

CHAIRMAN: GEORGE AULEN

MEMBERS: WILLIAM OLSEN, JAMES PATTERSON, JESSE GALLO & KARL SCHEIBLE

Alternate: KERRY BOLAND

VILLAGE OF WARWICK
PLANNING BOARD MEETING
APRIL 19, 2018

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, April 19, 2018. Present were: George Aulen, Bill Olsen, Jim Patterson, Jesse Gallo, Karl Scheible, Kerry Boland, Village Engineer, David Getz and Planning Board attorney, Robert Dickover. Others present were: Kirk Rother, Robert Silber, Benny Silber, Susan Roth and others.

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to accept the minutes of the February 15, 2018 Planning Board meeting. (4 Ayes) {1-Abstention-Karl Scheible}

Mr. Aulen introduced Planning Board member Mr. Patterson as the new Vice Chairman of the Planning Board, along with welcoming Mr. Karl Scheible as a new member and Ms. Kerry Boland as the alternate to the Planning Board.

VILLAGE VIEW

REVIEW OF DEIS

VILLAGE VIEW

Mr. Rother – Susan Roth is actually the person who prepared the DEIS...

Mr. Aulen – I was a little disappointed with the DEIS with all of the typo's and errors, I supposed you really didn't get a chance to proof read it. I am sure you were rushing to get it here on time.

Mr. Roth – That is correct. Were you the one that gave us the list?

Mr. Aulen – No, that was the engineer.

Ms. Roth – I got that list of changes and I will make those changes.

Mr. Aulen – I am not sure whether he covered them all. But instead of going over them just go over it and do a good proof read.

Ms. Roth – Okay.

Mr. Getz – We reviewed the DEIS document and did a quick review of the plans. Who is going to maintain the open space? We recommend a hedge or fence be provided along the limits of the open space, for the homeowners, the Building Inspector or anyone in the future so there will be some type of border.

Mr. Aulen – You should add the additional spring and stream we saw on the site visit.

Mr. Rother – They have already been located.

Mr. Getz – Do you have any idea how you want to handle the open space?

Mr. Rother – An HOA owned by all of the lots.

Mr. Getz – Will the HOA have any responsibilities other than the open space?

Mr. Rother – I don't think so. The only other responsibility that we would typically see with an HOA would maybe be maintenance of the stormwater infrastructure but I suspect we will probably do a drainage district and that would probably be the Village DPW with this particular project.

Mr. Aulen – One thing that concerns me after our visit is all of the debris thrown over from the road on Locust, it almost seems like it need a fence or something, but it could be something that has accumulated over the last 20 years.

Mr. Silber – It is a problem.

Mr. Aulen – Yes, there were some fresh trees that were thrown over there, but once it is developed that won't be able to happen.

Mr. Rother – At the site visit the Board saw a portion of the open space that is kind of a nob and it is currently vegetated pretty thick and it seems to me that it would not be beneficial to use a hedge as a barrier as opposed to a fence.

Mr. Getz – In a case like that I agree or even if it is some stone markers along the way.

Mr. Aulen – There should be something there to ensure that there is no invasion to the open space.

Mr. Olsen – I don't think a chain-link fence would be appropriate...

Mr. Rother – No, it would be a split-rail

Mr. Getz – You mention phasing of the project so that not more than 5 acres will be disturbed at one time, that is a DEC threshold that is applied. That needs to be further discussed in the document. Affordable housing it is an issue that the County Planning brought up and it was discussed somewhat in past meetings and the only discussion present now in the DEIS is really saying that there will be a variety of house styles and perhaps styles offered but I don't know if that is adequate.

Mr. Aulen – No, it is not. It has to be addressed. What is going on now in the County and even the State is to develop Affordable housing so people who live in the Town or Village can afford it and there are numbers which I believe is 10% for Affordable housing which would be 4 or 5 lots and it is also mentioned in our Village Zoning Law, not specifically in the Cluster but it is mentioned in Affordable Housing.

Mr. Getz – Sometimes the term used is Workforce Housing.

Mr. Aulen – Yes, that is the appropriate term but it is something that the County and certainly the Village would like to see.

Mr. Rother – Did you see that term Workforce used in the Code?

Mr. Getz – Not in the Village Code but in the Town they use that term.

Mr. Aulen – We use the term Affordable in our Code.

Mr. Getz – Does it have an actual formula to calculate?

Mr. Aulen – Yes.

Mr. R. Silber – That would just change the look of the whole project.

Mr. Aulen – We have the authority to reduce the size of the lot to get affordable housing. For example if you have a 10,000 sq. ft. lots and if you put affordable housing on it, we can reduce the requirement for that to maybe 5,000 sq. ft. such as a TND has. They already have that example in the Village.

Mr. Rother – You mentioned that at the site visit too and I did mention it to Mr. Silber and I just want to let the Board know that we talked about splitting some of the lots or even doing Duplexes but I don't know if the Code allows for 2 familys. Then the question came up to discuss it with Jay Myrow on how that works, does the property line run down the middle of the wall? He seems to think that you have to create Condo's and it started to get really complicated legal wise.

Mr. B. Silber – The other thing is, is that we don't want this to become another hurdle for us. We are not opposed as much to doing it as much as we don't want it to take another 6 to 8 months to figure it out.

Mr. Silber – What happens if someone can't afford the affordable housing, will we have to wait 2 years for someone to come in to be approved for this type of thing. Do we have to wait for someone to buy them if it is an issue? We still need to get X amount of dollars because we have a huge amount of infrastructure to do here to make the numbers work and I just to make it supportable.

Mr. Olsen – Are you building spec houses or on demand?

Mr. R. Silber – Yes, we would like to do it on demand but we would like to do some spec houses in the beginning.

Mr. Rother – Mr. Silber has 4 or 5 models which were prepared by Joe Irace and he will probably build one or two model homes and if a potential buyer was interested they would pick from those models and customize them. Another thing is that we are subject to a fee of an undetermined amount at this point for 17 additional lots and we would hope that if we were going to try and make some of these lots affordable, that they would not be subject to those fees.

Mr. Aulen – That is something that could be discussed.

Mr. R. Silber – Because we would actually be losing money on that.

Mr. Patterson – And we don't determine the fee.

Mr. Aulen – I think you have been before the Board of Trustees to discuss the fees. I have not gotten any feedback on it.

Mr. Rother – We just know that they have asked County Planning to comment.

Mr. Olsen – I don't think the affordable lots should be clustered together, they should be separated around.

Mr. Rother – In the Town we do a yield plan and however many lots you are entitled to the Town says you can have 10% more. So if you have 20 lots, now you have 22 lots and the 2 extra have to be affordable and they don't want them to be off on their own or on that side of the tracks.

Mr. Rother – The thing we are struggling with here is that it is going to be noticeable. It is going to be a lot that is half the size. In the Town it would be the same size lot and basically the home is built to a little bit lower standard and the way the developer makes up the difference is that he got the lot for free. So if the lot is worth \$80,000 he just got handed 2 free lots and he basically builds the house for no profit and if you drove through that community you may not necessarily know which ones the affordable homes are because they generally look the same, maybe cheaper carpet, windows, siding, etc. If we are talking about putting homes on lots half the size it is going to be obvious, it is a different style house particularly if they are two family.

Mr. Aulen – You don't have to put them on smaller lots, you can put them on regular size. I am just saying that this was a suggestion that could be broached.

Mr. Rother – If the route that we are headed is 2 family...

Mr. Aulen – I don't think we have really approached it as a 2 family home, you mentioned it and that was just in passing. We did not mention anything about a 2 family home. Again, you are still in discussions with the Village Board of Trustees so there are a lot of things that we can not move forward on until we get a decision from them.

Mr. Rother – That was my logic for thinking of it being in one spot as compared to interspersed within the rest of the community.

Mr. Olsen – There are two family houses around the Village, they are part of the Village, they are part of the landscape. I can see that as a possibility, but that is my opinion.

Mr. Aulen – Well we don't really know where we are going to go with this but I am sure something can be worked out.

Mr. Getz – We would like to see more mention about the proposed annexation in the section on Land Use and Zoning.

Mr. Aulen – That is the small sliver down at the bottom...

Mr. Getz – Yes. Also the primary conservation areas, the applicant have previously submitted a 4 step plan which identified wetlands, steep slopes and other important conservation areas but a comment is made on page 70 of the document that they have avoided all the steep slopes except where roads are being constructed but technically there are some very small areas on lots that are steeper than 25%, it is being picky but it is the fact that we can not claim that all of the steeper areas have been avoided.

Ms. Roth – I think we said to the greatest extent possible, we did not mean to say all so if it says all it is a mistake because it even gives the example in the Code which shows areas with slopes over 25% being encroached on by the buildable area, where the 25% wasn't really significant mass. It even explains that in the Code, it needs to be a certain amount before it is really considered someplace where you want to conserve it.

Mr. Getz – Mr. Rother mentioned that in the field, if that is the wording then it must be of a certain square footage so that could be a good response. From my point of view just because a little area is steeper than 25%, if it is 30% or a little more that does not by itself make it a significant conservation area. We walked a lot of areas that were steeper than 25%.

Ms. Roth – When I was reading through the Code it seemed to favor the preservation of scenic vistas or a ridgeline or something like that. I think that is what the Code is intending to preserve and obviously really rugged areas.

Mr. Getz – The SWPPP plan mentions a letter of No Impact that was issued by SHPO and I don't believe that was included in the DEIS but should be.

Ms. Roth – I think it is included in the Appendix.

Mr. Aulen – Yes, I believe so, but it only addressed one stream and there are 2 streams.

Mr. Rother – SHPO has to do with Historic Preservation.

Ms. Roth – I went on-line and they accepted the Tracker report as final and it was closed out. They weren't as interested in the stream as they were in the foundations.

Mr. Getz – There is a letter from the DEC indicating that there is concern about potential bat habitat so that tree removal should be limited to certain times of year and if more than 10 acres are proposed for clearing additional review would be required. I don't know that we saw total acreage of trees to be removed but I am sure it is over 10 acres. So you should follow-up with the DEC regarding that. Reviewing the numbers from impacts to taxes, from our view point it looks like some of the numbers were not consistent with the impact to the Village taxes.

Mr. Aulen – The tax presentation was confusing. I think it should be clarified. Because of the elevation of the upper parts of this property in relation to the water tanks, there are two nearby tanks 1 off of Sleepy Valley and 1 in Chelsea Gardens. There is an underground booster pump station proposed for water pressure but we need more information and at some point that will need to be a detailed design reviewed and approved by the OCHD.

Mr. Aulen – Are those water tanks the ones identified for replacement in the near future?

Mr. Getz – The Village has not decided. They are trying to consolidate some of the tanks and decisions have not been made yet but it is possible that they could be affected.

Mr. Rother – With regard to water, it is not a capacity issue it is a pressure issue and whether they make improvements to the existing water tanks or even consolidate them unless they locate them on higher ground they will still have a pressure issue. So we are going to have to have a booster station on the site. With this project there were issues with the Robin Brae sewer pump station that apparently has been fixed and fixed and fixed and it was mentioned last week that there are still issues there.

Mr. Getz – Yes, when I spoke with Keith Herbert from JCO who runs the water/sewer treatment plant he said that the Village has made some improvements to the Robin Brae pump station but it is a very shallow structure so the pumps cycle very frequently so it is not an ideal situation and the wastewater from these homes will all end up there and he is concerned about the impact that they could have on it. The pumps are adequate but the wet wall is small in volume so as water comes in it fills quickly so the pumps get worked very hard so adding more water to the situation...

Mr. Rother – Sewer pumps like to run 4, 5, 6 or 10 minutes and then shut-off if they run every 30 seconds they would burn themselves out. When we are sizing a pump we are actually sizing against the pressure that we are pumping against. The issue he seems to be describing is that the vessel that the pump is in just doesn't hold enough gallons of sewage so that pump jumps on and 30 seconds later the floats are telling it to shut off.

Mr. Getz – To go deeper is difficult because the ground water level is very high there, so there are some issues.

Mr. Rother – They need to put in a bigger well.

Mr. Getz – That is something that will have to be looked at further.

Mr. Getz – In general the approach that they are using for SWPPP makes sense as far as detention and water quality and the other requirements, some of the calculations have not been finalized and we have some other comments that need to be addressed. I have a few comments on the plan and also 2 things came up when we did the site walk. When we first came off of Woodside where the new entrance road would be some type of screening should be provided in that area and at the very end of our site visit we noticed that where the new road would hit Locust St. there is a site distance issue there. At the location where it is shown now the distance is good looking up hill towards the Town but looking down toward Maple Ave. is not. It is complicated because to shift the road for better site distance it appears you would be forced to cross the wetland at a wider location and further complicating the issue the existing street across the way Valley View, the site distance pulling out of that road today is really bad looking uphill to the right. So, if they keep the location they have now and make the improvements to the site distance for their purpose it will also improve the site distance for this intersection making it safer. I have recommended to Mr. Rother that we set up a meeting with Mike Moser from the DPW to get his input on that also.

Mr. Aulen – It also appeared that some of the bushes and shrubbery are on the right of way for the Village and that is something that could be looked at.

Mr. Rother – There is a white stockade fence and a hedgerow and I think all of that is in the Village's right of way.

Mr. Getz – Even if this new project was not being built it is hindering the site distance now.

Mr. Scheible – I am not familiar with the plan on the sidewalks.

Mr. Rother – On this plan we show sidewalks on one side of the road.

Mr. Scheible – Is there a way to put them on both sides.

Mr. Rother – We asked and yes there is a way but it is just additional impervious area that we would have to deal with , with stormwater management and in the spirit of clustering, reducing impervious area and preservation of open space and the consensus I got from the Board was that they would be comfortable with it on one side.

Mr. Scheibler – There is sidewalk access to both roads, Woodside and Locust.

Mr. Rother – Yes.

Ms. Rother – The sidewalks are in the Village right of way.

Mr. Olsen – But the homeowners have to take care of them.

Mr. Rother – The catch to the one sided sidewalk was that we wanted streets wide enough that you could park on the street.

Mr. Aulen – They would be in the right-of-way but the lots would go out to the center of the road and that would be the homeowners property.

Mr. Getz – I have a couple of comments on the plans that were submitted they are not labeled but they look like they are 8ft. wide which is very narrow, 10 or 12 ft. is typical.

Mr. Olsen – But that is more impervious surface.

Mr. Getz – But it is a practical matter.

Mr. Rother – They are intended to be 10ft. wide.

Mr. Getz – There are lines and arrows indicating swales where the drainage will be directed but I would like to see those actually graded out because some may be tricky with the limited disturbance. There is a large culvert proposed under the road by the entrance off of Locust. Is a natural stream bottom proposed?

Mr. Rother – Yes.

Mr. Getz – You mentioned in the past that the DEC had approved the same design.

Mr. Rother – The detail is the exact same detail that was approved by the DEC. The DEC wants a natural stream bed after the improvements so that is what we propose to do.

Mr. Getz – I didn't notice anywhere were the foundations of the barn and silo on there?

Mr. Rother – I am not sure but I will make sure they are on there and add a sheet to the plan.

Mr. Getz – The DEC and the Village require with a SWPPP that all new impervious areas be handled so that run-off from those areas is directed to stormwater measure and there are a couple of areas that I couldn't tell for sure if the grading might take some of that run-off just into an area that was not being treated, so that just needs to be addressed. You should show the Stop Signs and as the plan goes ahead we would like to see plans on landscaping & lighting. Did the previous set of plans have street trees?

Mr. Rother – I believe so.

Mr. Dickover – I had a question about maintaining the drainage area and drainage improvements and you had said earlier that it would probably be the HOA.

Mr. Rother – I actually think it will be by the Village DPW but we will do whatever the Village wants.

Mr. Dickover – Then we need to have a discussion about who will own and maintain the drainage improvements and whether or not the Village wants that.

Mr. Aulen – In the past the Village did not own & maintain it but we did require easements be given and if in fact they had to be maintained by the Village the HOA would be charged for the time.

Mr. Dickover – So you put the burden on the HOA and the Village will take an easement for purposes maintaining and improving in the event that it is not done by the HOA.

Mr. Rother – That is fine, every municipality wants it done a different way.

Mr. Dickover – Page 61, first paragraph makes mention that the residents would be advised of potential future development continuation of Road D, I think that should be amended to Road A and if you are going to do that you should put a description of how you might do so, other than taking it out perhaps a note on the map that this utility access is for future development and access.

Mr. Rother – If the road were ever to continue to the 70 acres he has in the Town there would not be a need for the cul-de-sac but if and when this road is built it would revert back to the lot owner.

Mr. Aulen – Would the DEIS or the FEIS have to address the possibility of that land being developed and the traffic patterns?

Mr. Getz – I don't believe it would because it is not part of this action. If that road were to be extended to additional lots the traffic from that addition would have to be studied.

Ms. Roth – I addressed it in the last section and I mentioned he owned the adjacent land and that there is always a potential for lot to be developed and to be connected with this particular subdivision but there is adequate access to that particular lot without going through this subdivision to be able to develop it. It is not dependent on this and it is in another municipality. But we did acknowledge it.

Mr. Scheible – The spring at the top of land, do you have in mind what the mitigation would be?
Mr. Rother – No. I have not even seen it on a map of the property yet. I was as surprised as you to see a stream running down that hill, it is not there in the summertime.

Ms. Roth – It will probably have to be updated in Water Resources section.

Mr. Aulen – What about that one lonely lot?

Mr. Rother – I would leave it where it is because there is elevation here and elevation here once the site is built.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to adjourn the meeting. (5 Ayes)

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary