

**BOARD OF TRUSTEES
VILLAGE OF WARWICK**

8898

PUBLIC HEARING

**THURSDAY, MAY 20, 2021 - 7:00 P.M.
TOWN OF WARWICK, TOWN HALL
132 KINGS HIGHWAY
WARWICK, NY 10990**

A Public Hearing of the Board of Trustees of the Village of Warwick was held on Thursday, May 20, 2021, at 7:00 p.m. at Warwick Town Hall, 132 Kings Highway, Warwick, NY. Present was: Mayor, Michael J. Newhard, Trustees: Barry Cheney, William Lindberg, Corey Bachman, and George McManus. Also, present was Village Clerk, Raina Abramson and Village Attorney, Stephen Gaba. Others present: Kirk Rother, Ira Emanuel, Thomas Cassano, Angela Murphy, Geoff Green, Lucy Ann Tinnirello, Nancy Sardo, Susan Charity, Ben Silber, Robert Silber, Eugene Maher, Raymond Maher, Mary Buckley, John Gruen, Freya Carlbon, Kayleigh Maher, J. Kanz and others. Approximately twenty-five people were present.

The mayor called the meeting to order and led in the Pledge of Allegiance.
The Village Clerk held the roll call.

1. Introduction.
2. **PUBLIC HEARING of the Village Board of the Village of Warwick on the application of VILLAGE VIEW ESTATES, LLC, for grant of a special use permit pursuant to Village Code §145-29(D)(4) for fourteen (14) density bonus lots/units for the proposed residential subdivision being created on tax lots 201-1-1.1 and 1.2 and 1.3 and 2, the nearest streets being Woodside Drive and Locust Street in the Village of Warwick.**

Mayor Newhard: Tonight, is a Public Hearing on a Special Use Permit for Village View. Raina, if you would please read the public notice.

Raina Abramson:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING of the Village Board of the Village of Warwick, Orange County, New York, will be held at the Town Hall at 132 Kings Highway, Warwick, New York 10990 on the 20th day of May 2021 at 7:00 p.m. or as soon thereafter as the matter can be heard that day on the application of VILLAGE VIEW ESTATES, LLC, for grant of a special use permit pursuant to Village Code §145-29(D)(4) for fourteen (14) density bonus lots/units for the proposed residential subdivision being created on tax lots 201-1-1.1 and 1.2 and 1.3 and 2, the nearest streets being Woodside Drive and Locust Street in the Village of Warwick.

**Village of Warwick
Board of Trustees
May 20, 2021
Page Two**

8899

The Village Board will at the above date, time and place hear all persons interested in the subject matter hereof. Persons may appear in person or by agent. All written communications addressed to the Board must be received by the Board at or prior to the public hearing.

Correspondence

1. Letter from Attorney, Jay Myrow dated May 12, 2021, regarding the Village View Estates, LLC Application for Special Use Permit.

Mayor Newhard: Before we get into the public comment, I would like to give Kirk Rother, the engineer for the project the opportunity to talk to the Board and you, the audience.

Kirk Rother: Thank you, Mr. Mayor. Good evening. Kirk Rother, I'm the engineer for the project. I'm sure you all have seen me standing up here for quite a while now. Also, here this evening is Rob Silber, the applicant, and Ira Emanuel is with us in Jay Myrow's absence. Jay is visiting his daughter in Texas.

So, I'll give you a little bit of history of how we got to where we are tonight. This application started in 2004 as a twenty-eight-lot subdivision. It's approximately a twenty-acre parcel of land situated on Woodside Drive and Locust Street. This application was the subject of an environmental review, environmental impact statement, and this has received preliminary subdivision approval from the Village of Warwick Planning Board. That approval remains in effect today. Right around the end of 2016 or early 2017, I'm not sure, the Village adopted the cluster subdivision regulations. We took another look at the project using those cluster regulations and in February of 2017 we made an application to the Planning Board with this proposed plan, which is a cluster development that depicts forty-five single family homes. Some of the objectives with the cluster development is there an environmentally sensitive area which on this property would be the wetlands and stream parallel to Locust Street, try to avoid steep slopes, try to provide a diversity of housing. You can see the old plan had two stream crossings, two wetland impacts and basically cleared the entire parcel. This plan proposed approximately thirty percent of the parcel as open space, with all these hatched areas. This was the subject of a draft environmental impact statement, had public hearings, got comment from this Village Board and the Planning Board, some of you folks. That resulted in a third plan which we called the Reduced Scale Alternative because it eliminated, I believe, seven structures, roughly twenty percent of the proposed structures. So, in this the biggest change was we eliminated the crossing to Locust Street entirely, so zero impacts to wetlands and streams. Put a through road connection to the Town of Warwick. This has thirty-two single family homesites and five two-family homesites. So, as a part of this, has gone through another supplemental environmental impact statement with the Planning Board. They issued their finding statement a few months ago. As part of the cluster subdivision process with that environmental review now complete, we come to the Village Board for a special use permit which will authorize the cluster application.

**Village of Warwick
Board of Trustees
May 20, 2021
Page Three**

8900

Mayor Newhard: Ok, very good. Would you move the easel because people will be speaking?

Kirk Rother: Yes.

Mayor Newhard: Thank you.

Kirk Rother: Good.

Mayor Newhard: Very good.

Public Comments - Read by Mayor Newhard

Mayor Newhard: Now I know that some people signed up to speak but I have a number of emails and letters that I would like to read out loud so that everyone can hear what people are thinking, so I'll start with Mary Ann Buckley.

To Village of Warwick Planning Board:

As a property owner who borders the proposed Village View development, I would like to comment. I have lived in this quiet neighborhood since the 1970's. The homes are situated on at least one-third acre. Even the proposed 28 homes that were approved many years ago will adversely affect the peace and quiet of this neighborhood. I am against the density bonus proposal of 14 more lots/units. I heard at a meeting that this will be an approximate 5-year project. That is a very long time to put the residents of this neighborhood through the turmoil this large project will undoubtedly cause.

Another issue I have brought up in the past still weighs heavily on my mind. Since there is poor water pressure in this neighborhood now, how do we know that all these new homes will not cause a real problem with water?

Yours truly, Mary Ann Buckley

Mayor Newhard: I also have an email from Gregory C. Keys, and he writes:

Due to the steepness of the terrain including its effect on water flow, and to the unusually difficult to navigate road system in the area, I am expressing my opinion that the Village View Special User Permit should obtain a NO vote.

Thank you for your consideration,
Gregory C Keys

**Village of Warwick
Board of Trustees
May 20, 2021
Page Four**

8901

Warwick Village Resident

Mayor Newhard: The next is from Julie English.

Attention: Mayor Newhard, Village Board of Trustees

It is with great concern that I am compelled to write this appeal regarding The Village View Estates Proposed Special Use Permit Grant.

Please do not grant this permit.

While I am not opposed to progress, I worry that the nature and character of our neighborhood and our village is at risk.

An increase in the number of homes would place great burden on our water supply, would result in increased traffic and would seriously change the tone of our neighborhood.

In addition, this might well be a prolonged project, with years of disruption and noise from what will essentially be an on-going construction site.

In a world which has become so unsettled and filled with conflict and stress, this village and our homes have become safe havens and places of peace and stability.

While I do not imagine that you will come to this decision easily, I simply hope that in addition to the issues already raised, you consider the somewhat intangible but important aspect of preserving the character of our village and the quality of life for the residents who hold it so dear.

Respectfully,
Julie English

Mayor Newhard: And the next is to the Village Board from Donna and Guy Kipp.

Village Board,

As we are unable to attend tonight's public hearing on the Special Use Permit for the Village View project, we would like to express our concerns as we have many times regarding increased traffic in our neighborhood. You have seen the video which was submitted in the past with cars coming down the hill from Sleepy Valley onto Locust Street that do not stop at the stop sign. This is an ongoing problem. It was great to have

**Village of Warwick
Board of Trustees
May 20, 2021
Page Five**

8902

the police monitor the intersection ONE time and issue quite a few tickets. However, the other night as I was sitting at my kitchen counter eating dinner, I counted 12 cars that came down, one after the other as if they were all following each other, and not one slowed down or stopped. As the intersection is on a curve it also makes for limited vision if someone is walking or crossing the street in front of our home. This could have been a disaster with so many cars coming down the hill onto Locust, if someone walking, riding a bike, etc. had been on Locust or trying to cross Locust.

We hope that the Board takes into account that we do not have sidewalks on Locust or Woodside so we are forced to walk in the street with our dogs and anyone who is walking in our neighborhood must also walk in the street.

For these specific reasons, we urge the Board to vote NO on the Special Use Permit.

Thank you,

Donna & Guy Kipp
25 Locust St
Warwick, NY 10990

Mayor Newhard: This is a letter a number of people, Nancy Sardo, Angela Murphy, Geoff Green, and Lucy Ann Tinnirello.

Dear Mayor Newhard, Village and Town Board Members,

We are respectfully writing in strong support of Village View Estates. This long-awaited project comes at a crucial time when our housing inventory is substantially low. The positive enhancements this new project will create include; increased school enrollment, increased support and spending for local merchants, employment opportunities, and a desirable contribution to the housing market.

Village View Estates has been under new consideration and planning since 2017. For the past 5 years, Silber Construction has spent countless hours and expense to address valid concerns expressed by local governing boards and residents. The main issues involved were; traffic and drainage. Silber Construction has worked diligently to make certain the new plan exceeds the parameters outlined by State, County and Local planning boards.

Many of our own residents would like the opportunity to remain in Warwick whether it be upgrading or downsizing and giving new opportunities to homebuyers wishing to be a part of our strong, vibrant community. New housing must be recreated due to tremendous changes within our work environment.

**Village of Warwick
Board of Trustees
May 20, 2021
Page Six**

8903

As village and town residents, we hereby, wholeheartedly, support this well planned and long sought after new village neighborhood. As Residents, Realtors and Business Owners we appreciate the time and costly expense the builder, engineer, attorneys and planning boards have put into this project, to be certain it will be built with the utmost respect for our village and townspeople. The design concept for Village View was carefully created with local architect Joe Irace. These charming homes will resemble the storybook characteristics our beautiful village exhibits.

Presently, neighborhoods within the village, to name a few; Cascade Creek, Ridgefield Meadows, Warwick Country Estates and Warwick Grove (55 and older) have only contributed to the growth and welfare of our community. These projects overcame their planning challenges and are now some of the most beautiful neighborhoods in our beloved village.

In conclusion, Village View will undoubtedly be a valuable asset to our village and town by creating new home sweet homes. Thank you for your time in allowing me to put forth our thoughts.

Respectfully,

Nancy Sardo
Angela Murphy
Geoff Green
Lucy Ann Tinnirello

Mayor Newhard: The next letter is from John Gruen.

Dear Members, Planning, Town, and Village Boards, and Mayor Newhard, Supervisor Sweeton:

We would like to follow up on comments we addressed to you in our emails of January 14 and February 25, 2021. We now wish to make comments concerning traffic problems we see occurring at the intersection of Route 94 (Maple Avenue) and Locust Street.

With regard to sight distancing at this intersection, Mr. Wersted, the traffic consultant representing the Silber Construction Company, states:

“The sight distancing is OK...”

Stanley van Duzer, a Warwick resident for his entire life and a former foreman on the Road Department, has observed the location closely and declares that it is very

**Village of Warwick
Board of Trustees
May 20, 2021
Page Seven**

8904

dangerous. He feels that it is not “OK.” Respected residents who live very close to the intersection, and who have more first-hand experience of it than Mr. Wersted, are in complete agreement with Mr. van Duzer. They say that you must drive several feet into Route 94 before you can properly see the traffic approaching from the left. This is particularly true in the summer when the trees are in full leaf. We don’t believe it is right to treat Mr. Wersted’s opinion as indisputable fact. We believe that this would be foolhardy and in this case, downright dangerous!

We respectfully request the Boards, the Supervisor, and the Mayor to equally weigh the opinion of respected local people with regard to safety issues.

As the Wall Street Journal states in a recent major report, the Covid pandemic crisis has caused a record high number in annual purchases of homes in non-urban areas. The demand for homes in Warwick is presently very high. In this regard, the analysis by Mr. Wersted is obsolete. It begins with a discussion of the 2007-2008 traffic study!!! It is apparent to us that to go forward responsibly, we need to understand the increase in traffic flow in Warwick due the influx of new residents. Moreover, the imminent opening of the Lego Theme Park will bring significantly more traffic through this intersection as Rte 94 will be the main route to get to the park from Northern New Jersey. It is essential that a new traffic study be undertaken to account for this increased traffic flow.

Due to the Covid 19 pandemic, even the New York State Department of Transportation has issued a disclaimer on data it has collected during recent weeks.

Other items which affect the everyday well-being of residents:

- The traffic bottleneck at the intersection of Maple Ave. and Locust Street is now happening.
- There is now no place on Locust Street where people can walk safely, including moms with their babies, owners with their pets, teen-agers, exercising seniors, etc.
- The 2008 approval was contingent on infrastructure improvements being made to Locust Street. In 2021, this all the more necessary.

Sincerely,
John Gruen
Freya Carlbom, M.A.
David Dempster, Ph.D
Patricia Lurye-Dempster, M.Sc.

**Village of Warwick
Board of Trustees
May 20, 2021
Page Eight**

8905

Mark Tuckfelt, M.D.

Mayor Newhard: I have a letter from the law office of Elizabeth K. Cassidy.

Dear Mayor Newhard and Village Trustees:

This office represents Raymond and Lugene Maher in connection with the proposed Village View Subdivision located on Woodside Drive. I have been monitoring and commenting on this application for the past two and a half years on their behalf. During that time, our principal comment has been and continues to be that the proposed subdivision violates New York State Law as it pertains to cluster subdivisions and incentive zoning. To date, it does not appear that this threshold issue has been addressed publicly by either the Planning Board or the Village Board. I will address each in turn.

Cluster Development

Under a true clustering scheme, the Village would reduce the size of the permitted lots to enable construction on a smaller footprint. The total number of lots would not change. In the case of Village View, 28 units would be centralized on small lots resulting in less infrastructure, greater open space, and avoiding environmentally sensitive areas such as steep slopes.

In contrast, here, the applicant has used clustering as a tool to cram as many units onto the site as possible rather than as a tool to preserve open space. To do so, the applicant relies on § 145-29(D)(4), "Residential Cluster Development" (Local Law 14 of 2015) in its request for additional lots. That local law relies on the authority found in Village Law § 7-738 to allow cluster subdivision. See Village Law § 145-29-(A). Village Law § 7-738 states:

"A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the planning board's judgement, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law applicable to the district in which such land is situated and conforming to all other applicable requirements."

Section 145-29 (D)(4) contradicts the plain language of the state enabling statute because it allows the creation of lots above the yield as determined by the Planning Board.

Incentive Development

One might argue that incentive zoning as authorized by Village Law § 7-703 is an exception allowing for additional lots. However, the proposed project and the application of § 145-29 do not meet the requirements for density bonuses to be awarded as incentive zoning. Village Law § 7-703 sets forth a clear framework for the implementation of incentive zoning including codifying criteria on which zoning incentives would be awarded.

The village board of trustees shall set forth the procedure by which incentives may be provided to specific lands. Such procedure shall describe:

(1) the incentives, or bonuses, which may be granted by the village to the applicant; (2) the community benefits or amenities which may be accepted from the applicant by the village; (3) criteria for approval, including methods required for determining the adequacy of community amenities to be accepted from the applicant in exchange for the particular bonus or incentive to be granted to the applicant by the village; (4) the procedure for obtaining bonuses, including applications and the review process, and the imposition of terms and conditions attached to any approval; and (5) provision for a public hearing, if such public hearing is required as part of a zoning ordinance or local law adopted pursuant to this section and give public notice thereof by the publication in the official newspaper of such hearing at least five days prior to the date thereof.

Section 145-29(D) (Local Law 14 of 2015) does not contain the required elements. Rather the code merely states the applicant is to apply for a special permit. There are no standards as required by § 7-703. Nor can the Village rely on the standards applicable to conditional uses and special use permits found in § 145-20 as they do not address the award of density bonuses. In the absence of standards, this board and future boards have no road map by which to determine whether to grant a request for increased density. More importantly, the lack of a road map provides no foundation for the Board to deny an application.

In sum, the Village's Residential Cluster scheme as it relates to the payment of fees for additional lots does not comport with the enabling statutes for either cluster development or incentive zoning. Were the Village to grant the special permit and subdivision, it would be in violation of both the letter and spirit of state law. The request for a special permit should be denied.

In the event this Board overcomes the legal infirmities of § 145-29 as applied to Village View, it must then carefully scrutinize any request for a reduction in fees. There have been multiple requests by the applicant to adjust the fee downward. This Board must take a hard look at the fee to ensure that it truly is for the benefit of the Village and offsets the costs associated with the additional development.

**Village of Warwick
Board of Trustees
May 20, 2021
Page Ten**

8907

I thank you for your continued thoughtful consideration of this matter.

Very truly yours,
Elizabeth K. Cassidy

Mayor Newhard: And the final letter I have this evening is from Audrey Lewis Reynolds, 51 Woodside Drive.

Dear Village Board,

I moved to Warwick thinking I was buying my forever home in a dreamy Hudson Valley historically preserved village with “hiking trails” starting right in my new backyard. It seemed too good to be true! Turns out it was, I was totally duped. Soon after moving myself and my globally celebrated award-winning business here I learned of the impending doom of Village View Cluster home subdivision, a tasteless build with tax breaks and zero benefits to the community. In fact, it threatened the future safety of and sucked the joy from every neighbor. These lovely neighbors and myself have all now spent years riddled with anxiety and sadness about this proposal in its many terrible forms. This is my worst nightmare. I had already started dumping cash into renovations and making this place my dream home. All of a sudden, I was paralyzed I couldn't move forward with renovations not knowing what was going to happen. I couldn't get settled, I was in limbo, I still am. Was moving to Warwick the worst decision of my life? Was I sold the dream to end up in a hideous soulless suburb? I cannot believe I uprooted my life and business to move to the woods to only have the space I was told would be there forever literally torn down right in front of my eyes to the very edge of my door.

Overlapping the base of my driveway pressed firmly along my property line running the full length of my property will now be a major road. A major road that was previously not approved in 2007 for safety reasons. This road was deemed too dangerous with simply 28 homes previously as well and now with the consideration of double that meaning double the volume of traffic its fine? I do not understand. Where 1 car currently come in and out of my house and 2 cars across the street there's a total of 3 cars currently with the proposed 42 homes that's at least 2 cars per household 84-100 cars plus buses, work trucks, etc. we are looking at an extraordinary increase in volume of traffic to our tiny walking street with no sidewalks. The other thing to note here is you're also providing a new cut through from the dangerous Sleepy Valley Road to my door. There's no regard for my safety or the safety of this community in this road plan. There's only negative impact from this build and this road to this village/town and community. There's a reason this road was not permitted years ago; it's not right for this community and it still shouldn't be permitted ever. Minimizing what can take place on this land only stands to preserve this village/towns long term goals of being a desirable place to live. If we've learned anything from the Coronavirus Pandemic watching people flee the city it's that

**Village of Warwick
Board of Trustees
May 20, 2021
Page Eleven**

8908

space, clean air and nature are the communities that are the most in demand not over built areas. This build needs to be limited to the original 28 homes approved in 2007 and this new road should not be permitted at all. No road ran alongside my property in the previous approval. How do you plan to keep us all safe if this community suffers this impact? I'm the most directly affected by the number of homes and this road and I am just beyond upset about this entire build.

Thank you for your consideration of the wellbeing of those that already live here. Please vote "NO" on the Special Use Permit for Village View Estates LLC!

In complete and total opposition,
Audrey
Audrey Louise Reynolds
51 Woodside Drive
Warwick NY 10990

Mayor Newhard: And I believe that is the last of the sent comments so I would like to now take a moment to open it to the floor. Yes, Eugene.

Lugene Maher: Mayor, may I ask a question, at the beginning of the meeting, you mentioned you received a correspondence from Attorney Myrow?

Mayor Newhard: Yes.

Lugene Maher: Will you be reading that one also.

Mayor Newhard: Just the first page, yes, I can.

Dear Mayor Newhard and Village Trustees:

With respect to the pending public hearing set for the Application for Special Use Permit of Village View, I will be unable to attend the hearing on May 20, 2021. Ira Emanuel, Esq. will be appearing on behalf of the applicant. Enclosed please find my letter to the Board dated November 25, 2020, together with the referenced narrative and SFEIS inserts. Please make these documents part of the public record at the public hearing. Thank you for your courtesies.

Lugene Maher: Thank you.

Mayor Newhard: Ok, and this obviously is all available so I hope you will take the opportunity to look at it carefully.

Public Comment

Mayor Newhard: Do we have a list?

Raina Abramson: The first person who asked to speak was Thomas Cassano.

1. Thomas Cassano: My name is Tom Cassano, I live on Locust Street at the corner of Elizabeth and as I hope you are all familiar with how small Locust Street is. For a truck from 94 to turn onto it, you have to make sure no cars are coming out because the truck needs all the room to turn. We're also allowed to park on our streets. Even though the road is small that only supports two vehicles wide, you take a risk by doing it, but people do it. When people have parties on Route 94, they park on Locust Street. It's just the nature of it. I can find them on my front lawn sometimes. I've also seen at least two accidents of just parked cars getting hit by people who aren't paying attention. I have a dog and I walk my dog often and when two cars are trying to pass each other and I'm there, now they make two cars, a person and a dog, because really nobody waits. Somebody is parked on the side of the road, they don't yield, they just go around it even if somebody is coming, as long as they were there first, they don't care. Walking up Sleepy Valley Road, there is a guardrail that goes about a quarter of a mile. You want to walk facing traffic, but if you do that, if a car is coming too close to you, you have no where to go. You're trapped, especially if you have a dog. That's why I carry like a 500,000-movement flashlight and if somebody gets too close, they get it.

On the traffic study they spoke about how long you wait when getting on Route 94. They have all of something like a two-tenths of a second difference waiting there, but when you're trying to pull out of your driveway and there's two cars on the road and you're about to pull out and there's another one, you can't pull out. You could be there forever waiting for cars to come, and they don't slow down for you even if they're coming to a stop sign. And that's pretty much all I'd like to cover and also every house leaving that neighborhood is going to come down Locust Street. Nobody is going to go out of their way to drive across Woodside and deal with the corner and the hospital. Ninety-five percent of those cars are going to come down Locust Street.

Thank you.

Mayor Newhard: Thank you very much.

2. John Gruen: My paper was read by the mayor to this group, and I was planning to read it myself in the hope that I could communicate what I wanted to say to you people and to you people at the same time. It's tricky because I can't speak from the podium because the Board members are all sitting there. I was appreciative that the mayor read my paper

**Village of Warwick
Board of Trustees
May 20, 2021
Page Thirteen**

8910

clearly and didn't make any mistakes and I wanted to at least acknowledge that. The point that I would've be able to make had I read the paper.

Mayor Newhard: John, I'm sorry, this is a public hearing in which you are really speaking to the Board.

John Gruen: To the Board.

Mayor Newhard: The Board of Trustees, yes.

John Gruen: To the Board. That's the problem I'm addressing here. I had spoken to the Planning Board and was able to communicate with them at one of the first hearings some years ago and I walked up to the Planning Board, and I spoke to them. Then I'll speak to the Board as best I can. The point of my paper, which I would've brought out had I read it myself, was that the traffic report in the January 14, 2020, report that's on the Village website contains six or seven or eight pages, a discussion with Mr. Wersted, you know as the engineering consultant for Silber Construction Company. In my paper, I mentioned one or two things about Mr. Wersted's observations that I, and many people in our community, find very flawed. The observation that I discussed that the mayor read, that concerned the corner at Locust and Route 94, there are many other similar observations by Mr. Wersted that I would've confronted. I know Mr. Wersted, I've spoken to him after discussions at the Village Hall. He explained to me after I confronted him about other, what we thought, me and six or seven other people, were serious badly observed details in his report and he admitted it. These were the details of Sleepy Valley Road which were egregious ones, which the Planning Board and myself and discussed years ago with, are you Mr. Jane (inaudible), you heard that presentation I think, I'm not sure if you were there. I'm not attacking him personally for these observations, which Stanley Van Duzer strongly disagrees with in the report that the mayor read. What Mr. Wersted told me, is he doesn't have the time to make eyewitness views of enough scenes in the area we are talking about to write a report that he feels really satisfied with, and if he's not here to contradict me, I think he might agree with it, that's what I heard him say. We discussed the major car crash at the corner of Woodside and Locust, black ice, crashing through the guardrail, almost smashing into the house with the tenant there, stuff like that he didn't know about, and he was really shocked that it wasn't under his peripheral. The point is that that's something that I and other people strongly feel is really lacking in this major overall conversation amongst you and the constructors and everybody is Mr. Wersted and I can site many, many more in which the idea regarding his statements as fact really are open to question. He's a very important person in this conversation. He is the key witness in Mr. Dickover's interview about safety matters in the first eight or nine pages of the traffic report in the January 14, 2020, Planning Board minutes.

**Village of Warwick
Board of Trustees
May 20, 2021
Page Fourteen**

8911

I want to say one other thing with regard to this, that I said in the paper, that it's kind of new knowledge. It's the idea that the rate of flow on Route 94 is a whole new ballgame. I'm going to read from Mr. Lieutenant John Rader of the Warwick Police Department, and this is part of a memorandum I sent to the Planning Board I think, yes, "The traffic in the entire Town of Warwick increased during the past few years." That means the traffic down Route 94 is also going to increase and it's going to increase, and the other remarks that I made about the COVID situation increasing (inaudible) very strong demand for homes by families who want to move to homes and not get COVID and get sick. We all know about that, that's something I have to argue. That's our new pressures that are going to affect the real estate situation here in Warwick and also Lt. Rader said traffic is increasing. I think there's enough here to open the question up of writing a brand-new traffic report. This is not a frivolous suggestion. The world has changed for all of us in the last year because of this thing and we don't know, it may change more. The real estate situation at the moment, all of you I'm sure heard the Wall Street Journal story saying home acquisition, biggest year ever and that was a one-page story in the Wall Street Journal. That's the dynamic that I'm using to argue this idea hopefully that you will consider, and I'm about done. Thank you very much for listening to me. I hope I made myself as clear as I could, I could be clearer but thank you very much.

Mayor Newhard: Thank you, John.

3. Geoff Green: Good evening. My name is Geoff Green and I'm a local Village of Warwick resident. I'm also the president of Green Team Realty and by way of that I think it's fair to note that take everything I say with a grain of salt because I'm a real estate broker and I stand to gain financially from any subdivision that gets built in Warwick, but I also want everybody to understand as I make my comments here, and I have quiet a few, I am a Warwickian. I grew up here. I am part of the Pennings family. I'm one of five children. My kids go to school here. I own several properties in Warwick. I love Warwick. The last thing I want to do is get behind something that is going to be a mark on Warwick in a bad way. So, I think that I have a unique position being that I can see it from both sides and one thing that I want to point out to everybody is that Mr. Silber has property rights and that's one of the founding principles of our country, real property rights and he has the ability to improve that property so long as the zoning allows him to do so, and he has that right. I know that there have been some statements about the legality of what's going on. I don't know the intricacies of it but I know this much, there's been a lot of attorneys putting a lot of time into this, extremely smart engineer, I don't know what else they can do to try to prove that they have the legal right to do what they need to with this property. The other thing is, this is a much better plan than what is already approved. It is a no brainer of an improvement in terms of the plan. So, you have to put it all together and ask yourself well at some point something is going to happen with this land, what is it going to look like and how is it going to impact the

**Village of Warwick
Board of Trustees
May 20, 2021
Page Fifteen**

8912

local community and I think right now we have a great developer who is a high-quality builder who is using all local people to guide him and advise him. The homes are beautiful. It is going to look like Warwick Grove. It's fantastic. It's going to raise the property values of everything around it. I can say that with 100% assurance. I'm a real estate broker, that's what I do. So, it seems to me, and listen, I get it, if you live right there, you know, there is going to be some more traffic, I get it. You feel like it's going to impact you, I know, I get it. But from what I can tell, a lot of the opposition is hyper local. It's the people that live right there. I talk, I'm at school, I'm at youth football, all these things, people want this subdivision to happen, ok. I'm not the only one who wants this to happen. There's a lot of us in the village and in the Town of Warwick that want this subdivision to happen. It's hard to stand up and show support for it because you can get shouted down and all these things, but I feel like at this point I have to. Now, I want to just address some of the things that were said in all these letters, I wrote down some of the names and this that and the other thing, I just want to address them for all of you Board members. So, it was mentioned at some point that it's going to be a five-year project, it's going to take that long. It's not going to take that long.

Thomas Cassano: Do we get to refute what you're saying to? Because you get to refute what we're saying. Do we get to refute what you're saying?

Geoff Green: It doesn't matter to me.

Mayor Newhard: You can stand up and after he's finished you can refute. Yes, absolutely but you're speaking to the Board.

Geoff Green: Five-year construction project. I don't think that that is realistic. I don't think people around there are going to have to live through dust flying all over the place for a long time. Water pressure. Correct me if I'm wrong but one of the requirements of the developer is to put in a new pumping station for this approval. Am I correct?

Kirk Rother: Yes.

Geoff Green: So, there's a water pressure problem. This subdivision, which is a better plan than the existing plan, solves that by forcing the developer to kick in and put a new water pump in. Steepness. You know, I live in Cascade Creek, which is off of Brady Road, Kenilworth Drive, Southern Lane, all through there. You know look, I don't actually measure the topography of this land versus that, but it's steep over by me. It's Warwick, there's steep hills and we love our neighborhood. People love our neighborhood and yes, it's steep, but the yards work out fine. The drainage is fine because it was engineered well, and it's engineered well here. We have a great engineer who's spent countless hours and resources trying to deal with the drainage. Character of

**Village of Warwick
Board of Trustees
May 20, 2021
Page Sixteen**

8913

the neighborhood was called out and it's just a nonstarter. This is going to be a beautiful neighborhood. The design of the homes are fantastic. Joe Irace, a local guy, a great architect has designed these homes. It's going to be beautiful. It's going to look really good and that's important because we like our town to look good and this is going to be beautiful. You know, as far as the traffic goes, Cascade Creek probably has, I don't know, eighty or ninety homes. Southern Lane, hundred, hundred and fifty probably would be my guess, I didn't count up the lot numbers. Ridgefield, probably another fifty to sixty, seventy, somewhere around there and then Laudaten Way up top, the condominiums, I mean there's hundreds of homes that feed into two ingresses and egresses, Ball Road and South Street Extension. Hundreds of homes, hundreds, we're talking about what, forty. I don't know what the official number is, thirty, forty somewhere around there. I mean, come on. To say that those roads, which are the same width, if we were to go out there with a tape measure, we could probably measure South Street Extension and Locust and it's probably the same width. There's a hell of a lot more people walking, riding their bikes on South Street Extension all day long, every day, my kids being one of them. You know, I send my kids down to Larry's Deli and look at that turn that I come out of out of my neighborhood and talk about a dangerous turn, where Ball Road meets Kenilworth and you've got Brady coming down and you know what, it works out and the worst traffic, I mean listen, I've lived there for thirteen years, I never sit in traffic. The only time I sit in traffic is during apple season when Maskers is cranking. So, look, I just have to speak up at this point because I don't see this traffic issue being an issue. I think it's a nonstarter, I really do. And you just have to take a look at what we have in terms of ...

John Gruen: (inaudible)

Mayor Newhard: Excuse me. He's speaking now.

John Gruen: I asked if we may speak at this juncture when he's attacking the traffic issue.

Mayor Newhard: Excuse me. Let him speak and then you can raise your hand please.

John Gruen: Ok.

Geoff Green: So, you know, I just, one lady made a point that she bought a home and there were hiking trails and all this stuff and it's like who's land is she hiking on. That's not public land there. It was probably Mr. Silber's land and he's a property owner just like we all are and we have the right to do with our property what we want to do provided it's within the law and that is what gives us value as property owners and gives us wealth as individuals and it just to me it seems like no body wants to allow Mr. Silber to have the god given rights that he has by being a citizen of the United States of America

**Village of Warwick
Board of Trustees
May 20, 2021
Page Seventeen**

8914

because they don't want a little bit more traffic around there homes and I understand that, I'm not saying that that's not a valid concern for your individually but he has rights. He has rights. So, I'm happy to stand up here and address questions...

Mayor Newhard: No, that's not the nature of a public hearing.

Geoff Green: Understood. Thank you for hearing me out. I appreciate it.

Mayor Newhard: Thank you. Do we have anymore?

Raina Abramson: There was one more person who marked down that they maybe wanted to speak and that's Susan Charity.

Susan Charity: No, I don't need to speak.

Mayor Newhard: Ok, thank you Susan. Lugene. Do you need the easel?

4. Lugene Maher: Can you all see this from here?

Mayor Newhard: No, sorry.

Lugene Maher: It's actually what part of what Kirk showed but not with the expansion of the development into the Town property.

Trustee Cheney: Do you want to turn the easel and put it there?

Lugene Maher: Thank you, I'll get started while Ray is doing that. Hello, my name is Lugene Maher. I live at 52 Woodside Drive. I would like to talk about Village View in in terms of the big picture – both figuratively as well as literally.

We have been hearing about Village View for approximately 15 years now. Over the course of that time, there have been ongoing applications, submissions, revisions, redesigns, studies, assessments, and extensions. In addition to that, as you know, there's been a development approved in 2007 for twenty-eight homes. That development was never built.

Ten years later, in 2017 the developer decided to resurrect his plans for development, but this time submitted a completely redesigned, totally new layout, for a forty-five-home cluster subdivision on the same property with the addition of a new access road on Woodside Drive. Residents have been very engaged in this application process for the past four years. They've attended Board meetings, Public Hearings, submitting

**Village of Warwick
Board of Trustees
May 20, 2021
Page Eighteen**

8915

meaningful and valid comments, spoken to Board members, and have retained their own environmental consultant and attorney, and the reason for this was because the original application in 2017 was highly flawed. And those deficiencies lead to a very lengthy SEQRA process.

Over the past years, several concerning and consistent themes that have emerged with this development. They include environmental, legal, and infrastructure insufficiencies, traffic, quality of life and most importantly, safety concerns.

I'd like to talk about Village View, the big picture, literally.

In the engineering drawing you see here; it shows the current proposed forty-two cluster subdivision planned for the Village property accompanied by a proposal and design plan for the adjacent Town property for further development. As you can see, the combined developments are massive. The forty-two dwelling cluster subdivision plan for the Village is in an area of the Village that's on the outskirts of the Village, bordering the Town line and an area that is older and more established. A large cluster subdivision of this size does not belong in this area.

I'd like to mention some key important points. The first, no justification has ever been provided as to why any number of units at all should be approved beyond the established base number of 28. Second, the Village Board must consider the legal infirmities of the application before it and requirements as set forth in State Law. Legal Counsel Elizabeth Cassidy has repeatedly noted over the last three years, again this evening in her correspondence that the mayor read, that the Village's cluster scheme violates New York State Village Law. Attorney, Elizabeth Cassidy, submitted a letter today as part of the comment period for the Special Use Permit and I will repeat in part what she wrote because these sections are very important, "...the proposed subdivision violates New York State Law as it pertains to cluster subdivisions and incentive zoning." In addition, she states, "In the absence of standards, this Board and future boards have no road map by which to determine whether to grant a request for increased density. More importantly, the lack of a road map provides no foundation for the Board to deny an application."

I urge you all to please read her letter in its entirety and take it under careful consideration regarding both the short and long-term impact your actions will have on the Village related to the Special Use Permit.

Moving on, Mr. Silber is a businessman from Rockland County. He is giving our Village nothing. Offering to pay for a new pump station, a pump station that would not be required if the developer was limited to the original approved twenty-eight homes and his

**Village of Warwick
Board of Trustees
May 20, 2021
Page Nineteen**

8916

consideration of agreeing to a restrictive covenant on his Town property, both come with caveats and the likely expectation of your yes vote on the Special Use Permit.

I ask you all to please ask yourselves these questions before voting on the Special Use Permit: Is the proposed new development consistent in size and design with the surrounding established area? Will it help the neighbors and their properties? The answer is no. Will the new development create safety and traffic issues on existing or proposed access roads? The answer is yes, we already have this problem. Will the new dwellings negatively impact the development and use of the surrounding area? Yes, it will. Will the new development create a financial and infrastructure burden on the Village by requiring new services such as for water and sewer, or safety improvements due to the increased population and traffic? We already know the answer is yes to that. Lastly, has the developer committed to providing a true community benefit, such as a park, an extension to our library? The answer is no. Offering to pay for and build a new sewer pump station is not a community benefit.

In summary, real people, the very people who voted you into office to represent them and to legislate on their behalf, and to do so in full compliance with both the letter and the spirit of the law, will be negatively impacted by this development and we are your neighbors. Please consider the impact this development will have on your neighbors and constituents, who have worked so hard to support and protect themselves, their families, and their neighborhood. Mr. Silber is an outside developer whose only interest in our Village is to make as high a profit on this development and then move on to his next project to do the same. We say no, not in our neighborhood. In closing, the Board has an obligation, both individually and collectively, to assess the project objectively, without influence or bias, and to do it in full compliance with all laws and codes. We believe if you do this, then your vote must be no on the Special Use Permit.

Thank you.

Mayor Newhard: Thank you, Eugene.

5. Raymond Maher: Hello, my name is Raymond Maher. I live at 52 Woodside Drive. That's my wife, Eugene. I'm not going to rehash this whole...we've all been through this. We've heard from the residents, thank you. We've heard from the lawyers. We've heard from the engineers. We've heard it all. What I'm here to say is that I'm proud of our Village Board that they had the vision and foresight to look into the future of this Village and try to make it a better place with a cluster subdivision, very forward, very progressive and admirable, I think you had the best intentions when you passed these codes, but does this look like something you'd be proud of? Your legacy. Where is the

**Village of Warwick
Board of Trustees
May 20, 2021
Page Twenty**

8917

community? Where is the property? Where is the respect for the rest of the citizens? Your intentions were extremely admirable, but do you want this to be the legacy of this...because if this happens, it's just going to take off elsewhere and I know you have the best intentions when you did this, to make it a better place for the citizens of Warwick. I don't see that here. I truly don't, it doesn't fit in and plus whatever is going to go on in the Town which you have a responsibility over and it's fairly...there's only two people in this room who are going to benefit from this, Mr. Silber and the real estate agents. Did this real estate agent sit on Locust and 94? Does he even know where it is? The pump station, is he an engineer? Does anybody even know if that water pump station is going to work? This is too many variables and I'd hate to see the good work of the Board go down the wrong path.

Thank you.

Mayor Newhard: Thank you.

6. Patricia Reinhardt: I'm very nervous. I had no intention of being here tonight and I got home, I'm usually not out and I remember I had written this down and I just have so much respect for the Maher's and what they've been trying to do in our neighborhood, but I live on Woodside, I've lived there a little over twenty years. I live in the best spot on Woodside because I'm fortunate to live next to the...I am nervous because I have a teachers voice...I live next to the Van Beers property of the woods and I always say when people come to my backyard and they say, oh my god you live in the village, this is the village. It's so exclusively beautiful and the topography is beyond with those monuments and those rocks are monuments but ironically my neighbors next door, they're only there two years and they're wonderful and she walked down when I pulled in tonight with her five year old and we talked for a few minutes and as she was leaving, he's very good, he listens, and they were walking up and sure enough a car comes flying around Woodside and I yelled, she yelled, and everything was fine, but the traffic on my end of Woodside is something that always seems to be a problem, they can swing around that corner. But Woodside compared to Locust when I walk, I should be walking more, sometimes I get to the end and say I don't want to go down there because you always have to step aside. But I'm not saying anything, but just begin with that this man has a legal right and I agree, we all have legal rights, but what about our moral rights? I just love living here and everything about the village and everything that certain people up there who've been around a long time have made sure that this village is. Mostly, the beautification of it and inviting people. I work in Newark, NJ, all they want to do is come to see me because of the beautiful town but this issue of safety is so serious that I'm baffled and I had my own water problem for years and didn't pay attention to the sequence of this and I know the Village made a mistake a few years ago, they redid the road above me and had to redo it again because all of a sudden water was pouring down

**Village of Warwick
Board of Trustees
May 20, 2021
Page Twenty-one**

8918

again so we make mistakes and I don't follow all the knowledge and the facts that Leann has about how this has evolved by why the heck would we double the number of places now when we don't have answers to pump stations and environmental effects, I'm just baffled and I'm baffled that it's happening in our Village and I am selfish about where I live and I love it and yes we are a neighborhood and we have good neighbors and we all, hopefully, and example that you live in a place where you come out and it's a very dangerous way to get out too but we're living with it. Well, why get another dangerous place to walk out on, so I don't know. I hate lawyers, sorry, but my brother-in-law and sister-in-law are lawyers and they're the best people in the world, but they're good lawyers, moral lawyers, and they, whatever...peace be with you but make the right decision and it's not just about a group of hyper people in a certain area, it's not and I want people, I want my relatives to move to Warwick so build some more houses but I don't think we have to go crazy before we have all the right answers or what we think are the right answers.

Thank you.

Mayor Newhard: Thank you. Ok, I'm going to again open it up to anybody who would like to speak, please raise your hand and I will bring you up. John, did you want to come back and refute what Mr. Green.

John Gruen: I raised my hand before because...

Mayor Newhard: Please come forward.

7. John Gruen: Thank you again for listening what's sort of a nascent idea just about the changing situation of traffic safety down Locust because I haven't gotten it completely thought out yet, it's changing and that's what I wanted to bring out. Is that gentleman here from the real estate industry, is he still here?

Mayor Newhard: John, please talk to us.

Trustee McManus: Please talk to us.

John Gruen: I have to talk to you, ok.

Mayor Newhard: Yes.

John Gruen: I guess this is what I feel right now, that gentleman, I don't know his name he spoke at great lengths to you, he represents the real estate industry which is fine, just this gentleman spoke about his experiences of anxiety as a pedestrian on Locus which

**Village of Warwick
Board of Trustees
May 20, 2021
Page Twenty-two**

8919

he's lived through as a resident and that gentleman back there belittled him, in my opinion in the way he referred to traffic as a nugatory concern and I wanted to share that with you people because this is a real person not a statistic.

Geoff Green: I didn't take it personally.

John Gruen: Ok, well. It's all about people and that's the understanding I'm trying to get closer to. Thank you again.

Mayor Newhard: Ok, thank you John.

8. Lugene Maher: I would just like to make a comment also about the statements from the gentleman who represents a real estate company. There was a statement he made regarding the letter that was written by Audrey Reynolds. She's not with us tonight, but I feel it's important to defend her. It was a statement made essentially indicating buyer beware. In regards to the aspect that she thought the property next to her home was available to her for hiking and bird watching and bike riding, etc. She was told that was made available to her for that use. That is was property made available to the public. She was never told it was private property. Moreover, she was never told that a development had been approved for twenty-eight homes to be built on that property by the real estate company she was working with. In addition to that, that's a common story as you can hear, in addition to that I'd also like to comment about how this development will help the neighborhood. There was several residents over the last three years on Sleepy Valley Road who put their homes up for sale. When the perspective buyers found out that one, a development had already been approved for that property, and that two, that development had changed significantly in size and now became a cluster subdivision, those perspective buyers backed out of the deal and were no longer interested. So, I refute what that gentleman said. We're living examples of what neighbors in that neighborhood who have lived there a long time have experienced. It's real to them. So please take that under advisement.

Thank you.

Mayor Newhard: Thank you.

9. Raymond Maher: One of the comments from the real estate agent, I don't know where he gets his information from, but as far as the rest of the community feels about this development, they're not on board. I don't where, I'm around the community and people are skeptical, they're suspicious, they're not on board with this project. As you all know there are significant problems with this project, and I would like to know where the gentleman gets his statistics from. Southern Lane always seems like a pretty busy road to

**Village of Warwick
Board of Trustees
May 20, 2021
Page Twenty-three**

8920

me, you know, I don't see many people walking down it like I do on Woodside, Locust and the area.

Thank you.

Mayor Newhard: Thank you.

10. Thomas Cassano: The other day, I met people on the block who actually come from other towns just to walk their dogs along those roads there. People from Vernon, people from Highland Lakes. They think it's a wonderful place to walk their dogs and they come there. They're lucky they don't have to do it at night.

Mayor Newhard: Thank you. Anybody else would like to speak to the Board this evening?

I think that we would like to leave at least a period for comments.

Stephen Gaba: Sure, you can make a motion to close the public hearing except for written comments to be received within X number of days and after that it would be closed.

Mayor Newhard: Ok. Did you have any comments for the Board?

Stephen Gaba: I believe it would be appropriate for me to provide a memorandum addressing the legal objections that were raised. That would be confidential and provided to the Board before your next meeting.

Mayor Newhard: Thank you. Would ten days be a reasonable period.

Trustee Cheney: I would say either ten working days or fourteen calendar days.

Mayor Newhard: Ok. Do you want to make that motion?

Trustee Cheney: Sure.

Closure of Public Hearing of the Village Board of the Village of Warwick on the Application of VILLAGE VIEW ESTATES, LLC, for Grant of a Special Use Permit

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to close the Public Hearing for the Special Use Permit for the Village View application and leave the opportunity to provide written comments open for fourteen (14) calendar days.

**Village of Warwick
Board of Trustees
May 20, 2021
Page Twenty-four**

8921

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Adjournment

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus, and carried to adjourn the public hearing at approximately 8:15 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Trustee Cheney Aye Trustee Lindberg Aye Trustee Bachman Aye

Trustee McManus Aye Mayor Newhard Aye

Raina M. Abramson, Village Clerk