

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

VILLAGE OF WARWICK
PLANNING BOARD MEETNG
MAY 18, 2017

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, May 18, 2017. Present were: George Aulen, Bill Olsen, Jim Patterson, Jesse Gallo, Ryan Denerely, Village Engineer, David Getz and Planning Board attorney, Robert Dickover. Others present were: Angelo Theologis, Kirk Rother, Robert Silber, Ross Winglovitz, James Cappello, John Christison and others.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to accept the minutes of the April 20, 2017 meeting. (5 Ayes)

PUBLIC HEARING

30 NORTH STREET SITE PLAN APPROVAL MR. & MRS. THEOLOGIS

Mr. Aulen read the public hearing notice.
Mr. Aulen – The applicant is proposing a new 2 family house where a single family was located.
Mr. Getz – The applicant received a variance so all zoning codes have been met. All of our comments have been addressed.
Mr. Aulen opened the public hearing.
There were no public comments.

A MOTION was made by Bill Olsen, seconded by Ryan Denerley and carried to close the public hearing. (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 granting site plan approval for a 2 family residential structure at 30 North St. (5 Ayes)

VILLAGE VIEW SITE PLAN/SUBSDIVISION EXT. VILLAGE VIEW

Mr. Aulen – Have you received all the approval’s for the Stream Crossing?

Mr. Rother – Yes, but we have not submitted to the Realty Subdivision approval from the OCDH.

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to grant the site plan/subdivision approval extension until August 18, 2017. (5 Ayes)

VILLAGE VIEW SUBDIVISION/CLUSTER APPROVAL VILLAGE VIEW

Mr. Aulen – Do you really plan on moving forward with this? Because if you are I think you should know that the Village does not like flag lots and I see you have one on the plan.

Mr. Rother – Yes, but we are waiting on the fees. I have met with the Mayor and I think the consensus is that it should be reviewed. The fees as they stand now are \$50,000.00 per lot and we will have 17 more lots and the whole reason we are not pursuing the 28 lot plan was because it did not economically make sense when you consider the cost of the infrastructure. So this is our concept, this is what every other Board and Agency will review minus the flag lot.

Mr. Getz – Clustering is to possibly provide more density while minimizing the impacts. One of the things to review is the analysis of the site to point out important resources on the project site and how they relate to nearby properties. The first step is to prepare a yield plan which generates the lot count based upon existing zoning and I think from him going through the process for many years to develop the 28 lot plan clearly shows what is possible with the permit requirements and the zoning requirements now, so I think that step is really done. Kirk, do you have any comments on that?

Mr. Rother – No.

Mr. Getz – So, what they are proposing is 17 additional lots, so could you give us a quick review of what is different in terms of road layout or infrastructure.

Mr. Rother – From the approved plan versus this one?

Mr. Getz – Yes.

Mr. Rother – They are somewhat similar. There are two main features on the property that we want to avoid steep slopes and the stream and wetlands on this property. This property was actually clear cut about 35 years ago. The Village View approved plan we offered to preserve the stream buffer and we continue to do that on this plan. The biggest difference is preserving the bands of steep slopes. The other plan had an entrance coming across from Valley View versus

Woodside Dr. which resulted in another stream crossing, so we eliminated that to come out onto Woodside Dr. this little wedge of property on the plan is in the Town of Warwick, we don't know why it is like that but it is and at the time we avoided it but now will figure we will just deal with crossing through that Town piece.

Mr. Olsen – Who owns that property?

Mr. Rother – Mr. Silber does.

Mr. Getz – That should be made clear on the application and plan. Will that need to be annexed into the Village?

Mr. Rother – Because these will be Village streets, I think the only way to do it, is to annex it.

Mr. Getz – Mr. Dickover, is there another good option?

Mr. Dickover – Not a good one.

Mr. Patterson – Will the roads be dedicated when the project is done?

Mr. Rother – Yes. With the DEIS we prepared for the approval of the 28 lots we had a conceptual plan for the property in the Town of Warwick. One other significant change is that the Code for the street specs in the Village calls for 35ft. wide streets. In the Village View we came up with an agreement between the Village and the applicant to install 26ft. wide streets in the subdivision...

Mr. Aulen – It was either 24 or 26ft. with no parking on the road, that is the problem.

Mr. Rother – But in exchange for that we had to improve Locust St. What Mr. Silber has found is that part of the problem with developing the 28 lot plan was improving Locust St because it is entirely of fill which just drops right off at the edge of the road and so to try and widen it and realign it is almost one half the cost of building all of the infrastructure inside, it is about a ½ of million dollars. So, on this plan we are proposing to build 35 ft. roads if that is what the Village Code requires.

Mr. Getz – As an engineering opinion I can say that I do not want 35 ft. roads. It would be more run-off, more cost to the Village in the long run...

Mr. Aulen – More impervious.

Mr. Rother – It is definitely more impervious, 35 feet is a wide road. To put it into perspective, if you were to drive down Rt. 94 from the white line to the white line is usually about 22 ft., it is about an 11 ft. lane on a State or County highway. But you are not parking on the side of the road.

Mr. Aulen – This has to be discussed but what you are proposing is not to do the improvements?

Mr. Rother – The Locust St. improvement., we started to get real numbers from the excavators and it is just cost prohibitive, it was just too much money.

Mr. Getz – The purpose of those improvements were for what reasons?

Mr. Rother – This is a narrow stretch of road and the site distance on this corner is not the best.

Mr. Olsen – Is Locust St. all in the Village?

Mr. Rother – It is in the Village until it turns into Sleepy Valley Rd. in the Town. In Mr. Dickover's memo it points out some of the items of the code as to why the Village may want to allow a cluster.

Mr. Getz – The Board needs to get familiar with the new plan with comparison to the old plan and with the site. If annexation is going to be pursued that would require Town and Village Board approval. With the conception plan that is proposed it shows existing topography but not

any proposed grades, so to really get to know how much would be disturbed we are requesting at least a concept grading plan be provided because the goal to clustering is to preserve steep slopes and other sensitive areas but I am concerned with the changes in the grade that are on this property and that building what has been drawn may require extensive grading and he may be grading into some of those areas and you can't really tell until you have given us more detail. I am not convinced that with 35ft. wide roads and the density of houses and driveways that those stormwater areas will meet DEC requirements. It is too early to know but that is a concern, so I would like to see some concept grading and some preliminary stormwater calculations just to know that this is in some reasonable range. The applicant has submitted a SEQR long form and a Draft Scope for the preparation of a draft EIS to be reviewed by the Board. Is this scope similar to what you did before?

Mr. Rother – Leslie Dotson is the one who prepared the scope last time and that is the scope that we used with some very minor changes to be applicable to this project. It is probably 95% identical to what we used the previous time.

Mr. Aulen – Do you have any intentions of making an Affordable Housing in the cluster subdivision?

Mr. Silber – The whole idea is to make everything more affordable because it is a cluster subdivision. It will be smaller homes.

Mr. Getz – How do the lot sizes compare to the 28 lot plan?

Mr. Rother – The 28 lot plan was 20,000 sq. ft. and this plan the lots are almost half, 10 or 12,000 sq. ft. lots. The cluster provision allows for a minimum of 10,000 sq. ft. It also allows for townhouses which then the density could then be based on 5,000sq. ft. but the feedback is that it would be just too much so for that reason we are not proposing any townhouses. I did not specifically ask the Village if they were opposed to townhouses on this parcel but given that the parcel is small and it is a neighborhood and the applicant did not think that townhouses really fit the neighborhood.

Mr. Silber – These homes are supposed to be more affordable and somewhat smaller than what are being built around the area.

Mr. Aulen – That is one of the goals here and in the County, to provide housing for police and school teachers and so forth.

Mr. Rother – In many municipalities there is a requirement for lets say 10% to be affordable and I don't remember seeing that.

Mr. Aulen – It is not in the Cluster regs but I think it is in the Subdivision regs...

Mr. Olsen – I think it may be in the annexation procedure.

Mr. Dickover – Probably the annexation because those regs are newer.

Mr. Rother – The applicant's intention here is to really cater to first time home buyers.

Mr. Dickover – I think the Board really needs to take a look at the purposes of the cluster legislation and determine whether or not this proposal meets those purposes. There are some Findings that the Board is going to have to make and there are some items that the applicant is going to have to address. I agree with the engineer on the preliminary yield count and the preliminary approved prior plan can be used by the Board as the beginning of the yield count. They have prepared a draft scope for the DEIS and I think it is probably fair to use the one that was used previously but the applicant should address any changes that were made due to any

State and/or Local legislation in the EIS . This will be an Unlisted Type Action and I have as an involved agency the Town of Warwick itself and also probably the Town of Warwick Planning Board because of the annexation issue.

Mr. Olsen – In the zoning regs there is a four step process, do they have to do that formally\

Mr. Rother - We are going to do it, it will be submitted at the next meeting.

Mr. Getz – It is a series of drawings.

Mr. Aulen – If they move forward they would have to do those steps.

Mr. Getz – The code requires at least 20% of the overall tract be in preserved permanent open space but I think you plan exceeds that, correct?

Mr. Rother – Yes, we are close to 30%.

Mr. Getz – Who is going to own or maintain that open space?

Mr. Rother – On this particular project because it is basically a separate parcel, I think it would either be an HOA or the Village. Sometimes the open space is on lots and the individual lot owner would maintain it with Restrictive Covenants but I don't think that makes much sense.

Mr. Aulen – Do you think the Village will want to maintain it?

Mr. Rother – There is really nothing to maintain, I believe it will be a Nature Way.

Mr. Getz – That might not be true about the maintenance if you have your stormwater measures in there, those would require some maintenance.

Mr. Rother – There would be a drainage easement on that.

Mr. Dickover – I have a question on whether or not they are allowed to be built in that open space. When you read the legislation it appears that you can not have any development in an open space. So you may not be able to put your stormwater retention areas in there.

Mr. Gallo – Could that be deducted from the overall open space count?

Mr. Dickover – It states that “under no circumstances shall any development be permitted in the open space at any time except for the following uses: (f) – stormwater detention areas, designed landscape and available for use as an integral part of the open space area. So I don't know how you can say that a stormwater detention area is available for use as an integral part of the open space area when it is really an integral part of the entire development.

Mr. Getz – I guess if there is some type of a nature trail and it ties in...

Mr. Olsen – Ponding

Mr. Aulen – There are many ways you can do the retention pond.

Mr. Rother – It could actually become a feature of the open space.

Mr. Aulen – Yes.

A MOTION was made by Jim Patterson, seconded by Ryan Denerley and carried to declare the Planning Board's Intention to become Lead Agency under the SEQR process. (5 Ayes)

Mr. Rother- Before that is circulated I want to submit a revised EAF because I did not identify the annexation. When is it appropriate to go before the Village Board for the Special Use Permit?

Mr. Dickover – That is also subject to the fee to be established at that time, so when do you want to go?

Mr. Rother – I will just put T/B/D for now. I have e-mailed the Mayor to see if there has been any progress with the fees and I have not received a response yet but I am sure I will.

Mr. Denerley – Can you tell me how much water would be in the retention?

Mr. Aulen – I believe they have to do a stormwater study.

Mr. Rother – As far as gallons or cubic ft?

Mr. Denerley – Yes, about how much retention are we looking at?

Mr. Rother – When we design this site, what happens is we do a pre-develop analysis which was a culvert on Woodside Dr. and we determine how much both from the hill behind us as well as the vacant land is going through this culvert. We normally do it for a 1yr. storm, 10yr. storm and 100yr. storm which is hurricane type stuff. We model the post develop condition and we will model everything through the ponds and when they fill up I have small orifice that lets the water out slow and the net effect of the ponds and our development and the uphill run-off can not exceed what we are seeing in the culvert in the pre-develop level.

Mr. Aulen – It should be reduced by 10%.

Mr. Rother – There is a misconception about gallons but it is not, what we are interested in is how quickly those gallons are passing because that is what causes flooding. We will definitely be discharging more run-off than pre-developed but we can't discharge it at a faster rate than pre-development.

16 ELM ST.

SITE PLAN APPROVAL

16 ELM STREET, LLC

Mr. Aulen – On Tuesday morning I had a discussion with this particular project and the current drawing with the Mayor. We just reviewed what we have done to this point and the drawings.

Mr. Winglovitz – We made a submission that tried to reflect what we heard on our site visit as concerns or suggestions for possible improvements to the plans along with addressing Mr. Getz's comments of April 11, 2017. We added the "no net fill in the floodplain" note indicating that that is the case onto the plan. We have submitted a comprehensive landscape plan by a landscape architect, this is a preliminary plan. There were some revisions to the SWPP Plan. The archeological assessment has been submitted to SHPO and they did have comments, we also submitted a letter provided from Mr. Steve Gross to SHPO so they also have the benefit of reviewing that material as part of their consideration. They are working through a response to that with our archeologist and we hope to have that resolved by the June meeting.

Mr. Aulen – They recommended excavating using backhoe trenches.

Mr. Winglovitz – Yes, so they are working in where exactly where those would/would not be needed. On the Phase 1 environmental site assessment that was submitted there was actually ground penetrating radar conducted across the whole site and they did not find anything on the site.

Mr. Aulen – Is that the one in 2012, with everything blacked out?

Mr. Winglovitz – Yes.

Mr. Cappello – Just to clarify, that Phase 1 assessment was prepared for several of Mr. Petrucci's properties. So it was blacked out because we are not entitled to disclose anything about any other properties except this property.

Mr. Winglovitz – As far as changes from the site visit, we have moved the patio forward forward, away from the neighboring property line towards the parking lot to provide additional separation, we have added more landscaping around the patio to provide additional buffer. The side of the building where the deck was is actually going to be a covered porch and the rear portion of the porch will be enclosed.

Mr. Getz – It will be a solid wall?

Mr. Winglovitz – Yes. The dumpster location has been moved forward about 30 or 40ft. from the property line. Lighting levels around the building have been modified and reduced. Lighting has been put on sensors so they are not on all night. Covering the porch helped because before we had a building mounted light and now we will have recessed high hats up in the porch. The patio and the walkways will be lit by bollards and then the lights which will be required by Building Code over the Exit Door which will be on a sensor. We removed the building mounted lighting that was previously shown on either side of the building but there is still a mounted light on the front and front deck of the building as it faces the parking lot away from the residents.

Mr. Aulen – There are no windows in the back?

Mr. Winglovitz – As far as architecturally, yes, there are no windows on 3 sides of the building. There are necessary exit doors.

Mr. Getz – The restriction of the windows, is it just on the first floor?

Mr. Winglovitz – Yes, there are architectural windows on the second floor for dormers and so forth.

Mr. Christison – That will be my office space.

Mr. Olsen – The second floor is just office space not restaurant space.

Mr. Christison – Correct.

Mr. Winglovitz – The HVAC units have been screened by landscaping and fencing as well including the generator. We have also added some notes to the plan regarding when the generator will run, which is Mondays at 10:30am...

Mr. Christison – It roughly runs about 1 hr.

Mr. Winglovitz – We have discussed limiting any tree removal once we have outlined areas not to be disturbed, it will be limited to only dead or dying trees. We have committed that there will be no live music outside and that all music sources will conform to the Village Performance Standards.

Mr. Aulen – There will be no speakers outside, correct?

Mr. Christison – I believe we talked about that; there will be speakers outside...

Mr. Winglovitz – We talked about little speakers on the porch that only the patrons can hear and it will comply with the Performance Standards set by the Village.

Mr. Aulen – Guarantee that I won't hear it up by my house.

Mr. Christison – The speakers will be facing away from the neighbors.

Mr. Winglovitz – It is also noted that the covered porch, deck and patio shall be used for table service only and not used for anything else.

Mr. Olsen – What does that mean?

Mr. Christison – People won't be out there just standing around drinking, it is table service; there will be waiters and waitresses serving outside.

Mr. Cappello – Nor will there be any outside bar set up.

Mr. Aulen – You indicated that the landscape plan is only preliminary because according to Mr. Getz the Spruce trees that we talked about are not shown.

Mr. Getz - They increased the size of the trees in the vicinity of the proposed building...

Mr. Winglovitz – We originally had Spruce trees all around the property line which did not make sense because all of the Spruce trees would be under an existing tree canopy. So, after speaking with the landscape architect he agreed that it did not make sense because they would not live because of the tree canopy above them. So, we increased the size and the spacing of the trees where there is no existing vegetation. So they will be larger trees and more dense and we will be saving those existing vegetation if we remove those trees and the fence is still proposed.

Mr. Denerely – Were there any options explored for during the winter?

Mr. Winglovitz – Just the fence would be in play. There really won't be any outdoor service in the winter time.

Mr. Christison – The outdoor patio will be seasonal.

Mr. Winglovitz – We also had a public informational meeting at Yesterday's restaurant.

Mr. Cappello – Many of the neighbors who are closest to the site and the rear of the site attended. Not as many as we had hoped but those that were there received the real facts about the proposed development and they offered excellent concrete suggestions and their concerns to us and we had, what we thought was a very productive discussion. I think that is why the landscape plan was called preliminary because we are going back with some of the comments we heard to see if the landscape architect could beef it up a little more. We had some discussions about moving the fence line appropriately so we could allow some of the existing structures that may be slightly over the property line to remain.

Mr. Aulen – What are you going to do about the encroachments?

Mr. Cappello – We will discuss options but we could give a license and say that they have permission to keep them there as long as they are insured.

Mr. Aulen – So it has been addressed.

Mr. Cappello – Yes and we will include that. There is also some discussion about moving the dumpster even further away from the homes in view and more screening on those and we are taking everything into consideration as well as the technical comments.

Mr. Aulen – I know you are not going to put the dumpsters in front of the restaurant...

Mr. Cappello – No but we moved it as far away as we could.

Mr. Winglovitz – We are also going to look at if we can relocate the fence line along the back of the property as opposed to across their yards...

Mr. Christison – So they can keep their sheds and so forth...

Mr. Winglovitz – With the necessary agreements and assurances.

Mr. Aulen – I would like to see that in writing so there will not be any questions. One thing that concerned me when we walked the site was that you indicated that you were just going to resurface the roadway, however, if you look at the drawing, it appears that you are going to be taking up some of the existing macadam to make the turn.

Mr. Winglovitz – Yes.

Mr. Aulen – I was surprised to see that because I either misunderstood what you said and was under the impression that you were just going to re-pave and repair the existing circular. How does that affect anything as far as the floodplain?

Mr. Getz – They are allowed to work within the floodplain and within the floodway as long as they are not filling.

Mr. Winglovitz – We submitted a revised full EAF and I provided the calculations for the net cut and fill. There is actually a net cut so there is actually soil coming out of and we are increasing the room in the floodplain and floodway.

Mr. Aulen - The EAF still indicates that this is a restaurant and catering facility among other items that have not been filled in properly, i.e. state agencies among others, you just need to check them.

Mr. Winglovitz – As far as state agency, SHPO is a no because SHPO is not an approval, it is actually a recommendation. So there is no physical approval.

Mr. Aulen – Then we do not have to do what they say?

Mr. Winglovitz – No, you do not.

Mr. Aulen – I sincerely don't think that is going to be the case.

Mr. Winglovitz – I agree.

Mr. Aulen – I would think that it would always be better to note that you contacted SHPO on an EAF.

Mr. Olsen – On the site visit we spoke about the entrance way and how you are going to improve the entrance way or driveway and where the sign will be located.

Mr. Winglovitz – We are actually going to narrow up the entrance way, it is now 27' wide and we are proposing to make it 24' wide which is 4' wider than required by the code and we are looking to put the sign near Elm St. on the other side of the planter but we have not finalized that.

Mr. Getz – So the south side of the entrance?

Mr. Winglovitz – Yes.

Mr. Aulen – I have prepared a letter to the Village Board of Trustees regarding the typo in the Zoning Law because LI is permitted signs, it is done down by Georgia Pacific.

Mr. Gallo – I know the landscaping plan is preliminary but I think it shows a tree and shrubs in these 2 spots.

Mr. Winglovitz – Yes, we need to coordinate those, this was a last minute change.

Mr. Aulen – This is a preliminary plan so there will be a lot of changes.

Mr. Getz – The question of a traffic study was raised? So the Board should discuss on whether they think one is needed.

Mr. Winglovitz – We provided in the EAF, we submitted the traffic and we do not think that it is inconsistent with the traffic that already goes to the commercial businesses across the tracks and across the river. We do not think there is any significant level of service change or any significant impact. Will there be more cars? Absolutely. Does it rise to the level of a significant increase? We don't believe so.

Mr. Getz – Does the latest numbers show an estimate of the peak hours and has the EAF been updated.

Mr. Winglovitz – We did provide that in there.

Mr. Getz – With the 202 seats?

Mr. Winglovitz – Yes.

Mr. Getz – From my point of view I do not think a traffic study is needed or necessary.

Mr. Aulen – Have you ever gone down West St. at 2:00pm? But the business really doesn't start until after 4:00pm. At 2:00pm there are a lot of school buses and kids going down West St.

Mr. Winglovitz – The peak hours will be early evening.

Mr. Aulen – Basically your customers would not be going up West St., they would be turning off at Elm St. and there are several businesses there.

Mr. Patterson – The CarWash has a significant flow of traffic. I think there is also a bagel store that does great business but that is in the morning.

Secretary – There is also a Chinese restaurant, Pizza restaurant, Laundromat and an Optician.

Mr. Patterson – I am use to going down in the morning, not in the evening so I can not speak for the traffic in the evening.

Mr. Aulen – My experience on Elm St. in the evening, the traffic is not very heavy, so I have to agree with Mr. Getz. How many trips per peak hour?

Mr. Ryan Denerley – Are there gates on the railroad tracks?

Mr. Winglovitz – Yes. And there are 50 trips total

Mr. Olsen – 50 trips total, not per hour?

Mr. Winglovitz – During peak hours.

Mr. Aulen – Will you be open for the holidays?

Mr. Christison – Yes.

Mr. Aulen – There are some spaces in the EAF that have been left unchecked. You just need to fill in the blanks.

Mr. Gallo – The plans say hours of construction on Saturday as 7am to 6pm and I believe the code says 8am.

Mr. Christison – We will conform with the code.

Mr. Getz – We would like to see some building drawings, with color, etc.

Mr. Winglovitz – We should probably have a rendering by the public hearing.

Mr. Aulen – You may want to go before the ARB.

Mr. Christison – Ok.

Mr. Getz – There was a variance granted in 1990 related to the entrance lot width. Should that be required to be put on the plans?

Mr. Aulen – Yes.

Mr. Winglovitz – We reference the variance but you would like the full language on the plan?

Mr. Aulen – Yes, that is our normal procedure.

Mr. Denerley – The hours seemed to have changed from the previous plan. What will the hours of operation be? 7 days a week?

Mr. Christison – Yes.

Mr. Winglovitz – Sun-Thursday – 11:00am -1:00am and Friday & Saturday – 11:00am-2:00am.

Mr. Christison – We normally close a little earlier but I want to be able to keep those hours.

Mr. Aulen – And the State?

Mr. Christison – 4:00am.

Mr. Dickover – Check the hours on the EAF they may need to be corrected.

Mr. Denerley – Is our engineer satisfied with the details as they relate to the stormwater and the run-off.

Mr. Getz – Yes, we did have some comments with their first submission and some of the calculations. They made a couple of changes and corrections and still showed that they meet the requirements considerably in terms of stormwater detention and it is a redevelopment of a site so that allows them certain parts of the DEC code that they can apply to this type of project, by reducing the amount of impervious area.

Mr. Aulen – Do you think you will get everything together so we can schedule a public hearing in July?

Mr. Getz – SHPO is the question.

Mr. Winglovitz – They have been very responsive as far as getting back to us.

Mr. Getz – How soon will you do whatever studies you need to do?

Mr. Winglovitz – We are waiting on a response from them and as soon as we get that, we would go out and do the work.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried requesting the Planning Board Chairman to write a letter to the Village Board in support of the proposed amendment to Zoning Law 145-171. (4 Ayes) {1 Nay – Ryan Denerley}

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