

Mr. Irace – No, it is all right there.

Mr. Getz – Were there trees that were recently cut.

Mr. Irace – Not that I am aware of and we are not proposing anything back there. We will give you the dimensions on the parking lot but we are not proposing any alterations or grading on the parking lots.

Mr. Olsen – Is it just gravel now?

Mr. Irace – Yes.

Mr. Getz – So the 15 spaces you show, those are all existing.

Mr. Irace – That is what we counted based on the size of it but we will give you a better dimension of it. I have not gone out and measured but I will.

Mr. Aulen – Will they be marked in anyway?

Mr. Irace – We could stripe them if it is required.

Mr. Getz – I don't think it is required, so it would be up to you, just as long as you meet the parking requirements.

Mr. Irace – We calculated 15 spots so we are good on parking.

Mr. Aulen – You are required 12 so there is no problem there.

Mr. Getz – You have a calculation shown for development coverage and that should include not just the buildings but other impervious areas but the code allows 100% but we would like the most accurate information.

Mr. Irace – I will re-calculate it.

Mr. Aulen – Gravel is considered impervious now by the state.

Mr. Getz – The code discusses buffers around the perimeter of the site so if you could also add to the plan the neighboring property owners. Are there apts. behind the property?

Mr. Irace – Yes.

Mr. Getz – The code stresses that parking needs to be screened from neighbors particularly residential neighbors.

Mr. Irace – This is not a parking lot it is a parking area which is defined differently.

Mr. Aulen – It is still a parking lot and regardless a residential area has to have a buffer between it at 6ft. high and 15 ft. from the property line.

Mr. Irace – Ours is defined as a parking area and it could mean the difference of thousands of dollars worth of screening. But, there are trees there now.

Mr. Aulen – Well then you may already have screening, but the plan doesn't show anything.

Mr. Getz – That is the point, show what is there, what you would be adding, etc. How many seats will be in the bar area and in the sitting areas?

Mr. Irace – We do have how many occupants we are anticipating based on square footage but that does not necessarily reflect how many seats there are but we will show that.

Mr. Getz – Signs will be needed for the handicap spaces. Are the width of the walkways and the surfaces that are ADA compliant?

Mr. Irace – They need to be 4ft. wide and they are gravel surfaces...

Mr. Getz – Because it is a public facility it will be required to be ADA compliant.

Mr. Irace – With slope and pitch, etc.

Mr. Getz – Yes. What are the hours of operation?

Mr. Powers – Seven days a week, Sunday – Thursday, 4pm-10pm during the week and 4pm-11pm on Fridays and Saturdays.

Mr. Getz – That information should be added to the plan for the record. Is there any lighting proposed or is there any existing?

Mr. Irace – There is no outdoor lighting.

Mr. Getz – Will that be an issue for the parking spaces 11-15?

Mr. Powers – The bank's lighting is pretty bright and really lights up the back there in the parking lot.

Mr. Irace – There is a building there, a barn, we could put a little light on the barn if it is an issue.

Mr. Getz – Will you be adding signage to the building?

Mr. Powers – We will keep the Baird Tavern's existing sign. There may be a small sign on the door for hours of operation?

Mr. Getz – That should be reviewed by the ARB too. There appears to be a small building shown on the plan...

Mr. Irace – That building is no longer there, it was on an older survey. We will also show where the dumpster will be going.

Mr. Aulen – Will you be serving food?

Mr. Powers – We have to by the State Liquor Authority. We are still trying to figure out what the menu will be.

Mr. Aulen – So this will go to the OCHD?

Mr. Powers – Yes.

Mr. Olsen – Any music?

Mr. Powers – No, maybe on certain holidays but not really, no.

Mr. Aulen – Are there any comments on traffic?

Mr. Olsen – This is both ingress & egress?

Mr. Irace – Yes.

Mr. Olsen – How wide is it?

Mr. Irace – At least 20 ft.

Mr. Getz – It is an existing driveway that serves an existing facility, I don't think we have to send them to DOT.

Mr. Aulen – The State may need to be notified of this change.

Mr. Getz – I am not sure of the activities that typically have been occurring at the building. Would your use be creating changes in the peak time or peak volume of traffic?

Mr. Powers – I am assuming so, yes.

Mr. Getz – Overall, I think the traffic would be greater.

Mr. Aulen – Traffic will increase. The building is not used that much. The only problems may be around 4 or 5pm when people leave the hospital I would think but basically traffic would be later than that.

Mr. Powers – According to Fetch or the Pool Hall, nothing in Warwick starts until 7pm, traffic wise. We don't fill up until 6 or 7pm. We will just be opening at 4 or 5pm.

Mr. Dickover – We need a long form EAF, a signature of the owner should be added to the application. The application calls for a tavern on the first floor and a museum on the second floor is that correct?

Mr. Irace – Yes.

Mr. Dickover – Both are permitted in the zone. A question came up regarding the side yard by the bank. It appears to be 6 ft. or so, it is a pre-existing building with no changes proposed so I do not believe it needs to go to the ZBA for that. This application does need to be referred to the County. This property is located in the Historic District and will be a Type 1 action.

Mr. Getz – I have reviewed and pared down the site plan check list to be reviewed by the Board. It is similar to what we have done for projects in the past that have little or no outside construction proposed. Are there any areas where slope is an issue?

Mr. Irace – It is a very flat site.

The Board agreed to waive some site plan elements.

Mr. Olsen – What are the uses of these 2 rooms?

Mr. Irace – One will be a rear accessible entrance, the other one...

Mr. Powers – Right now it is going to be sitting.

Mr. Olsen – It will be part of the tavern.

Mr. Gallo – What about a kitchen?

Mr. Irace – There will be a heat and reheat area in the basement. A lot of the food will be delivered from Fetch and brought in through the back door and re-heated in the basement.

Mr. Powers – The SLA requires some sort of food.

Mr. Aulen – So you won't be putting in a stove?

Mr. Irace – No open flame, it is not a restaurant, it is a Pub with snack foods.

Mr. Winglovitz – We met on the site with the Village engineer and PB Chairman. We have located the water and sewer and have completed and updated the survey for the plan. We have been able to establish the floodplain based on the new topography and we are working toward the detailed design. We did receive a letter from the DEC regarding the endangered species which basically says that there is no record of anything endangered but they did come up with the Indiana Bat. The bats are in the neighborhood and we will have someone walk among the trees before we remove any to identify if there are any potential bat habitat trees there and if they are there we need to remove them by March 31.

Mr. Olsen – This year or next year?

Mr. Winglovitz – We will do it this year. Regarding the potential cultural and or archeological resources, we have submitted to the state a map showing that this site has been disturbed with a significant parking lot, because there are two ways to go either do the archeological assessment or prove that there has been significant site disturbance. We think we have done that but are waiting for a response that they agree and that there is no further study required. We met 2 weeks ago on the site with the PB Chairman and the Village engineer and discussed where the building was going to go and one of the concerns was the relationship of the building to the abutting residences so we are going to have to do some landscaping to create buffers for these properties. We discussed evergreens and fencing along the property line...

Mr. Aulen – As the plan is now the building will be within 60ft. of each of those property lines of homes and one was 47ft., which was one area we discussed among other minor things that we looked at.

Mr. Winglovitz – Mr. Getz identified a Village drainage line that comes through the property and our surveyor did pick that up so obviously we would be looking to grant an easement to the Village for access and maintenance for that. There is really only one spot for the structure due to the flood plain.

Mr. Aulen – The floodway is down by creek.

Mr. Winglovitz – Yes.

Mr. Olsen – Will there be any steps going down into the flood plain?

Mr. Winglovitz – There will be steps and ramps up to the building but they will be structural wood and will not take up significant volume in the flood plain and the same with the handicap ramp. It is about 5ft. above the flood plain to the main floor.

Mr. Aulen – The basement will be used for storage?

Mr. Winglovitz – Yes.

Mr. Olsen - Is it a 2 story building with a basement?

Mr. Winglovitz – It is a full basement and a one story with a gable roof which is one-half story.

Mr. Getz – Will that be used as part of the restaurant?

Mr. Christison – No, for storage, maybe an office.

Mr. Aulen – We also discussed the “catering hall”, will you be changing that to a “banquet hall”?

Mr. Christison – It will be labeled as “dining hall”.

Mr. Patterson – Any outdoor equipment?

Mr. Christison – Probably the air conditioners and emergency generator.

Mr. Patterson – The location?

Mr. Christison – Probably the back corner.

Mr. Patterson – So there will be a buffer or screen from that and the residences?

Mr. Christison – Yes.

Mr. Aulen – Signage is something else that will need to be addressed eventually.

Mr. Olsen – The generator is natural gas?

Mr. Christison – Yes.

Mr. Cappella – Regarding the issue about parking in the front of the building, it is not clear on whether or not it is only for the gateway or the entire Village. There was a use variance granted for this facility with the specific use of allowing storage of automobiles on the site. So that area was approved for parking and we are now converting to a permitted use of a restaurant with accessory parking not full time parking so I believe it is more conforming to the code then storage for the vehicles.

Mr. Aulen – My interpretation of the code is that parking in the rear is basically in the gateway. This particular lot, you really have no choice but to park in the front and it is back away from sight...

Mr. Winglovitz – And we are proposing to push it even further back from the street than what was there. We will remove gravel in some areas to create pervious areas so we balance out impervious and pervious areas along with landscaping.

Mr. Getz – The DEC has a specific category and stormwater regulations for re-development projects with this type of site in mind. If the applicant can show that they meet the qualifications to fall into that category there are steps they can take to get through the requirements and it sounds as though they will be qualified that way.

Mr. Winglovitz – I think so too.

Mr. Getz – I think the big issue will be screening to those residential properties for visual and sound purposes.

Mr. Winglovitz – We understand that is critical.

The Board discussed scheduling a site visit after receiving future plans.

146 WEST ST.

SUBDIVISION APPROVAL

THOMAS MATTINGLY

Mr. Getz – The applicant appeared before the ZBA and was granted a variance for the initial layout that was first presented to the Board. The variance that has been attached to this plan was later amended so the new variance will need to be put on the plan but the plan can still be reviewed as the square footage granted in the variance is more than required. Other than that the applicant has addressed all of our technical comments.

The Board reviewed the Short EAF.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to declare a Negative Declaration with no significant adverse impact under SEQR. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Ryan Denerley and carried to schedule a public hearing for subdivision approval on March 16, 2017. (5 Ayes)

VILLAGE VIEW

SUBDIVISION APPROVAL EXT.

VILLAGE VIEW

Mr. Aulen – The applicant has submitted an application for basically a new subdivision and you are requesting an extension of a preliminary approval of a subdivision. Although there is no conflict do you expect to go forward with this in the near future?

Mr. Silber – Yes.

Mr. Aulen – When would that be?

Mr. Silber – As soon as we get the approvals, 6, 8 months however long it takes for the approval.

Mr. Getz – It may take longer than 6 or 8 months because you have outside agencies involved. It is my understanding that during that time you would like to keep extending the 28 lot preliminary approval.

Mr. Silber – Correct.

Mr. Olsen – I am not sure I understand, there will be two in front of us?

Mr. Dickover – I don't see any state law prohibition against doing what the applicant is requesting. They can do it but the Board does not have to grant an extension on it. The question is where they are with respect to the plan that is presently in front of the Board.

Mr. Aulen – In the past we have asked for proof that they are diligently pursuing the DEC which was the problem.

Mr. Silber – We pursued the original plan and did all of the preliminary engineering...

Mr. Aulen – There were two things going on when we started granting extensions 1) poor economy 2) DEC was not giving you an answer for what was required.

Mr. Silber – Correct.

Mr. Olsen – If we did not give them an extension how would that affect this application?

Mr. Aulen – It doesn't. If we give them an extension, it doesn't affect it.

Mr. Olsen – And if we give them the extension and they decide not to go with this application, they can go with the old.

Mr. Aulen – Yes. With regard to the preliminary approval, has anything changed since they received the approval that would have to be updated to move forward?

Mr. Getz – I believe they would be grandfathered under stormwater regulations which have changed but they prepared a stormwater pollution prevention plan under the current code during the time they received preliminary approval and that would stay grandfathered as long as you extend the approval. But the new plan would have to meet the current rules which are stricter in some ways.

Mr. Aulen – And this is the first application under the cluster regulations.

Mr. Patterson – They are only going to go with one plan so I don't foresee any problems.

Mr. Denerley – I would like to see what the DEC says.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to grant an extension for preliminary subdivision approval until May 19, 2017. (4 Ayes) {1 Nay-Ryan Denerley}

45 LOT CLUSTER APPLICATION

Mr. Rinato – This application was designed using the new cluster development adopted by the Village. We have to preserve a minimum of 20% open space but we came up with preserving 30% after we identified the primary and secondary conservation areas. We don't want to put any houses on steep slopes or wetlands. This plan would basically have the same type of infrastructure of the other plan including Village water & sewer. We are looking to do our stormwater within the open space or like the other plan in the Town or maybe a little bit of both.

Mr. Getz – It is unusual that you would do something off-site.

Mr. Rinato – On the original 28 lot plan we did some stormwater in the Town and we had easements to the Village for it.

Mr. Getz – That is land that you own?

Mr. Silber – Yes, there is about another 70 acres.

Mr. Rinalto – All of the land owned by the applicant watersheds down into this.

Mr. Getz – So you can handle peak flow there but you still need to do on-site for water quality...

Mr. Rinalto – Yes, down stream from our improvements and we might do something very similar to that but we have a little more space here so we might try attenuate some peak flow on-site too.

Mr. Aulen – Are you looking at 2 cul-de-sacs and one open possibly ...

Mr. Rinalto – Possibly in the remaining property in the Town.

Mr. Olsen – If you do work in the Town and it would be up hill so would you need more water retention on this property?

Mr. Rinalto – It depends how much we hold back but we definitely need water quality practices in here especially with the new stormwater regulations.

Mr. Aulen – They would need to go to the Town for water control. They would not be able to increase the flow here and the Village Law states that they decrease the run-off by 10 percent. One thing that planners have been talking about is orient the houses so they can get solar options on the roof to get the most sun because with the size of these lots you will not be able to get solar in the back or side yard.

Mr. Getz – The site context map should be updated to show the new residences that have been established nearby so we have a current look and how your 45 homes would relate to other homes in the area and how your open space would tie in with other open space. On the existing resource map you have shaded the steep slopes, steeper than 15%, shows soil types, the stream coming through, but we would like you to clarify a couple of things; wetlands, are they state or federal?

Mr. Rinalto – They are federal.

Mr. Getz – So there is no 100 ft. buffer associated.

Mr. Rinalto – No.

Mr. Dickover – The cluster regulations talk about not building on 25% or steeper, shouldn't they be identified on the map?

Mr. Getz – Yes. On the cluster plan, how did you develop the density, the number of lots?

Mr. Rinalto – By the code we identified which areas we wanted to preserve and then just placed the lots where it was not labeled or identified as conservation areas.

Mr. Getz – You are showing 35ft. roadways, that is from the Code but my personal opinion is I think you may want a more narrow road.

Mr. Aulen – In the prior preliminary approval I think they are 24 or 26 ft. wide. We did bring it down so that is something to think about, but it does limit parking.

Mr. Getz – In my opinion it may limit parking but it provides less cost, less run-off, less heat index, less plowing, less paving...

Mr. Olsen – And slows traffic too.

Mr. Patterson – The problem of course is ambulance, fire and emergency services.

Mr. Getz – Do you know what the code says about who would own and maintain the open space that is created?

Mr. Rinalto – I think there are options. I think it can either be conveyed to the Village or there can be an HOA created. They can create parks or put pavilions on it, things like that and I think in that case it would be decided that the Village would take it. I think the Village can take it as long as it is not a cost to them or if a HOA would be created. If we do stormwater here we would create easements and dedicate that portion at least to the Village.

Mr. Aulen – That dedication would have to be approved by the Village Board of Trustees.

Mr. Getz – I doubt they will be anxious to take over any maintenance or responsibility that would be my guess.

Mr. Aulen – Historically they have not.

Mr. Getz – The applicant will require outside agency approvals: DEC for sewer extension and stream disturbance probably and I believe you have the sewer extension. The OCHD would review the water supply and water main extensions

Mr. Aulen – The Town may also need to be notified.

Mr. Dickover – One of the first determinations is whether or not this plan meets the purposes set forth in the Cluster Subdivision regulations.

2 OVERLOOK DR.

AMENDED SITE PLAN
APPROVAL

WARWICK COMMERCIAL
PROPERTIES LLC

Mr. Aulen – This amended site plan is basically because O&R requires 20ft. from a transformer to the property so the building had to be re-aligned.

Mr. Getz – The applicant has updated the drainage information and has addressed our previous comments. I would like to know the status of the NYS DOT.

Mr. Singer – The amount of sidewalk that is in the DOT right of way are minimal and what I do have to change is the outside Belgium block curb and when that is removed it needs to be paved and I need to adjust to areas of sidewalk but I have to wait to pave before I can adjust them. The DOT does not allow Belgium block curbing going out to the state highway.

Mr. Patterson – So you are just waiting on the weather?

Mr. Singer – Yes.

Mr. Aulen – And you will plant grass?

Mr. Singer – Yes. There is no landscaping done on the property where there are plantings but there will be in the Spring.

Mr. Aulen – The maps and plans have been updated?

Mr. Getz – Yes.

Mr. Dickover – This is an amended site plan and public hearings are discretionary with the Board.

Mr. Aulen – This is a very minor change and he is actually making it better with moving the building away from the road and reducing the square footage. What are your intensions with the building?

Mr. Singer – I am proposing offices on the first floor and apartments on the second. As we worked it out on the calculations right now it will be apartments and if I do change it to offices...

Mr. Aulen – Can the language be set up where he can have either offices or apartments?

Mr. Dickover – It would be a question of parking. The dumpsters would be the same.

Mr. Olsen – It wouldn't be retail.

Mr. Aulen – Office may require more parking.

Mr. Singer – I would not like to have to limit myself if possible.

Mr. Getz – What about an approval with a condition that the parking must be reviewed by the Building Inspector if the proposed use were to change?

Mr. Singer – Parking will increase by 16 spots once....

Mr. Olsen – Aren't those spots for the gym?

Mr. Singer – No, it is mutual parking that is why it has easements and employees will park on the Galloway Hts. space.

Mr. Getz – The Building Inspector could make the determination if it has to come back.

Mr. Aulen – Yes, he could make that determination.

A MOTION was made by Bill Olsen, seconded by Ryan Denerley and carried to waive the public hearing for an amended site plan. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Ryan Denerley and carried to reaffirm prior SEQR determination because there were no changes environmental changes to the site. (5 Ayes)

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to adopt the Resolution prepared and read by Planning Board attorney, Robert Dickover to grant an amended site plan approval to Warwick Commercial Properties, LLC with a condition that if the proposed use of apartments on the second floor change to office use the Building Inspector will review parking calculations for office use. (5 Ayes)

A MOTION was made by Ryan Denerley, seconded by Jim Patterson and carried to grant a one year extension on prior site plan approval. (5 Ayes)

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

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary