegel: No.

Mr. Astorino: I don't even think it has to go as far as what you are saying? If you can get Griggs or another Biologist to satisfy our Town Planner on what it should be. Just like what we do with the Indiana Bats. Such as, you can't cut the trees in a certain time period. Maybe that is all it is. I don't know. We don't have anything that we can review. Is that correct? Have you received anything?

Mr. Fink: You are correct. No. I have not received anything.

Ms. Little: Go find a new Biologist.

Steve Spiegel: This is a Planning issue. Ted, from your perspective, I would like to know if we could submit a map note based on what we have now to go and dedicate an area and be done with the issue. That is what I would like to understand.

Mr. Fink: The original source of the issue came from the NYSDEC. They wrote a letter stating that this area was a habitat for the Northern Harrier. That is where it came from originally. If Dave Griggs is unable to do this, maybe you should submit what your proposal is to the NYSDEC. See if you could get a concurrence from the NYSDEC Wildlife Biologist that deal with the endangered and threatened species.

Steve Spiegel: Is that what you would like us to do?

Mr. Fink: We thought it would have been a simple thing by having your Biologist, Dave Griggs undertake this. The way it was left was this was going to be worked out with Dave Griggs.

Mr. McConnell: The NYSDEC is concerned about it. They are concerned about the area necessary to be undisturbed or whatever. That would require a Biologist. It would not require an Engineer or a Planner.

Mr. Astorino: I agree with you.

Ms. Little: You are going to waste time if you submit from Dave Getz to the DEC. They are probably going to come back and say that you need a Biologist.

Jim Mezzeti: The question on all of this is that this note from the DEC. How do they decide from our property is the homeland for the Northern Harrier?

Mr. Fink: The NYSDEC Natural Heritage Program have records. They do have records where the habitats are. That is why they put it into their letter.

Ms. Little: I have done a lot of work with the DEC over the years.

Jim Mezzeti: I know you have.

Ms. Little: Save your time and trouble by getting a new Biologist. The DEC will come back in a letter and tell you that they want to see a report from a Biologist. Don't waste your time.

Steve Spiegel: Thank you. I appreciate your advice.

Jim Mezzeti: It is not going to get resolved by a Biologist.

Mr. Astorino: Here is the issue. What are your plans on this? Are you back against the wall with Court on this property?

Jim Mezzeti: No.

Steve Spiegel: Yes and no. The Court is aware of what is going on. We gave them a status report stating we have an endangered species issue.

The Applicants, Steve Spiegel and Jim Mezzeti continue on discussing the issue with the Board about the endangered species of the Northern Harrier that is on the site and the solution they have to resolve it. They also continue discussing the issue of getting a hold of David Griggs the Biologist from ERS Consultants that he has not responded to them. The Board keeps on telling the Applicants that they need to get a hold of a Biologist and give a report and pay the fees. Chairman, Astorino tells the Applicant that this matter is on them for them to get a Biologist. Chairman Astorino also states that if the Board grants this 6-Month Extension on the conditional Final Approval, he hopes by the time the Applicant requests for another Extension/Re-Approval, he would hope all of this would be resolved. Chairman Astorino states that this process has been going on way too long since the year 2001. He suggest that the Applicants get with Connie, our Planning Board Secretary to resolve the issue with the escrow account. If the escrow account is not updated, then there is no review of the project by the Town's Professionals. Chairman Astorino wants it noted now that we are telling you what needs to be done to get it done. Chairman Astorino states that when they met months ago with the Applicants and Laura Barca our Planning Board

Engineer, Laura gave the Applicants a packet of information on what needs to be done in order for this project to be complete. Jim Mezzetti states that they got many of the conditions of the approval completed. The Applicants hang ups are about all the money that they have put into this project and all the checks that have been written to the Town and that all the fees have been eaten up. Jim Mezzetti states that he just wants to get this Section I of 3-Lots done. They want to get this stage done. Chairman Astorino reiterates again that the Applicants have to get the information to our Planning Board's Professionals, even if it means they need to get another Biologist. They also need to replenish the escrow account in order for the review to continue by the Town's Professionals. Our Planning Board Engineer, Laura Barca mentions that on the Project's Tracking Sheet this issue with the endangered species of the Northern Harrier came up on September 19, 2018, which was almost a year ago. She states that if the Applicant was having trouble with getting a hold of a Biologist, the Applicant could have called one of the Town's Professionals for help in the matter. Steve Spiegel mentions to the Board if the Board knows of any other Biologist. The Board recommends talking to Ted Fink, the Town Planner.

Mr. Astorino: Do any Board members or Professionals have any other questions? Seeing none, does the Board want to make a motion for the 6-Month Extension?

Mr. Showalter makes a motion on the Round Hill Subdivision application, a 6-Month Extension on Conditional Final Approval for Section I (3-Lots). (SBL # 7-2-51.1). Conditional Final Approval was granted on 3/20/19.

The 6-Month Extension becomes effective on 9/20/19.

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

Steve Spiegel: Thank you.

Jim Mezzetti: Thank you.

- Tinnirello 3-Lot Subdivision** – Letter from Doug Tinnirello, dated 8/16/19 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting 10th Re-Approval of Final Approval + 6-Month Extension on Final Approval of a proposed 3-Lot Cluster subdivision, situated on tax parcels SBL #49-1-56 & 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Rd., in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 6/17/09. *The Applicant has stated that due to circumstances in his life, it continues to affect his ability to complete the subdivision process. He is working with William Youngblood, Surveyor to finalize the survey, setting of iron pins, and stone cairns.* The 10th Re-Approval of conditional Final Approval becomes effective on 6/17/19; subject to the conditions of Final Approval granted on 6/17/09. The 6-Month Extension becomes effective on 12/17/19.

Mr. Astorino: There is a letter submitted from Douglas Tinnirello. I will put this letter into the record because this is another project that has been going on way too long. The Letter is addressed to the Planning Board, dated August 16, 2019. The letter is stated as follows:

August 16, 2019

To: Warwick Planning Board

From: Douglas Tinnirello

Re: Tinnirello Subdivision request for 10th Re-Approval + 6-Month Extension

Once again, I find myself petitioning this Board due to circumstances in my life which continue to affect my ability to complete the planned three lot subdivision. I was told the extension of this three lot sub can be completed no later than June of 2020.

My Surveyor, William Youngblood will finalize what is needed to complete the survey.

Lastly, I would like to simply say-Thank you. Thank you for the time you have previously granted my family and me, thank you for your consideration, concern and patience. The way in which the Board has assisted us is truly humbling.

Respectfully,

Douglas Tinnirello

Mr. McConnell: Mr. Chairman, there is no reason given for the delay.

Ms. Little: Correct.

Mr. McConnell: In the past, Mr. Tinnirello has somewhat followed our guidance in offering explanations as to what. In this case, he did not even bother doing that. Circumstances in my life don't cut it.

Mr. Astorino: I think our Secretary can explain a lot. She gets all of the phone calls.

Mr. McConnell: I don't want to have our Secretary testify as to something that someone else may have told her. But, I will listen to our Secretary.

Mr. Astorino: I would hope so.

Connie Sardo: Mainly when this all first started with the Tinnirello's on their extension requests, it was because of the state of the economy way back when.

Mr. Astorino: We understand that. There were a lot of issues with the economy.

Connie Sardo: Then, it became an issue of the Applicant to come up with the Parkland fees for 2-lots. The Applicant has also mentioned to me that the stone cairns are expensive to do with the Surveyor. That is also a costly issue with the Applicant. I spoke to Lucian, his mother the other day. I mentioned to her that the Board is starting to crack down on granting extensions and/or re-approvals. She said to me that she has been aware of that and understands. She also appreciates what the Board has done for her and her family on granting these extensions and re-approvals. The Applicant's issue is the cost of Parkland fees and the Stone Cairns. I don't know what a Surveyor charges for doing Stone Cairns.

Mr. Bollenbach: It is a pile of rocks around the rebar.

Connie Sardo: Ok. I don't know that. I am just stating what the Applicant has stated to me about their issues on completing the conditions of final approval. The Parkland fees are also a concern with the Applicants. The cost of Parkland fees is \$2,500.00 per lot. They have 2 lots to pay Parkland fees on. The Surveyor and Parkland fees are the only items in the condition of the approval that needs to be completed. All the other conditions of the approval has been completed and signed off on.

Mr. Astorino: What is the Board's determination on this?

Mr. Showalter makes a motion on the Tinnirello Subdivision application, granting "**10th Re-Approval**" of Final Approval + 6-Month Extension for a proposed 3-Lot Cluster subdivision, situated on tax parcels S 49 B 1 L 56 and L 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 6/17/09. (See attached)

The 10th Re-Approval of Final Approval becomes effective on, 6/17/19; subject to the conditions of final approval granted on, 6/17/09

The 6-Month Extension becomes effective on 12/17/19

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

Mr. McConnell: I would like to hear a plan from the Applicant on how he is going to deal with this. If they say to us that they are saving money to pay for things and give us a date, I would accept that. Our rules state that they are supposed to appear before us when they are requesting extensions and/or re-approvals.

Mr. Astorino: Dennis, I don't think that ever got into the Code. I think that was a nice try.

Connie Sardo: As per what the Town Board adopted in the Code is that they have until January 1, 2021 for these extensions and/or re-approvals. The Town Board went with 2 years instead of the 1-year.

Mr. Astorino: I understand that. It is what it is right now.

4. Planning Board Minutes of 4/17/19, 5/1/19, & 5/15/19 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 4/17/19, 5/1/19, & 5/15/19.

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

5. Planning Board to discuss Canceling the 8/26/19-Work Session & 9/4/19-Planning Board Meeting.

Mr. McConnell makes a motion to Cancel the 8/26/19-Work Session & 9/4/19-Planning Board Meeting.

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: I have a question. Where does West Street Extension start and end?

Mr. Astorino: At the Village line.

Mr. McConnell: Ok. Thank you.

Mr. McConnell makes a motion to adjourn the August 21, 2019 Planning Board Meeting.

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