

TOWN OF WARWICK PLANNING BOARD  
November 7, 2018

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Christine Little,  
Bo Kennedy, 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, November 7, 2018 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 S&SO Produce Farms, LLC.**

Application for Site Plan Approval and Special Use Permit **a/k/a NY Hemp Source, LLC.**, for the construction and use of the processing, research production, packaging, sale of hemp, hemp extractions and hemp formulations in an existing building, situated on tax parcel S 6 B 2 L 19; project located on the eastern side of Mt. Eve Road (63 Mt. Eve Road) on the S&SO Produce Farms property, in the AI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: George Sewitt, Applicant. Kelly Naughton, Esq. Brian Friedler from Lehman & Getz Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the NY Hemp Source public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 10/22/18 advisory for truck traffic and driveway access across a separate tax lot
6. TW Building Department – 09/28/18 seven open permits; please contact building department
7. NYSOPRHP: 09/24/18 no impact on archaeological and/or historical resources
8. Applicant to submit a Fire Prevention Plan to the Planning Board and the Florida Fire Department.
9. Add 911 addresses to the plan.
10. The existing lot is accessed through a separate tax lot; Applicant to confirm that a driveway agreement is in place.

11. 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.
12. Handicapped Parking and No Parking sign details should show a wall/building mounted sign. Current details show a ground-mounted sign beyond the parking space, which does not exist.
13. Applicant to clarify if the handicapped parking areas will be paved.
14. As per NYS Building Code, Chapter 11, Accessibility, 26 parking spaces are required to have a minimum of 2 accessible spaces. Applicant should show parking space #2 as accessible.
15. The details indicate that the handicapped spaces will be stripped; Applicant to clarify if the gravel parking spaces will be stripped.
16. Applicant to clarify composting options, etc. to reduce possible odors.
17. Applicant to show water/wastewater qualities related to the processing operation on the drawings. Applicant to confirm if the water will need treatment prior to being used in the treatment process.
18. Clarification about how the processing wastewater is recycled / reused / disposed. Applicant states that the only process wastewater will be for the industrial steam scrubbers and dishwashers for laboratory glassware/equipment. Applicant to add a note on the plan.
19. Applicant to clarify the characteristics of the process water to confirm that it is compatible with conventional septic system disposal (e.g., clarification of what cleaners, chemicals, etc. are used in the industrial steam scrubbers and dishwashers). This information shall also be added to the plan.
20. Hours of processing operations need to be added to the drawings.
21. Applicant has submitted a noise study letter report dated 09/21/18; however, this letter does not provide enough information to ensure compliance with the Town of Warwick Noise Code §100A, specifically §100A-3A: The operation of any sound-producing device in such a manner or with such volume as to be plainly audible inside any residence between the hours of 11:00 p.m. and 7:00 a.m. at a distance greater than 50 feet from the sound-producing device shall be prima facie evidence of a violation of this section. Sheet 1, Note 19 should be revised
22. Declaration information for Aquifer and Agricultural Notes must be added to the plans.
23. Surveyor to certify that iron rods have been set at all property corners.
24. Payment of all fees.

The following comment submitted by the Conservation Board, dated 11/7/18:

S&SO Produce Farms, LLC - No comments. Looks like a good operation that will add tax benefits to the Town.

The following comment submitted by the ARB:

S&SO Produce Farms, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has classified this application as a Type 2 Action. No SEQRA review is necessary.

Comment #2: Applicant to discuss project.

George Sewitt: The project is a facility that will process Hemp that is growing on the property. We have a license to grow, harvest, process and sell industrial Hemp. Industrial Hemp is different than Marijuana. It comes from the same Cannabis plant. Our stuff has CBD in it. I just want to mention quickly the difference between the two. Marijuana has THC in it. That is the component that will get you high. Hemp has CBD in it. That is the component that relieves anxiety, pain, other problems that people have including seizures in children. It is a good medical use. There are no side effects for it. There is no addiction. That is what we will be doing. Our stuff is very high quality. We try to use the highest and the best practices to grow it and process it.

Mr. Bollenbach: Are you just doing the manufacturing and not doing any of the retail sales?

George Sewitt: We will be doing wholesale sales out at that facility. We will not be doing retail sales out at that facility for a number of reasons. The reasons are that it is food quality. We don't want a lot of traffic there. We don't want to have a high visibility. It is not something that we are doing. The spot that we are on is already a food safety situation. We don't want to contaminate anything.

Ms. Little: Since this is a public hearing, could you explain the process of how your crops will be evaluated by the State?

George Sewitt: That has already happened. The way it works according to the law is approximately 21 days before we are due to harvest, we have to send a harvest report form to the State. It is to tell them the location of all our fields. The State sends out their Inspector whenever they want to. That is not something we have control over. This year we have 5 fields that he went to doing a W pattern. He would take samples in every section of the field. What they do is they would send the samples up to their lab in Albany. We have no control or say in anything. We get the results back. The only way that our crop could be certified to harvest and go forward with anything is if it contains .3% or less of THC. Our crops came back at .09%. We are way below the threshold.

Ms. Little: Thank you

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 10/22/18 advisory for truck traffic and driveway access across a separate tax lot

Mr. Astorino: We had discussed that at the site visit.

Comment #6: TW Building Department – 09/28/18 seven open permits; please contact building department.

Mr. Astorino: You will need to contact the owners of the property and the Building Department regarding the open permits.

George Sewitt: Out of the 7 open permits 5 of the permits have been closed out. There are 2 permits outstanding. We are in the process of closing those.

Mr. Astorino: The building is still under construction. Is that correct?

George Sewitt: Correct.

Comment #7: NYSOPRHP: 09/24/18 no impact on archaeological and/or historical resources

Mr. Astorino: Laura, is that correct that there are no impacts?

Laura Barca: Yes. Correct.

Mr. Bollenbach: We can strike Comment #7.

Mr. Astorino: Ok. We can strike Comment #7.

Comment #8: Applicant to submit a Fire Prevention Plan to the Planning Board and the Florida Fire Department.

Mr. Astorino: You have met with the Florida Fire Department. Do you have that plan?

George Sewitt: Yes.

Brian Friedler: We also have a letter from the Chief.

Mr. Astorino: Have you submitted that yet to Connie?

Brian Friedler: No. Not yet.

Mr. Bollenbach: We will keep Comment #8 as a condition.

Mr. Astorino: Ok.

Comment #9: Add 911 addresses to the plan.

Brian Friedler: We are in the process of getting that.

Comment #10: The existing lot is accessed through a separate tax lot; Applicant to confirm that a driveway agreement is in place.

Brian Friedler: There is one in place.

Mr. Astorino: You will need to provide that.

Brian Friedler: Yes.

George Sewitt: That other tax lot that is in question is owned by the same owner of where our property is going to be. He will give us whatever we need. The owner is in the audience tonight.

Mr. Bollenbach: Regarding Comment #10, provide a map note.

Brian Friedler: Ok.

Comment #11: 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.

George Sewitt: The only sign that we will be having is a small sign on the door. It's going to be tastefully done. It won't be a lit up sign.

Mr. Bollenbach: You will need to provide the sign information.

Brian Friedler: We have that on Sheet 2 of the plans.

Comment #12: Handicapped Parking and No Parking sign details should show a wall/building mounted sign. Current details show a ground-mounted sign beyond the parking space, which does not exist.

Brian Friedler: Ok.

Comment #13: Applicant to clarify if the handicapped parking areas will be paved.

George Sewitt: They will be paved.

Comment #14: As per NYS Building Code, Chapter 11, Accessibility, 26 parking spaces are required to have a minimum of 2 accessible spaces. Applicant should show parking space #2 as accessible.

Brian Friedler: Ok.

Comment #15: The details indicate that the handicapped spaces will be stripped; Applicant to clarify if the gravel parking spaces will be stripped.

Mr. Astorino: They will be asphalt.

Brian Friedler: Yes.

Comment #16: Applicant to clarify composting options, etc. to reduce possible odors.

Mr. Astorino: Is that on the plans? John, do you want that on the plan?

Mr. Bollenbach: They could provide a narrative. That way we would have something for the files.

Brian Friedler: Ok.

Comment #17: Applicant to show water/wastewater qualities related to the processing operation on the drawings. Applicant to confirm if the water will need treatment prior to being used in the treatment process.

George Sewitt: We will be using CO2 processing which is one of the approved processes in NYS. It is either that or ethanol. There is no water used in the process.

Mr. Astorino: The only water that will be used on site would be for restrooms. Is that correct?

George Sewitt: It would be used for restrooms and the cleaning of our beakers and things like that.

Mr. Bollenbach: Provide us calculations. You will need to show that.

Brian Friedler: Ok. Will do.

George Sewitt: Ok.

Comment #18: Clarification about how the processing wastewater is recycled / reused / disposed. Applicant states that the only process wastewater will be for the industrial steam scrubbers and dishwashers for laboratory glassware/equipment. Applicant to add a note on the plan.

Brian Friedler: Yes.

George Sewitt: Our operation manager who would be doing all of this will be steam cleaning mostly everything. Any detergents that would be used would be household detergents. It wouldn't be anything spectacular.

Comment #19: Applicant to clarify the characteristics of the process water to confirm that it is compatible with conventional septic system disposal (e.g., clarification of what cleaners, chemicals, etc. are used in the industrial steam scrubbers and dishwashers). This information shall also be added to the plan.

Mr. Astorino: If you are not using any commercial grade stuff, you will need to put a note on the plan to that effect.

George Sewitt: Ok.

Comment #20: Hours of processing operations need to be added to the drawings.

Brian Friedler: Yes.

Comment #21: Applicant has submitted a noise study letter report dated 09/21/18; however, this letter does not provide enough information to ensure compliance with the Town of Warwick Noise Code §100A, specifically §100A-3A: The operation of any sound-producing device in such a manner or with such volume as to be plainly audible inside any residence between the hours of 11:00 p.m. and 7:00 a.m. at a distance greater than 50 feet from the sound-producing device shall be prima facie evidence of a violation of this section. Sheet 1, Note 19 should be revised

Brian Friedler: Ok.

Mr. Astorino: Laura, is that just a note on the plans? I don't think there is anything around there. Is that correct?

Laura Barca: Correct.

Mr. Bollenbach: There is not anything around there. Just provide the note.

Comment #22: Declaration information for Aquifer and Agricultural Notes must be added to the plans.

Brian Friedler: Ok.

Mr. Bollenbach: They have provided a draft declaration. I will be reviewing that.

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

George Sewitt: You said that we did not have to do that. We have done that anyway.

Mr. Bollenbach: Just provide the certification from the Surveyor.

George Sewitt: That would be just the survey. Is that correct?

Mr. Bollenbach: It is a separate documentation that states the certification of the iron rods.

Brian Friedler: Yes. Will do.

George Sewitt: Ok.

Comment #24: Payment of all fees.

George Sewitt: Yes.

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

Ms. Little: I have a question regarding the letter from the Fire Chief. Does it go into any detail of what you had discussed or material data sheets?

Brian Friedler: We have copies of that letter.

Mr. Bollenbach: Could you give us a quick narrative of it?

George Sewitt: I could read the letter to you. Do you want me to read the letter out loud?

Ms. Little: Yes.

George Sewitt: The letter is from Ron Heter, Jr., Fire Chief of the Florida Fire District. The letter is addressed to the Planning Board, dated 10/30/18. It is stated as follows:

*Dear Chairman Ben Astorino and Planning Board members,*

*On Thursday October 25, 2018, I conducted a site visit at the NY Hemp Source facility, under construction, located in building E at 63 Mount Eve Road, Goshen, NY 10924.*

*I met with NY Hemp Source representative George Sewitt, MEP Engineer Matthew Blake, architect Mike Berta and property owner Mark Rogowski.*

*In advance of my site visit, I was provided with an electronic copy and upon arrival two sets of full sized hard copies of the following relevant materials:*

*1-Building and Facility information including, location, building owner, facility owner, key holders and contact persons.*

*2-Site plan.*

*3-Facility layout (CO2 extraction)*

*4-2 Hour Dividing Fire Wall*

*5-MEP Plan*

*6-Industrial Hygiene Review, Assessment and Recommendations Report with chemical list*



*After a detailed discussion in which my questions were answered and my concerns were addressed, I was satisfied that the NY Hemp Source facility is set up to operate and function in a safe manner meeting 2015 International Fire Safety Code requirements pertaining to an F-1 building of this type. Furthermore, their fire prevention plan is acceptable and a copy will remain on the site at all times.*

*Therefore, I approve this project to go forward as designed.*

*Sincerely,  
Ron Heter, Jr.  
Chief (Car 1) Florida Volunteer Fire District*

Ms. Little: Thank you.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the NY Hemp Source application, please rise and state your name for the record.

Karl Brabenec: I am from 12 Apple Lane, Westbrookville, NY. I also serve as NYS Assemblyman for the 98<sup>th</sup> District representing the Town of Warwick. I come today to support this project. I know we are still in the Planning Board phase. There are certain requirements that need to be met. I could tell you that this project is a good one. It will advance economic development in the Warwick and Pine Island area. It will bring additional tax revenue to the Town. It is all and all a good project. All around the State we have seen with medical marijuana a better alternative to medicines to help people that have seizure disorders or other different disorders that could be helped in that matter. I hope the Board would give it their highest consideration. I am proud to support this project.

Mr. Astorino: Thank you. Is there anyone else wishing to address the NY Hemp Source application?

Kevin Shuback: I am a neighboring farm. I support this project 100%. I am also a Fire Commissioner in the Fire District. The Chief had no problems with this at all.

Mr. Astorino: Thank you. Is there anyone else wishing to address the NY Hemp Source application? Let the record show no further public comment.

Mr. McConnell: I am confused with the heading on the agenda. It states that this is S&SO Produce Farm, LLC a/k/a NY Hemp Source, LLC. I thought those were two separate entities.

Mr. Astorino: They are. The owner of the property has to be before us. This is located on his property.

Mr. McConnell: You mentioned something about high quality. When I was out at the site visit, it did not appear that there was any production at this point. Have you been producing somewhere else? Your goal is high quality. You haven't yet produced anything.

George Sewitt: From cradle to grave, our plantings that were just harvested were tested by the State, us and numerous other areas. They are very clean and pure. When you take a really good quality product and translate it into something that the body could ingest and deal with, you are starting at a very high level. It would be very foolish of us to take something of that quality and reduce the quality. Our intention is to maintain that level. Over time as we get better, we do exceed it.

Mr. McConnell: Ok. Fair enough. Your metaphor, I could take high quality ingredients and try to cook something with it. It is not going to be something you call high quality.

George Sewitt: That is why we bring in an expert that has done this before.

Mr. McConnell: That was why I asked if you had yet produced anything so that you know that you got it right in terms of the process to follow.

George Sewitt: We would test batches through a hygienist.

Mr. McConnell: So you have done testing?

George Sewitt: Right. It was nothing for sale or anything. It was just for testing purposes.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Do any other Board members or Professionals have any comments? No further comments.

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 S&SO Produce Farms, LLC application, granting Site Plan Approval and Special Use Permit **a/k/a NY Hemp Source, LLC.**, for the construction and use of the processing, research production, packaging, sale of hemp, hemp extractions and hemp formulations in an existing building, situated on tax parcel S 6 B 2 L 19; project located on the eastern side of Mt. Eve Road (63 Mt. Eve Road) on the S&SO Produce Farms property, in the AI zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was granted on October 17, 2018. Approval is granted subject to the following conditions:

1. TW Building Department – 09/28/18 seven open permits; please contact building department.
2. Applicant to submit a Fire Prevention Plan to the Planning Board and the Florida Fire Department.
3. Add 911 addresses to the plan.
4. The existing lot is accessed through a separate tax lot; Applicant to confirm that a driveway agreement is in place. Provide Map Note.
5. 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.
6. Handicapped Parking and No Parking sign details should show a wall/building mounted sign. Current details show a ground-mounted sign beyond the parking space, which does not exist.
7. Applicant to clarify if the handicapped parking areas will be paved.
8. As per NYS Building Code, Chapter 11, Accessibility, 26 parking spaces are required to have a minimum of 2 accessible spaces. Applicant should show parking space #2 as accessible.
9. The details indicate that the handicapped spaces will be stripped; Applicant to clarify if the gravel parking spaces will be stripped.
10. Applicant to clarify composting options, etc. to reduce possible odors.
11. Applicant to show water/wastewater qualities related to the processing operation on the drawings. Applicant to confirm if the water will need treatment prior to being used in the treatment process.
12. Clarification about how the processing wastewater is recycled / reused / disposed. Applicant states that the only process wastewater will be for the industrial steam scrubbers and dishwashers for laboratory glassware/equipment. Applicant to add a note on the plan.
13. Applicant to clarify the characteristics of the process water to confirm that it is compatible with conventional septic system disposal (e.g., clarification of what cleaners, chemicals, etc. are used in the industrial steam scrubbers and dishwashers). This information shall also be added to the plan.
14. Hours of processing operations need to be added to the drawings.

15. Applicant has submitted a noise study letter report dated 09/21/18; however, this letter does not provide enough information to ensure compliance with the Town of Warwick Noise Code §100A, specifically §100A-3A: The operation of any sound-producing device in such a manner or with such volume as to be plainly audible inside any residence between the hours of 11:00 p.m. and 7:00 a.m. at a distance greater than 50 feet from the sound-producing device shall be prima facie evidence of a violation of this section. Sheet 1, Note 19 should be revised
16. Declaration information for Aquifer and Agricultural Notes must be added to the plans.
17. Surveyor to certify that iron rods have been set at all property corners.
18. Payment of all fees.

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

Mr. Showalter: Dennis brought up the word quality. There are a group of peers in this room sitting behind you that are very high quality. They are not only high quality people. They are high quality produce growers. They are probably some of the best in the entire State of New York. The Town of Warwick and I are very glad to have you here. We think your business will add to our agricultural community. It will make it stronger and better. We wish you the very best in all your endeavors. I say the same to all our friends and neighbors.

George Sewitt: Thank you. That is very much appreciated. We intend to help our neighbors over time as we get established.

Ms. Little: At our Work Session, you followed through with everything that we had asked for. We appreciate it.

George Sewitt: Thank you. You have a great Board.

**PUBLIC HEARING of H&M Corp. of Warwick**

Application for Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 49 B 2 L 16; parcel located on the south side of State Route 94 directly across of Jockey Hollow Road (309 State Rte: 94S) in the LB zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Steve Notturmo, Applicant. Dave Getz from Lehman & Getz Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailing for the H&M Corp. public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 02/15/18 advisory comments: obtain letters from NYSDEC, NYSOPRHP, USACE to confirm if project requires mitigation measures; project is in aquifer protection overlay – stormwater infiltration is prohibited but must be managed on-site and auto repair shop must handle waste products appropriately (no physical changes are proposed and soil disturbance proposed).
6. TW Building Department – 01/24/18 need CO for Green Point Insurance; small advertising signs need to be removed (only store signs are permitted).
7. Cross lot easements are required for water line, septic line, drainage line, and signage (existing sign by the road if Auto Repair Shop uses it).
8. Legal agreement to operate one well for the proposed lots (as required in OCDOH 03/15/18 letter).
9. The declaration information for the Aquifer Overlay Notes, Driveway Use and Maintenance Notes, and cross lot easements must be added to the plans.
10. The surveyor must sign and seal the plan.
11. Surveyor to certify that iron rods have been set at all property corners.
12. Payment of fee in lieu of parklands per §75-3.A(2)(a)(3) for one lot.
13. Payment of all fees.

The following comment submitted by the Conservation Board:

H&M Corp. of Warwick – No comment.

The following comment submitted by the ARB:

H&M Corp. of Warwick – No comment.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Planning Board has not yet declared Lead Agency. I have prepared a Resolution for the Board's consideration to declare Lead Agency. Assuming the Board is going to do that, I have also prepared a draft Negative Declaration. Because this is a project that doesn't involve any construction at all normally the SEQRA review process would be straight forward but there were a couple of questions on the EAF that came back with information about the site being archeological sensitive, having wetlands and endangered species. The entire site has been developed already. The Negative Declaration reflects all of that. There is a map note on the plans that indicates that a Phase 1 Assessment was done.

Mr. Showalter makes a motion for 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: H & M Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by H & M Corporation for a  $\pm$  1.397 acre parcel of land located at 309 State Route 94, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/17/18 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 an Unlisted action, and

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

Whereas, after examining the EAF, the Planning Board has determined that there are 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.

Dave Getz: Ted had described the project pretty well. It is a commercial site with two separate buildings. The purpose is to create new property lines so each building is on its own lot. They have also received ZBA variances for the property.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 02/15/18 advisory comments: obtain letters from NYSDEC, NYSOPRHP, USACE to confirm if project requires mitigation measures; project is in aquifer protection overlay – stormwater infiltration is prohibited but must be managed on-site and auto repair shop must handle waste products appropriately (no physical changes are proposed and soil disturbance proposed).

Mr. Bollenbach: We can strike Comment #5.

Comment #6: TW Building Department – 01/24/18 need CO for Green Point Insurance; small advertising signs need to be removed (only store signs are permitted).

Dave Getz: The CO for Green Point has been granted.

Mr. Bollenbach: We will keep Comment #6 as a condition. We will have the Building Department verify that.

Comment #7: Cross lot easements are required for water line, septic line, drainage line, and signage (existing sign by the road if Auto Repair Shop uses it).

Dave Getz: Bob Krahulik has been preparing documents for that.

Mr. Bollenbach: Yes.

Comment #8: Legal agreement to operate one well for the proposed lots (as required in OCDOH 03/15/18 letter).

Dave Getz: That is also being prepared.

Mr. Bollenbach: That could be incorporated into the declaration.

Comment #9: The declaration information for the Aquifer Overlay Notes, Driveway Use and Maintenance Notes, and cross lot easements must be added to the plans.

Dave Getz: Will do.

Comment #10: The surveyor must sign and seal the plan.

Dave Getz: Bob Schmick will do that.

Comment #11: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Bob Schmick will do that.

Comment #12: Payment of fee in lieu of parklands per §75-3.A(2)(a)(3) for one lot.

Dave Getz: Ok.

Comment #13: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the H&M Corp., application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter makes as motion for the Negative Declaration.

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

617.12(b)

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

**Name of Action:** H & M Subdivision

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two lot subdivision, Town of Warwick, Orange County, New York, and



**Whereas**, there are other involved agencies pursuant to SEQR, including the Town Zoning Board of Appeals, which has made its own SEQR Determination of Significance, and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 1/17/18, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Showalter makes a motion on the H&M Corp. of Warwick application, granting Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 49 B 2 L 16; parcel located on the south side of State Route 94 directly across of Jockey Hollow Road (309 State Rte: 94S) in the LB zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on November 7, 2018. Approval is granted subject to the following conditions:

1. TW Building Department – 01/24/18 need CO for Green Point Insurance; small advertising signs need to be removed (only store signs are permitted).
2. Cross lot easements are required for water line, septic line, drainage line, and signage (existing sign by the road if Auto Repair Shop uses it).
3. Legal agreement to operate one well for the proposed lots (as required in OCDOH 03/15/18 letter).
4. The declaration information for the Aquifer Overlay Notes, Driveway Use and Maintenance Notes, and cross lot easements must be added to the plans.
5. The surveyor must sign and seal the plan.
6. Surveyor to certify that iron rods have been set at all property corners.
7. Payment of fee in lieu of parklands per §75-3.A(2)(a)(3) for one lot.
8. Payment of all fees.

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

Dave Getz: Thank you.

**Review of Submitted Maps:*****Laura Giantonio/119 Ryerson Rd. Site Plan***

Application for Site Plan Approval for the construction and use of "Chapter 150" Excavation and Restoration of clearing of trees, situated on tax parcel S 40 B 1 L 70; project located on the southern side of Ryerson Road 900 feet east of Blooms Corners Road (119 Ryerson Road), in the RU zone, of the Town of Warwick.

Representing the applicant: Dave 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 – 11/01/18 advisory comments for endangered species and replanting restoration trees
6. TW Building Department – 10/18/18 stop work order posted 09/25/18
7. Applicant to submit a copy of the deed for the property.
8. The owner name should be updated on the drawings, forms, etc.
9. The silt fence location and/or arrow showing where the silt fence is located should be updated.
10. Applicant to clarify if silt fence is needed on adjacent property 40-1-69.
11. Landscape plan sheet to be added to the drawing set.
12. The Town of Warwick standard note for lighting must be added to the plan.
13. Revise title of “Gravel Construction Blanket” detail to “Stabilized Construction Entrance”.
14. 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.”
15. Surveyor to certify that iron rods have been set at all property corners.
16. Planning Board to determine if Performance Bond, Landscape Bond and/or site inspection fees are applicable.
17. Payment of all fees.

The following comment submitted by the Conservation Board, dated 11/7/18:

Laura Giantonio/119 Ryerson Rd. Site Plan – The site visit was one of the saddest ever. The devastation to almost 3 acres from a bull dozer run amuck was beyond description. A number of mature hardwood trees, approaching if not over 100 years, were destroyed. Top soil was removed and piled up on neighbors' properties. This is one of the worst environmental disasters observed by members of the CB which will leave it to the PB to ferret out the numerous violations of the Town Code, chapter 150 and to assess the appropriate remedies and penalties.

[§ 150-1 Statement of policy.](#)

[A.](#)

*It is the established policy of the Town of Warwick (and this section for the purpose of promoting this policy) that the natural topography of the land of the Town is a public asset which should be preserved*

*and safeguarded. It is hereby declared that the various features of such topography, including the topsoil and other natural materials that constitute the land, the shape or contour of the land, the plant life and wildlife that is fostered on the land and the water or the flow thereof upon the land, are of prime concern to the welfare of the people of the Town of Warwick, and no changes shall be permitted in such topography except those which are absolutely necessary in order to permit the proper and appropriate use of the land.*

119 Ryerson Road is antithetical to the basic policy of Section 150 of the Town Code.

Benefits of trees (a partial list):

- Trees combat climate change
- Trees clean the air
- Trees provide oxygen
- Trees conserve energy
- Trees save water
- Trees help prevent water pollution
- Trees help prevent soil erosion
- Trees provide food (think Applefest)
- Trees heal
- Trees create economic opportunities
- Trees provide a canopy for wild life
- Trees increase property values
- Trees provide wood

From <https://www.treepeople.org/tree-benefits>

The following comment submitted by the ARB:

Laura Giantonio/119 Ryerson Rd. Site Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF. The Planning Board is in the process of reviewing the short EAF. There are no other Agencies involved. The Planning Board could go ahead and declare itself Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

Seconded by Mr. Kennedy. 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: Giantonio Property Site Plan

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Donald J. Giantonio for a ± 5.1 acre parcel of land located at 119 Ryerson Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10/17/18 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 an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 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 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.

Dave Getz: Mrs. Giantonio owns the property. The site was approved for a single-family home years ago. The Giantonio's started the preparation for construction to build that home. I believe you are all aware in clearing the front of the property the clearing activities extends far beyond what was originally shown as the limit of disturbance. It extends onto two neighboring properties. We are before the Board to restore the site. We want to get your approval to provide restoration and other mitigation as needed.

Comment #3: Conservation Board – no comments received

Mr. McConnell reads the Conservation Board comment, dated 11/7/18 as stated above in the minutes.

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 11/01/18 advisory comments for endangered species and replanting restoration trees

Mr. Astorino: We have that letter from OCPL. It basically states that due to the fact that trees were cut whether there was an Indiana Bat habitat or other endangered species and about the type of mature trees that should be replanted.

Comment #7: Applicant to submit a copy of the deed for the property.

Dave Getz: We will get that to you.

Comment #8: The owner name should be updated on the drawings, forms, etc.

Dave Getz: Ok.

Comment #9: The silt fence location and/or arrow showing where the silt fence is located should be updated.

Dave Getz: We will clarify that.

Comment #10: Applicant to clarify if silt fence is needed on adjacent property 40-1-69.

Dave Getz: That is the house with frontage on Ryerson Road. I believe that is not needed. On the plan we submitted we were trying to error on a side of caution. We have shown it. But in retrospect, we feel it is not needed on that lot.

Mr. Astorino: Laura, do you concur with that?

Laura Barca: Yes.

Comment #11: Landscape plan sheet to be added to the drawing set.

Mr. Astorino: Is that in the process of being done?

Dave Getz: Yes.

Comment #12: The Town of Warwick standard note for lighting must be added to the plan.

Dave Getz: Ok.

Comment #13: Revise title of “Gravel Construction Blanket” detail to “Stabilized Construction Entrance”.

Dave Getz: Will do.

Comment #14: 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.”

Dave Getz: Ok.

Comment #15: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

Page 22 of 32      Town of Warwick Planning Board Minutes      November 7, 2018  
Comment #16: Planning Board to determine if Performance Bond, Landscape Bond and/or site inspection fees are applicable.

Mr. Astorino: Yes. That is all required.

Comment #17: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? We had done a site visit.

Mr. McConnell: I wasn't at the site visit. I will get out to the site. I have not seen anything that gives me any idea of how many trees were taken down, what size and species of what those trees were. In order for us to do our job and discharge our responsibility on whatever remediation we may ask for in this incident, it would be useful to have somebody's details as to the trees. If that requires going to the contractor that cut them down, I want to see a sworn statement. I am speaking on behalf of myself not the Board. I want to see some kind of a sworn statement from that contractor as to what he cut down. I want it on the record of what was cut down, how big were the trees and how many trees were cut down. Dave, do you have any questions as to what I am asking for?

Dave Getz: No.

Mr. McConnell: Thank you.

Mr. Astorino: I have put a call into Mr. Jan Jansen nursery. I wanted to see what is available out there. That way we could make a decision on the trees. He told me the biggest tree that he sells that could be planted and grow, he gave me 3 or 4 different types of trees. One tree was Red Maple which are 5 to 6 inch caliper trees at breast height. You could get Oak trees at 3.5 to 4 inch caliper at breast height. You could also get cherry trees at 3.5 to 4 inch caliper at breast height. He has stated that they should all do very well there. If there is any wet soil, he would recommend the Maple trees.

Mr. McConnell: Are they native?

Mr. Astorino: Yes.

Mr. McConnell: The Red Maple trees are native. Is that correct?

Mr. Astorino: Yes. I had told him the location of the property. He said they would do well there.

Mr. McConnell: That is not what I had asked. Are they native species?

Dave Getz: We will make sure that we specify the species.

Mr. Astorino: Dennis, we could find that out. We could call him.

Mr. McConnell: I think that any talk about trees to replace is premature until we know what was taken down.

Ms. Little: Right.

Mr. Astorino: I understand that. I am glad that you have brought that up. But, I have brought this up to the Board. Does the Board have anything else they would like to discuss?

Ms. Little: When we were at the site visit there had been cuts right up to the edge of the road which was requiring road restoration. How are we with that?

Mr. Astorino: That has been done.

Dave Getz: That has been completed.

Ms. Little: Ok. At the Work Session, we had discussed hydro-seeding. Has that been completed?

Dave Getz: No.

Mr. Astorino: No. I don't know if that would ever get completed.

Ms. Little: Why?

Mr. Astorino: I was out there today. It is soaking wet. To try to get in there and move anything out of there right now would just turn into a disaster. In my opinion after being out there today and with the amount of rain that has come down, you will not be able to do anything.

Laura Barca: Chris, I agree with what Ben had said. We are supposed to get a lot more rain on Friday.

Mr. Astorino: If you bring machines in there now to try to load those stumps, you will make it 100 times worse.

Mr. Bollenbach: Let the stumps sit. It still could be seeded.

Ms. Little: If not seeded, someone could go in there and manually put hay down to stabilize at least some amount of mud running off.

Laura Barca: The Owner's of the Engineer is responsible to do a weekly report to the Court including soil erosion control.

Mr. Astorino: John, you said that it could be seeded. You are seeding what? You are seeding over garbage. I being at the site, there are ponds of water in there. There is garbage in there that needs to be leveled. You could go out there right now and throw down 200 pounds of seed. I can guarantee it wouldn't come up.

Mr. Bollenbach: Even if it is not hydro-seeded there are applications that can be done without seed to stabilize the surface.

Mr. Astorino: As we had just pointed out.

Mr. Bollenbach: It could be sprayed on like hydro-seed.

Mr. Astorino: John, have you been out to the site?

Mr. Bollenbach: Yes.

Mr. Astorino: The site itself is going into the site. There is one area you could shake hay. Quite frankly, you are very close to the neighbor's property. I don't believe she wants too much more done out there. I really can't blame her. If you shake some hay on the hill, it is garbage out there. There are rocks and stumps. It has to be remediated. Would that hay help? I think it would wash out down to the bottom.

Ms. Little: With all the rain that we have had, I assume someone has been out there. How are we doing with the erosion?

Mr. Astorino: It is not.

Laura Barca: It is not moving.

Dave Getz: I have been doing a weekly report for the Court. I have been performing those reports.

Ms. Little: You said that the landscaping plan is being worked on.

Dave Getz: Yes.

Ms. Little: What is the ETA of completion on that?

Dave Getz: We are aiming to get to your December Meeting.

Mr. Astorino: I believe when that comes in the Board would want some input on that. Is that correct?

Ms. Little: Yes. We also need what Dennis has asked for. What has been removed, what has been destroyed, what is irreplaceable, and what is replaceable? We want to know what was taken from that lot.

Dave Getz: Ok.

Mr. Astorino: Does the Board have anything further?

Dave Getz: We request to be set for a public hearing.

Mr. Astorino: I think that would be a wise move at this point to set them for a public hearing at the next available agenda. We need to keep this process going. If we do have an open winter and it dries up, we could at least get this remedied. That is the goal here. The goal is to try to clean up what is there.

Mr. McConnell: That is still on the table if the weather permits.

Mr. Astorino: Yes. First of all, it has to be done within the proper regulations. If you have a foot of snow on the ground, it is not happening.

Mr. McConnell: That was why I had said weather permitting.

Mr. Astorino: Exactly.

Mr. McConnell: It is not that this is completely off the table and we will deal with the conditions in the spring.



Mr. Astorino: It is absolutely not.

Mr. Bollenbach: Regarding Comment #9, there were some concerns raised as to the actual location of the silt fence on the map. Has that actually been located in the field? You need to verify the location of those silt fences.

Dave Getz: I believe they were all installed.

Mr. Bollenbach: Have they been surveyed to show where they are on the map to show the location?

Dave Getz: No.

Laura Barca: No. They were partially installed today.

Mr. Bollenbach: So, the as installed should be provided on the map. That way we know the locations.

Dave Getz: Ok.

Laura Barca: The installation is planned on being finished by tomorrow morning.

Mr. McConnell: Didn't we receive comments from one of the neighbors that they thought the original plans that we had seen that they were miss indicated as to where they should be?

Dave Getz: We want to make that as clear as possible.

Mr. Astorino: Yes. We were on site today dealing with that issue.

Mr. McConnell: Ok.

Mr. Astorino: Does the Board have anything further?

Mr. Bollenbach: Does the Board want to set this application for a public hearing at the next available agenda?

Mr. Astorino: We do have a letter from a concerned Resident, James, and Lark Kuhta, dated 11/6/18 regarding their concerns on this application. We have this letter for the record.

**Mr. McConnell makes a motion to set the Laura Giantonio/119 Ryerson Road application for a Public Hearing at the next available agenda.**

Seconded by Mr. Kennedy. Motion carried: 5-Ayes.

Mr. Astorino: Dave, we will only put this on for a public hearing if we feel it is ready for a public hearing.

Dave Getz: Ok. Thank you.

**Other Considerations:**

1. **Warwick Isle Sectionalizing Plan** – Letter from Kirk Rother, P.E. dated 10/22/18 addressed to the Planning Board in regards to the Warwick Isle Subdivision – requesting 6-Month Extension on 7<sup>th</sup> Re-Approval of Final for Section I (7-Lots) on Sectionalizing plan including a Special Use Permit for 1-Affordable Home, Lot #5, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road w/ C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 4/6/11. *The Applicant has stated that given the economic climate of past several years, the Applicant was unable to satisfy the conditions of final approval such as bonding of the public improvements and paying parkland fees. In light of the recent market improvements the applicant is prepared to proceed with the project.* The 6-Month Extension on 7<sup>th</sup> Re-Approval becomes effective on 10/6/18.

Mr. McConnell: The only problem that I have with this is that they are prepared to proceed but there is no commitment or a wink and a nod as to when they will proceed.

Mr. Astorino: We don't know. We see that building is going on. But that is not our call.

Mr. Kennedy makes a motion on the Warwick Isle Sectionalizing Plan granting, 6-Month Extension on 7<sup>th</sup> Re-Approval of Final for Section I (7-Lots) on Sectionalizing plan including a Special Use Permit for 1-Affordable Home, Lot #5, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road w/ C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 4/6/11.

The 6-Month Extension on 7<sup>th</sup> Re-Approval becomes effective on 10/6/18.

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

2. **Lands of Sapanaro** – Letter from Kirk Rother, P.E. dated 10/22/18 received on 10/29/18 addressed to the Planning Board in regards to the Lands of Sapanaro – requesting “1<sup>st</sup> Re-Approval” + 6-Month Extension on “Amended” Final Approval of a proposed 4-Lot Cluster subdivision, situated on tax parcel SBL # 3-2-48; parcel located on the north western side of Entin Terrace 1,114± feet south of western side of Ackerman Rd. (Entin Terrace), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 4/19/17. *The Applicant has stated they are in the process of satisfying the conditions of approval more specifically the Attorney to finalize the open space declaration and common driveway easement.* 1<sup>st</sup> Re-Approval of Final Approval becomes effective on 4/19/18, subject to the conditions of Final Approval granted on 4/19/17. The 6-Month Extension becomes effective on 10/19/18.

Mr. McConnell makes a motion on the Lands of Sapanaro, granting “1<sup>st</sup> Re-Approval” + 6-Month Extension on “Amended” Final Approval of a proposed 4-Lot Cluster subdivision, situated on tax parcel SBL # 3-2-48; parcel located on the north western side of Entin Terrace 1,114± feet south of western side of Ackerman Rd. (Entin Terrace), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 4/19/17.

*1<sup>st</sup> Re-Approval of Final Approval becomes effective on 4/19/18, subject to the conditions of Final Approval granted on 4/19/17.*

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

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

3. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E. dated 6/18/18, received on 11/6/18 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting “ 10<sup>th</sup> Re-Approval + 6-Month Extension on Final Approval of a proposed 36-Lot Cluster subdivision, situated on tax parcel SBL #7-2-51.2; parcel located along the south side of Wheeler Rd. approximately 1500 feet west of intersection with C.R. 41, in the RU zone, of the Town of Warwick. Conditional Final Approval granted on 7/16/08. *The Applicant has stated that they are unable to satisfy the financial conditions associated with the approval, such as paying parkland fees and posting road bond.* The 10<sup>th</sup> Re-Approval of Final Approval becomes effective on 7/16/18, subject to the conditions of Final Approval granted on 7/16/08. The 6-Month Extension becomes effective on 1/16/19.

Mr. Astorino: This project was one of the first ones that I had in front of me. I don't know what is going on with it.

Connie Sardo: Ms. Wheeler was going back and forth with this project on whether to continue it or not. I received her letter for Re-Approval back in June. She didn't pay the Re-Approval fee because she wasn't sure to continue with this or not. Now she wants to keep it going.

Mr. Astorino: Did you speak to Susan Wheeler about this?

Connie Sardo: No. I spoke to Kirk Rother her Engineer about it.

Mr. Astorino: I really don't know where this one is going.

Connie Sardo: We have it in the Town Code that they extended these Re-Approvals and extensions for another 2 years. It is up to the Planning Board on what they want to do.

Mr. Astorino: I know that.

Mr. Showalter: It doesn't matter. If they don't have the money, you cannot force them. If they pay the fee for the Re-Approval, then you do it and be done with it.

Mr. Bollenbach: Just for the Board's information, there is a Due Diligence that the applicants have to keep their approvals current.

Mr. Showalter: Correct.

Mr. Bollenbach: If they lapse, then they are at risk on losing their grandfathered status.

Mr. Showalter: Correct.

Mr. McConnell: So the Code that was quoted by Roger is not completely accurate. They have certain obligations to meet besides just paying this fee.

Mr. Bollenbach: Correct.

Mr. Showalter: They need to fill out the applications and pay the fees. Then they are good.

Mr. Bollenbach: They need to keep their approvals current.

Mr. Showalter makes a motion on the Cedar Ridge Subdivision application, granting **10<sup>th</sup> Re-Approval** of Final Approval + 6-Month Extension on Final Approval of a proposed 36-Lot cluster subdivision, situated on tax parcel S 7 B 2 L 51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of intersection with C.R. 41, 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, 7/16/08 (See attached).

The 10<sup>th</sup> Re-Approval of Final Approval becomes effective on 7/16/18, subject to the conditions of final approval granted on 7/16/08.

The 6-Month Extension on 10<sup>th</sup> Re-Approval of Final Approval becomes effective on 1/16/19.

Seconded by Mr. Kennedy. Motion carried; 3-Ayes, 1-Nay (Ms. Little) and 1-Abstained (Mr. McConnell)

Mr. Kennedy: How much are the Parkland Fees?

Mr. Astorino: The Parkland Fees are \$2,500.00 per created new lot. What the problem is, it is very difficult to get a road bond anymore. You would have to come up with cash for that.

Ms. Little: Right. It is not going to happen. So, what are we doing?

Mr. Showalter: If she pays the fee and wants to keep it up, then you let her keep it up. That is my opinion. You have a different opinion. I respect that. That is fine.

Mr. McConnell: John, would it be possible for our next meeting to get some brief memo from you as to what is involved in the Due Diligence required under the Code for continuing to be grandfathered?

Mr. Bollenbach: Yes.

Mr. McConnell: Thank you.

Mr. Astorino: John, you said grandfathered under the approval that they have currently. If they have come back to us, they would have to upgrade all of the stormwater regardless. Is that correct?

Mr. Bollenbach: They would still have to upgrade their stormwater. However they are grandfathered to the extent of lot count.

Mr. Astorino: Which has not changed.

Mr. Bollenbach: There is other criteria that has changed. There is also different criteria for clustering. There are many other criteria that have changed. Clustering is not automatic. There are different ratios as to how many lots you can have. What are the different amenities that have to be provided? The Cluster is not automatic like it was in the past.

Mr. McConnell: Ok. I just wanted to get a better understanding of this.

Mr. Astorino: Ok.

4. **Lands of Rother** – Letter from Kirk Rother, P.E. dated 11/6/18 addressed to the Planning Board in regards to the Rother Subdivision – requesting 10<sup>th</sup> Re-Approval of Final Approval + 6-Month Extension on Final Approval of a proposed 2—Lot Cluster subdivision; situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury Rd., in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The Applicant has stated that most of the conditions of the approval has been met with the exception of the legal documents and payment of parkland fees.* The 10<sup>th</sup> Re-Approval of Final Approval becomes effective on 7/16/18, subject to the conditions of Final Approval granted on 7/16/08. The 6-Month Extension becomes effective on 1/16/19.

Connie Sardo: I spoke to Kirk about this yesterday. He is really close on getting this done. He has stated that he should be getting the final maps in any day soon. He wants to finish this up before the year is over. He has been very busy with other things. He stated that he will get this done before year is over.

Mr. Kennedy makes a motion on the Lands of Rother application, granting **10<sup>th</sup> Re-Approval** of Final Approval + 6-Month Extension for a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury 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, 7/16/08. (See attached).

The 10<sup>th</sup> Re-Approval of Final Approval becomes effective on 7/16/18, subject to the conditions of final approval granted on 7/16/08.

The 6-Month Extension becomes effective on 1/16/19.

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

Mr. Astorino: Regarding these Re-Approvals and extensions, as far as sending a memo to the Town Board extending these, I think we should think about that at this point. If there are concerns regarding this and the Planning Board feels the economy is picking up. Connie, did the Town Board extend this for another 2 years?

Connie Sardo: Yes.

Mr. Bollenbach: It has already been done.

5. PB Minutes of 10/17/18 for PB Approval.

Mr. McConnell makes a motion to Approve the PB Minutes of 10/17/18.

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

6. Planning Board to cancel the 11/12/18-Work Session & 11/21/18-PB Meeting.

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

**Correspondences:**

1. Email from concerned resident Jacob Gendelman, dated 10/23/18 regarding Blue Arrow Farm.
2. Letter from concerned resident James & Lark Kuhta, dated 11/6/18 regarding Giantonio 119 Ryerson Road site plan.

Mr. Astorino: We have those correspondences in our packets. We will list Correspondences 1 and 2 for the record.

**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 November 7, 2018 Planning Board Meeting.**

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