

CHAIRMAN: GEORGE AULEN
MEMBERS: WILLIAM OLSEN, JAMES PATTERSON, JESSE GALLO & RYAN
DENERLEY
Alternate: RAEY WEBSTER

VILLAGE OF WARWICK
PLANNING BOARD MEETING
NOVEMBER 16, 2017

The monthly meeting of the Village of Warwick was held on Thursday, November 16, 2017. Present were: George Aulen, Bill Olsen, Jim Patterson, Ryan Denerley, Raey Webster, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: Robert Silber, Kirk Rother, Robert Schmick, James Tomaselli, John McGloin, Barry Cheney, Patrick Gallagher, Ed Sattler and others.

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to accept the minutes which included the stenographic report of the public hearing. (4 Ayes) {1-Abstention – Raey Webster}

VILLAGE VIEW CLUSTER SUBDIVISION & VILLAGE VIEW
PRELIMINARY SUBDIVISION EXTENSION

Mr. Getz – The cluster plan includes 45 lots and part of the process is that they should provide a yield plan but the applicant has a prior subdivision plan that had 28 lots and in my opinion that could serve as a yield plan.

Mr. Aulen – Yes, we agreed on that.

Mr. Getz – They have changed the layout of the site which involves an annexation.

Mr. Rother – The property is very unusually shaped and there is this shaded area on the plan which is property located in the Town to be annexed for a homesite, and make more contiguous for open space and streets.

Mr. Aulen – Have you discussed this with the Board of Trustees?

Mr. Rother – No.

Mr. Getz – So this is conceptual at this point?

Mr. Rother – Yes, but we both have, Mr. Silber and I spoke with the Mayor and some of the Board members on a couple of occasions. The piece with regard to the road was brought up but this is the first time for the other piece.

Mr. Olsen – How large is that piece?

Mr. Rother – About ½ acre. These lots are roughly 10,000 sq. ft.

Mr. Olsen – So one will be open space and the other?

Mr. Rother – Some would be an open space and some would be part of the street.

Mr. Olsen – Is it sloped?

Mr. Rother – It is actually not as steeped sloped as the swaths that are through the center of sight. But, it serves no purpose other than to be the backyard of the homes on Woodside Dr.

Mr. Getz – It will change some of your acreage numbers, I believe and the EAF form needs to be clear that both the Village and the Town would need to approve those annexations. The applicant has submitted a 4 step design plan which takes you step by step of how the cluster process is formulated, from resource areas to deciding where the houses and roads would go. By comparing the previous cluster plan to this one and by changing the lot dimensions, which made the lots narrower, they have provided additional open space and also reduced the road length. It is similar but slightly shorter. We received a preliminary grading plan which shows existing grades, the steep areas are highlighted with gray shading and they are showing proposed grading for the roadway which makes it clear that in some cases there are some significant slopes that will have to be dealt with, with the lot layout. It is still a challenging site even with the new layout. They also show road profiles for that layout. They show the turn-around as temporary...

Mr. Rother – We actually had that on the 28 lot plan too.

Mr. Aulen – Wasn't that left there just in case something occurred on the other side of it, with some sort of an easement given?

Mr. Rother – That is right.

Mr. Getz – It would be permanent easement, correct?

Mr. Rother – Yes or until sometime there is a road connection. On the 28 lots that have preliminary approval we had a similar easement. The cul de sac was in the Town, we actually went to the Town Planning Board and they approved it and it really is just to accommodate a future road connection if the adjoining property ever gets subdivided.

Mr. Getz – The plan is showing that some of the stormwater management area is in the Town.

Mr. Aulen – The Town approved that too but obviously they are going to have to look at it again.

Mr. Webster – In the OCDP comments they refer to a road C going down to Woodside and could not find road C. It shows A, B & D.

Mr. Aulen – What was sent to the OCDP was a different version of the plan.

Mr. Rother – We still don't have a road C on this plan either, we have A, B & D. We will have to fix it.

Mr. Getz – The road width shown on the plan curb to curb is 35ft. which is in the code but I raise the point that as we go through the process the possibility of reducing that should be discussed.

Mr. Aulen – We did discuss it in the original plans and it was to decrease the amount of impervious surface. I believe we can go down to 24ft. or 26ft. like in Warwick Grove if it is feasible and necessary but then you have to be very careful with parking on the street, it would have to be one side only parking.

Mr. Patterson – How wide are the sidewalks?

Mr. Rother – Right now we have them drawn at 4ft. At this particular scale between the 35ft. and the 4ft. sidewalks, it is hard to see. Obviously we would like to go with narrower streets if we could.

Mr. Aulen – There is a concern with the cul de sac if they are public streets because of the plowing.

Mr. Rother – We could put a snow storage area in-between the lots.

Mr. Olsen – What is better to have an island in the middle or not? It looks better to have an island in the middle of the cul de sac.

Mr. Rother – From an impervious area perspective and an aesthetic, the island is better from the DPW Commissioners it is like 50/50, some say with the island they just drive the truck around and others say no they don't want an island.

Mr. Aulen – I am not sure what the DPW Supervisor thinks about it but if you put an island in the center would it require you to make the cul de sac bigger?

Mr. Rother – No.

Mr. Aulen – There is enough room?

Mr. Rother – Yes. The island is where the basketball court gets set up.

Mr. Getz – Regarding the OCDP letter, they have an entire paragraph on Affordable Housing and they are encouraging the Village to consider new regulations, I suppose.

Mr. Aulen – We can also require 10 percent affordable housing, it is a County wide project. I have been to several education sessions on affordable housing trying to determine it. But there numbers for affordable housing is \$260,000, is that affordable? I guess 80 percent of the median income in the County which is about \$60,000...

Mr. Olsen – Isn't it that you are not supposed to pay more than 30 percent of your income for the housing?

Mr. Aulen – I think it is 25 or 30 percent.

Mr. Rother – Mr. Silber can not even build a house for \$260,000. There is a definite disconnect there.

Mr. Silber – That and with all of the infrastructure...

Mr. Aulen – They are advising us that there should be at least a 10 percent of these 5 units, or 4.5 units should be a criteria.

Mr. Getz – With regard to SEQR, the applicant is requesting that the Board do a Scoping session so that they can get started on a DEIS.

Mr. Aulen – I see that the applicant has submitted a Draft Scoping document.

Mr. Rother – We had submitted it earlier so it could be included with the circulation of the Lead Agencies so they have already seen that.

Mr. Dickover – I have looked at it and it seems to have hit all of the points.

Mr. Getz – Yes.

Mr. Rother – I used the Scoping document that the Board had accepted for the 28 lot subdivision. I did change a few sentences to make it applicable to the 45 lots. It seems to me that the biggest change is the area of impact on the site, the amount of earthwork and the stormwater are not going to be that different but it does seem that the biggest impact from the additional 17 lots seems to be traffic related from what I can see.

Mr. Aulen – And the fact that you are only crossing the creek once. Has the Board declared itself Lead Agency yet?

Mr. Dickover – Probably not, I don't believe we have had a complete set of plans and we may not have a full EAF on this project, I don't think we have.

Mr. Rother – You do have a full EAF, I think you just declared Intent.

Secretary – Yes, we sent out Intent to be Lead Agency.

Mr. Dickover – It has been over 30 days, have we received any objections from the agencies?

Mr. Aulen – No, we have not heard anything from anyone.

Mr. Rother – That is what precipitated the comments from the DEC and DOT.

Mr. Aulen – We did send them ahead of time so we will have to send them a finalized copy so they can review it.

Mr. Rother – Regarding SEQR, there has been a little bit about the plan change and Mr. Getz has mentioned that we made a lot of the lots narrower, we re-aligned things a little bit & created more open space. The intent for that was to try and go with a more neighborhood style home in addition to making the lot narrower we put the driveways into the back and the garages would be in the back. Mr. Silber has been meeting with Mr. Irace to come up with some concepts as far as what the house might look like from the street without having the garage in the front.

Mr. Aulen – I know in the past we have indicated that if it is possible to have the home oriented so they can have solar on the roofs.

Mr. Silber – We can try.

Mr. Olsen – Garages in the back is definitely an improvement.

Mr. Silber produced some sketches.

Mr. Olsen – They look like typical Village houses and none will look the same?

Mr. Silber – They do look like typical Village houses and they will not look the same.

Mr. Aulen – So you will have a variety of homes there?

Mr. Silber – Yes, four or five styles.

Mr. Olsen – You will not have large front yards so the houses are pretty close to the front which is good.

Mr. Patterson – Will you be building them all at once or waiting as they start selling?

Mr. Silber – We will try and pre-sell some, put up a model maybe...

Mr. Rother – I imagine on this site that the infrastructure is going to be done all at once and the houses may be built as market demands.

Mr. Aulen – Mr. Getz, do you have any comments about the retention pond down here ?

Mr. Getz – They have to collect run-off for the new impervious, so it makes sense that it is at the bottom of the site, but until we see a real grading plan....

Mr. Aulen – I know the original plans had a retention pond.

Mr. Olsen – It will over-flow into the stream.

Mr. Rother – Yes. There are two components to stormwater management. There is the cleaning the water and the holding back the water. We are trying to hold back the water up here and if you look at the whole watershed in its entirety, if we hold it off back enough up here and that in effect with that culvert will be a decrease in run-off. But we still have to clean the water from all of the impervious areas and the only way to do that is at the most downstream end of the site. So that is not necessarily going to be a giant hole in the ground, there is going to have to be some water management feature at the end of that road because it is the lowest point. The days of dry retention ponds are over.

Mr. Aulen – Yes.

Mr. Olsen – I would like to do a site visit.

A site visit was scheduled for Saturday, December 16, 2017 at 9:00am.

Mr. Denerley – I see the area where the highest elevation is but I don't really know what is going to be further to the north and west of it. Is it much higher there? Does it slope downward?

Mr. Rother – Mr. Silber owns the 70 acres that surrounds this and it keeps going up and up. If you take Locust and where it turns into Sleepy Valley and almost at the crest of the hill where the power lines are is the top of the hill and that runs a piece of the Town. I am going to guess that it is probably another 50 or 60 ft. higher. In the EIS we have a concept sketch of what could be done on that land in the Town so it will be shown to you at some point.

Mr. Aulen – You will also get a better idea at the site visit.

Mr. Rother – What is the next step to getting SEQR underway?

Mr. Dickover – The Board has to review your Draft Scope, decide whether or not it is complete. Would the Board like to do a public hearing on the Draft?

Mr. Aulen – Yes.

Mr. Dickover – We can probably schedule that at the next meeting after the Board reviewed it to make sure it is complete. We may be able to abbreviate the whole SEQR process because it has been sited already. I will take a look to see how the prior findings impact this project, we may be able to streamline it a little bit.

Mr. Rother – Whether it would be done as a Supplemental?

Mr. Dickover – Yes.

Mr. Rother – To review, we have submitted our Long EAF and a Draft Scope, the Board will review it and then we go from there?

Mr. Aulen – Yes. Are you still discussing the fees with the Village Board?

Mr. Rother – Yes, but we are not so much involved in discussion but from my understanding...

Mr. Silber – It is supposed to be coming to an end soon.

Mr. Rother – I prepared but do not know if I submitted a request for an extension. I think we need an extension again.

Secretary – I did not receive a request.

A MOTION was made by Ryan Denerley, seconded by Bill Olsen and carried to grant an extension for Village View subdivision/site plan approval until February 16, 2018. (5 Ayes)

Mr. Schmick – We are proposing to create a building lot on South St. Ext. We know we are going to need some variances.

Mr. Getz – This is a 2 lot subdivision with one house on the property, so they are proposing one new single family house. The Mistucky Brook flows through the site and the applicant also owns property in the Town of Warwick that is adjacent. The property in the Village is about 9/10th of an acre. It is located in the R District and is not located in the Historic District. FEMA has defined a flood plain for that brook so we should see the limits of that flood plain and the flood way on the plan.

Mr. Schmick – We did establish the base flood elevation and the basement and the BFE is on there.

Mr. Getz - So a Flood Development permit application will be required and any floor including the basement is at least 2ft. higher than what FEMA determines as the BFE.

Mr. Patterson – That is only on the proposed and not on the existing?

Mr. Getz – Yes.

Mr. Aulen – This map is not clear, it appears to be in the Town.

Mr. Getz – Some of it is.

Mr. Schmick went over the plan lines.

Mr. Aulen – So this should have been labeled a Village line too.

Mr. Schmick – Yes.

Mr. Aulen – So this particular lot is in the Village and it is 70ft. x 150ft. How many sq. ft.?

Mr. Getz – About 10,500 sq.ft.

Mr. Aulen – Yes, which is considerably less than the 20,000 sq.ft. required.

Mr. Schmick – But he does own the property in the Town.

Mr. Olsen – Will that be part of the lot?

Mr. Schmick – The Town will be part of the property...

Mr. Aulen – He only has 10,000sq.ft. in the Village...

Mr. Webster – Will you be annexing some of it?

Mr. Olsen – What is an approximate tax line?

Mr. Schmick – It was an old tax parcel that is vague and difficult to define.

Mr. Olsen – Can it be removed?

Mr. Schmick – It can be combined. The applicant purchased it this way.

Mr. Aulen – You pay taxes on 2 pieces?

Mr. Tomaselli – Yes, I have 3 tax bills.

Mr. Aulen – Ideally you would get it annexed into the Village but I do not see that happening.

Mr. Getz – Is that all low lying?

Mr. Schmick – Yes.

Mr. Getz – So there is nothing really usable there for building.

Mr. Schmick – Correct.

Mr. Olsen – How much is wetland?

Mr. Aulen – That is what we need to find out.

Mr. Olsen – Approximately, probably a good part of it.

Mr. Schmick – Approximately this is the delineation and there may be some isolated pockets that are not but I believe the buffer would absorb it.

Mr. Getz – So the wetland delineation should be shown on the plan and per the Code 145-42 A, when you are calculating lot area you need to subtract out wetlands, floodplain and some other environmentally constrained areas so that even the 10,500 sq.ft. that you mention could technically be reduced because some of it is in the floodplain and wetlands.

Mr. Aulen – But we don't know what that is yet.

Mr. Getz – But it also comes into the Village part also, the stream is in the Village. So the variances they need for area may be even greater so that calculation should be done before you go to the ZBA because the Planning Board will want to see that number.

Mr. Aulen – I had questions on the chart because it was not clear, so I will wait now for more information.

Mr. Tomaselli – Historically, this was lot was broken up into at least 3 lots and every house on that street is under 20,000 sq.ft. and that is across the street and right next to me.

Mr. Aulen – But that was before the current zoning.

Mr. Getz – That is something that the ZBA will consider.

Mr. Aulen – You will also have to either annex the Town property or we would have to go to the Town to get their consideration on this and normally they do not have any problem.

Mr. Tomaselli – I tried to donate that land to the Town when I first purchased it but they wouldn't take it.

Mr. Getz – There does not appear to be a driveway or pull off area or a garage shown on the proposed lot 2.

Mr. Schmick – There is more room on this side of the proposed house for the driveway but there is an existing culvert that the Village has from South St. Ext. to the brook and it is actually in disrepair and it was pointed out, I believe when Kirk Williams was here, that the culvert was in need of upgrading because it is actually broken.

Mr. Aulen – Is there an easement?

Mr. Schmick – There is no easement there.

Mr. Aulen – So, this was done quite awhile ago.

Mr. Schmick – Yes and that would determine whether or not the driveway can go on that side or the other side with less room. We felt that would be to the Board's discretion.

Mr. Olsen – What do you have, 23ft. setback?

Mr. Aulen – We really should get feedback from the DPW Supervisor.

Mr. Olsen – Where will the garage go?

Mr. Schmick – There is no garage.

Mr. Olsen – So they will park behind the house?

Mr. Schmick – It doesn't have to be behind the house...

Mr. Aulen – It has to be behind the front yard setback.

Mr. Getz – The EAF picked up the fact that it is potentially a site with archeological resources and threatened or endangered species.

Mr. Schmick – That comes up automatically...

Mr. Getz – Yes, because of the wetlands and stream. That will need to be addressed also. You may want to go to the ZBA first...

Mr. Aulen – I would get all of the information first, so you don't have to go twice.

Mr. Schmick – What should we do for the archeological?

Mr. Getz – There is a State Agency to contact and we can help you with that. There are details or items that should be added to the plan; utilities, erosion control and that type of thing.

Mr. Aulen – The standards.

Mr. Getz – We do have a checklist for subdivisions and site plans and I checked off those items that I feel that are already on the plan and the Planning Board has the ability to waive some if we deem them not necessary. The first 2 pages are from the subdivision check list and the other 3 pages are from the site plan check list because technically they need both approvals. Many of the items are repeated on the second list. I have checked off those that I feel are already shown and I think we may need the rest like; construction proposed, environmental constraints but the one that you might want to look at in particular is under sketch plan, it mentions all significant physical features within 200ft. including some topography, 200ft. is quite a radius so I don't know if that is necessary, I think what they have provided on the site is a high level is a high level of detail. They have 2ft. contours, trees and all other existing features. So that is something you may want to consider waiving or reducing.

Mr. Aulen – They will have to upgrade the site plan with the wetlands...

Mr. Getz – Yes, but as I go down the list I think the other things, from my point of view, are all needed and are not difficult to provide.

Mr. Aulen – Yes, you touched upon these in your comments.

Mr. Olsen – The wetlands use to be part of the property, correct?

Mr. Schmick – Yes.

Mr. Olsen – So the wetlands need to be shown.

Mr. Getz – Yes, we need to see the wetland.

Mr. Aulen – Also where it indicates all existing and proposed site improvements including drainage, etc., which is something we need to get from the DPW.

Mr. Getz – Right and I am sure water and sewer are right there along the street.

Mr. Schmick – Yes.

Mr. Getz – On the site plan list it indicates map showing entire property and adjacent properties labeled showing all improvements and streets within a radius of 500ft. That seems excessive to me.

Mr. Olsen – That is the site location map?

Mr. Getz – It is more than that when it says all improvements.

Mr. Aulen – I would not think it would be necessary for a 2 lot subdivision with one of the lots remaining the same.

The Board agreed.

Mr. Olsen – Do we waive that?

Mr. Aulen – Yes, we could waive that.

Mr. Olsen – Just the 500ft. but not the map showing adjacent properties?

Mr. Aulen – The whole thing.

Mr. Getz – Because, elsewhere they mention the things that need to be shown.

Mr. Aulen – On page 2 of 3 they have Zoning District boundaries within 500ft.
Mr. Getz – I was not sure if there were any because when you get up towards Larry’s...
Mr. Aulen – I don’t know of any district boundaries, it is all R down there...
Mr. Getz – That could change within 500ft.
Mr. Aulen – Review it and see if you find anything other than R, it just needs to be shown.
Everything else appears to be standard.

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to declare this a Minor Subdivision application. (5 Ayes)

A MOTION was made by Jim Patterson, seconded by Ryan Denerley and carried to declare Intent to be Lead Agency under the SEQR process. (5 Ayes)
Notice to be sent to Village of Warwick ZBA and Town of Warwick Planning Board.

This application will also be reviewed by the Village of Warwick DPW and OCDP.

16 ELM STREET	SITE PLAN APPROVAL	16 ELM ST. LLC
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Mr. Aulen – We received a letter dated November 9, 2017 which will become part of the record. Mr. Aulen read the letter which indicates that the applicants are in process of consulting professionals to provide the Planning Board with a comprehensive response to issues raised at the public hearing. The applicant has requested that the Board table this matter at this November meeting. They intend to have this comprehensive response to the Board as soon as possible to provide adequate time to review the materials for the December 21, 2017 meeting. The applicant consents to the suspension of time relevant to this Board’s review of this matter.

A MOTION was made by Bill Olsen, seconded by Raey Webster and carried to table the application. (5 Ayes)

28 CHURCH ST.	VILLAGE BOARD INTENT TO BE LEAD AGENCY UNDER SEQR	VILLAGE BOARD
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The Board reviewed and discussed the Special Use application before the Village Board to install solar panels at 28 Church St and the intent of the Village Board to declare Lead Agency under the SEQR process.

Mr. Dickover – The first step is decide whether you are going to consent to the request for the Village Board to be Lead Agency or whether this Board wants to be Lead Agency or do nothing and after 30 days they would be default become Lead Agency.

Mr. Aulen – They would still need to come before the Board for site plan approval?

Mr. Dickover – Yes. If you consent it certainly would allow them to continue their process and I would suspect that they would presumably, if they are going to grant the Special Use Permit, subject to receiving the site plan approval.

Mr. Aulen – My basic concern with these large solar rays is just to make sure that the Fire Dept. is inform and comfortable with these going on the roof. I know it has been a question in the past with the Fire Dept. and the County. I would just like to be assured that the Village Fire Dept. does not have any problems with these.

Mr. Olsen – Are they concerned with the structure of the roof?

Mr. Aulen – No, they concerned about that if there was a fire and they go up there and something could occur with these panels. They are much safer now than in the past but they should have whoever there expert is review this.

Mr. Olsen – Who determines whether it is structurally sound?

Mr. Getz – As part of the package, they had a licensed engineer prepare information on that.

Mr. Aulen – It would also be the Code Enforcement Officer to make sure it was structurally sound.

Mr. Dickover – That is really part of the Village Boards review on a Special Use Permit. The issue about fireman access, safety, shutting this down before they go on the roof, those are issues you may want especially if there needs to be labeling or marking or direction but it is all up on the roof so your site plan review is pretty limited. Mr. Getz may want to go through the site plan criteria and check what is not applicable, what we can waive and what we can't waive; we may find out that we are waiving a lot of it.

Mr. Getz – The proposal does not involve any ground disturbance.

Mr. Dickover – Is there a visual concern? Do they have elevations?

Mr. Getz – Not that I have seen.

Mr. Aulen – I do not see a problem with the Village Board being Lead Agency, they have to come back here for site plan approval and a public hearing or the Village can hold the public hearing...

Mr. Dickover – You can probably hold a joint public hearing, if you want to streamline it but it is up to the Village Board to ask that it happens but if the Planning Board is willing to do it, it can be done.

The Board also discussed the kilowatts, decommission plan of such solar panels and the referral to the Warwick Fire Dept. for any comments regarding solar panels on the roof of a/the building.

A MOTION was made by Bill Olsen, seconded by Ryan Denerley and carried to consent to the Village Board acting as Lead Agency under the SEQR process for 28 Church St. (5 Ayes)

Mr. Aulen – Should we contact the Village Board to see if they are interested in a joint public hearing so we could save time?

Mr. Dickover – The currently approved site plan with all of the amendments should maybe be stapled to that so you have a complete set of plans. When the applicant submits the application and site plan, this Board should review it and then we can send to the Village Board a message that if they would like to have joint meeting this Board is in favor of it.

Trustee Cheney – Just to put you at ease, the Village Board will be looking for a coordinated review and I would expect one public hearing will be sufficient. I think we would like to step through this process together as much as we can so that we can move it along but have a thorough review. I hope that would help arrest your fears that you might have of it being disjointed and each of us on our own. We are looking to do this together.
Mr. Aulen – That is fine. Then there is no more to discuss at this time.

14 FIRST ST.

CHANGE OF USE/
SITE PLAN WAIVER

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The Board reviewed an Change of Use application to change 14 First St. from a by appt. only Bridal Makeup space on the first floor with an owner occupied apartment on the second floor to a by appt. only Facial and Massage Spa on the first floor and an owner occupied apartment on the second floor.

A MOTION was made by Raey Webster, seconded by Jim Patterson and carried to waive Site Plan approval and approve the Change of Use application. (5 Ayes)

A MOTION was made by Jim Patterson, seconded by Ryan Denerley and carried to grant sign approval conditional upon the ARB review and verification from the Building Inspector that the sign placement is consistent with the submitted site plan. (5 Ayes)

A MOTION was made by Raey Webster, seconded by Ryan Denerley and carried to adjourn the meeting. (5 Ayes)

Submitted by;

Maureen J. Evans,
Planning Board secretary