

CHAIRMAN: GEORGE AULEN
MEMBERS: JAMES PATTERSON, WILLIAM OLSEN, JESSE GALLO & KARL SCHEIBLE
Alternate: KERRY BOLAND

VILLAGE OF WARWICK
PLANNING BOARD MEETING
JULY 19, 2018

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, July 19, 2018. Present were: George Aulen, Jim Patterson, Bill Olsen, Jesse Gallo, Karl Scheible, Kerry Boland and Village Engineer representative, Karen Emmerich. Others present were: Kirk Rother, Robert Silber, Adam Powers, Lugene & Ray Maher, Joe Krasniewicz, Vicky & Eric Haque, Mark Tuckfelt, Michael Schnabl, Cecial Cennot, Pattie Lurye, Joanna & John Barbuto, Russell Fragale, Sarah Beth Chionsini and others.

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to accept the minutes of the June 21st, 2018 Planning Board meeting. (5 Ayes) {1 Abstention – George Aulen}

PUBLIC HEARING

VILLAGE VIEW	CLUSTER SUBDIVISION	VILLAGE VIEW
	DEIS	

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to open the public hearing. (5 Ayes)

Mr. Aulen read the public hearing notice.

Mr. Aulen described to the procedure on conducting a public hearing.

Mr. Rother – The site is approximately 21 acres in size in relation to the larger surrounding area. The bold line is a municipal boundary between the Town and Village of Warwick. The property abuts the Town of Warwick on 3 sides. This project has been before the Planning Board before and it has an approval for a 28 lot subdivision. This subdivision still maintains that subdivision approval for 28 lots so we used this as the basis of the yield plan for the cluster development.

This is the plan that the Board uses, determined the allowable density on the site based on the zoning and then the cluster subdivision allows for an increase in that density subject to certain criteria. With that we prepare the existing resources plan, they ask that we identify the primary and secondary conservation areas on the property. On this particular property the main primary conservation area is the stream that runs parallel to Locust St. the wetlands associated with it and there is also a spring on the site and steep slopes. Once we have identified those areas that we would like to preserve the cluster subdivision then we propose the layout. This particular layout has 45 lots and they are roughly 10,000 sq. ft. in size. The minimum threshold in clustering is that we preserve at least 20% of the property as open space and this plan proposes to preserve approximately 30% of the property as open space which is 6.2 acres inside of the 21 acres. On the prior plan there were 2 crossings of the stream which had wetland impacts on them also and this plan eliminates the southerly crossing so now we only have one crossing at the point where the stream is much smaller. With this plan the total impervious area is actually slightly lower than on the 28 lot subdivision because we have fewer roads which offsets the increase size of the roofs plus the roofs on these homes are slightly smaller, around 2300 sq. ft.

Mr. Rother offered renderings of the proposed houses by Irace Architects.

Mr. Rother – The intent is to model or emulate more of a cottage style Village home, closer to the street, garages and driveways in the back so when you are driving by the streetscape you will only see the front of the house not the typical Colonial with garage doors in the front or side. Having gone through this process the Board deemed the original 28 lot subdivision and this project a Positive Declaration which means it could have significant environmental impacts and as a part of the process in going through that we prepared a Scoping Document which there was a public hearing on. That document identifies what the potential significant impacts could be. The document included the impacts to wetlands, the stream, endangered species, water and sewer, schools, taxes, traffic and archeological resources. All of that analysis has been presented to the Board in the DEIS, we have reviewed it with the Board and added additional changes and supplementation of the DEIS that they had asked for and we then got to a point where the Board deemed the DEIS complete enough for the public to review it and comment and that is the purpose for tonight. After this we will take all of your comments and have to address it literally line by line into a document that is called an FEIS or a Final Environmental Impact Statement.

Mr. Aulen asked the Board if they had any questions.

The Board declined.

Mr. Aulen opened the hearing and called individuals from the Sign in Sheet.

Ms. Lurye-32 Woodside Dr. – I am hoping I read the right documents. It was estimated that the taxes that they will pay is \$18,000.00, 1,800.00, 18,000.00 per student if 21 students live on the 48 homes but that is woefully underestimated. The increase in taxes that we receive will not be offset by the lower amount of children because that is one kid every other house so I was upset about the underestimate and then the road that was being fought to let out on Woodside Dr., is one a very very bad intersection to start with and it is narrow there and one of the nicest things about Woodside Dr. is that there is a lot of children and they play in that area. It is one of the nicest streets for the community and I am very worried about the children because there will be a huge amount of vehicles at multiple times during the day and it would be very sad if that part of our

community was taken away because that is what makes our neighborhood such a nice neighborhood and the other thing I read and I am not sure if it is correct was that there was going to be a space for affordable housing with 6 attached units or 2 sets of three units and I am not really sure what was meant, if it was affordable housing or low income, I am not sure what it was but I was taken aback by that because we already have Devon Woods, Liberty Corners, Campsite and Burt Farms and I understand that everybody wants people to come and enjoy living in our neighborhood but it took me a really long time to be able to afford and to find a place where I wanted to live so I would like people who really want to live in my neighborhood to want to live in my neighborhood not just the very attractive because it is less expensive than other places. Again, I am not sure, you would have to address it on what people are we attaching, does this have to do with regulations and certain amount of people that could come into it, I am not sure if this is a HUD thing, I don't know so I would like that to be addressed.

Ms. Cenot-33 Woodside Dr. passed on speaking.

Ms. Lugene Maher-52 Woodside Dr. – We have 3 major concerns with the development proposed. 1) Road A, which has access on Woodside Dr. 2) Size of the proposed development 3) Environmental issues. The Road A access, we live approximately 20ft. from the property that is planned for development and Road A is directly across from our driveway, approximately 20ft. from our driveway. 10 years ago when the developer first came before the Board with this proposal which is behind the one that you are seeing, Road A access was not allowed on Woodside Dr., it was not approved by the Board or the DEC and there were two main reasons for this 1) Safety 2) Proximity of the road to the headwaters to the stream and the fact that this property along Woodside Dr. was considered wetland. Safety has not improved at all over the last 10 years as a matter of fact it has gotten worse. That area of Woodside, Crescent and Grand St. has become much more densely populated as you have heard with Chelsea Gardens, Devon Woods, Liberty Green and a little ways down the road you already have Mt. Alverno, an assisted living facility, nursing home and hospital. Woodside Dr. and Crescent Ave. are huge streets for people wanting to go into the Village and those going to the Middle School and High School so it is very heavily traveled, speed limits are not adhered to nor the Stop signs. The intersection as I am sure the Board is aware at Locust, Sleepy Valley and Woodside has been a very dangerous intersection for years, that is not going to improve if you add a road within very close proximity to our property and driveway and I actually don't see the homeowner for 51 Woodside but the proposal is having a sidewalk and the road right on her property line.

Mr. Ray Maher-52 Woodside Dr. – None of the drawings that we have ever seen actually show the driveways.

Ms. Maher – You have 3 residents in very close proximity to a road in the narrowest part of Woodside Dr. with 45 homes average 4 cars per home over time, you are talking about close to 200 more cars. The other issue is flooding. I am not sure if the Board is aware but that stream floods in heavy rains and hurricanes. Woodside Dr. becomes impassable the properties of every resident on Locust St. become flooded and the way this subdivision is setup going behind residents on Woodside Dr. those properties will flood because you have flooding now with that land untouched imagine when it is developed and you now are taking down all of the trees.

Mr. Maher – One thing I see that I have not seen before is this retention pond. What is that? Is that a dirt berm? Because when this water comes down here whatever that is, is going to be taken out.

Mr. Rother – It is not a berm, it is a depression.

Mr. Maher – It will fill up because sometimes this water will come over the road, this is not a retention pond, this is just a good picture. You would have to build a wall along here to stop this water from going through here, getting to your street and getting over the bridge, all this does is give it a little bit more room to expand. That is not water retention.

Ms. Maher – Just to continue on that, we believe that the last time this was proposed there was a request to make a T out of that intersection, a true T and it is not a true T right now...

Mr. Maher – It is a Y

Ms. Maher – It is part of what makes it dangerous as well, even though Stop signs have been put in there cars just fly through that intersection come around that turn and down Woodside Dr. making it very dangerous. The other thing that people need to know about this property if you have not walked it is that it is very steep, it is very deceivingly steep, which is part of why there is so much flooding when there are heavy rains and hurricanes here so again, imagine with the trees taken down and brick and mortar and concrete there. We are asking the Board to not approve Road A access on Woodside Dr. and we are actually requesting that a Traffic Safety Study be conducted. That is regarding our first concern.

Mr. Maher – As part of the Traffic Safety Study I am asking the Board to look forward into the future. I know that you are only concerned with Village property but I have done a little research and that 98 acres above this that this is leading into, this is the only 2 accesses for that property, I might be wrong but there is no other way for that 98 acres to get out of there except for these 2 roads. I know that this is in the Town.

Mr. Aulen – Right now we are looking for comments on the DEIS.

Ms. Maher – We will move on to our second concern which is the size of the development. 45 homes as I have said before is an average family of four you are now putting close to 200 on the road. This is only Phase 1 of the development. We have been to several meetings where there has been mentioned of a potential Phase 2. I don't know the number of homes that would go on Phase 2 but now are biggest concern is the infrastructure, we do not believe the roads, the water capacity, the sewer capacity and the flooding issue can handle this development and that would put a tremendous burden on the infrastructure and the residents and the larger surrounding community. So we are asking the Board not to approve 45 homes and actually ask that the development be cut in half.

Mr. Maher – I think 10 years ago when they came up with this alternate plan there was a water pressure issue which I have not heard anything about in meetings that we have been to. There was an issue about water pressure for the existing homes.

Ms. Maher – Our third issue is environmental. There has been discussion and confirmation that there is a bat habitat, a natural spring, a stream on this property we have not heard any discussions about bog turtles but people know in this area there is bog turtles that live in the Warwick area. We would like some assurance that all of those wildlife and environmental concerns have the appropriate protection in place before any land clearing or developments are done.

Mr. Maher – We would just like to know what changed in 10 years from the original plan. There is a house put here because of the wetland and environmental, I would like the Board to tell us why this house was not allowed 10 years ago and a road because of environmental reasons because of the headwaters...

Ms. Maher – And safety, safety was a big concern.

Mr. Maher – How do you dig up wetlands to put a retention pond in? That is a wetland; you are digging up wetlands to put a retention pond.

Ms. Maher – We would really like the DEC to get involved regarding the wetlands, the stream and the natural habitats as well as the other requests we have made. Thank you for your time.

Mr. Rother – I would like to very briefly respond Mr. Chairman.

Mr. Aulen – If you would like to...

Mr. Rother – The wetlands have been delineated by the Corp. of Engineers, the Board has a letter in there file, this has already been circulated to the DEC and they will absolutely be reviewing it. The adjoining property in the Town is owned by my client and it is not 98 acres it is 70 acres and the zoning in the Town is one lot per 4 acres and there is another road out to Sleepy Valley Rd. through the land that is in the Town.

Mr. Maher – This retention pond to me it, there have been storms that have wiped out, the bridge has been under water over the guardrail, not a lot but that retention pond is not helping, I mean it may be helping you to put water somewhere in good times but in bad times you are just giving that water 2 different places to get out of that piece of property, down your road, down Woodside, down Locust. You just signed these peoples death notice for flooding. You have collected water that now becomes a lake or a pond where the dam is going to break.

Mr. Rother – There are 4 stormwater management ponds on the plan...

Mr. Maher – That is the only one I have a problem with.

Mr. Rother – As I mentioned earlier, the impervious area on this plan is actually slightly less than on the approved plan.

Mr. Maher – In clustering is land that not used open to the public?

Mr. Rother – That is really at the discretion of the Village as of now there is a proposed HOA.

Ms. Maher – I didn't mention the value of our homes or the residences in closest proximity to the development and when I mentioned the flooding in Road A, well clearly there are safety issues with the location and with it being 20ft. from our driveway and with the flooding we will have water running right down Road A and right into the front of our property which we currently don't have right now. But the value of the homes in closest proximity, we will lose value on our property, homes that people have lived in for decades with this development as planned.

Mr. Maher – The water is so bad down there it has also wiped out 2 roads off of 94, Fairview and they have been wiped out by water coming down, that is how torrent it gets, they have been flooded by water coming down and they are a good deal away, they right of 94.

Ms. Joanna Barbuto – We thought it was just a sign in sheet, please scratch out our names and my son's name below us.

Ms. SaraBeth Chionsini- I am actually a summer person, I live in 1740 Bancroft Ave., San Francisco, CA 94124. My question about the DEIS is about the data that is based on 2005, 2006 and I grew up in Port Jervis and I come back every year for years and years and I have noticed so many changes in the ecologies of Orange County and so I am wondering if that ecological community is considered unchanged from 2005, 2006? Like where is, is there going to be data? I would like to see data that supports that point. The other thing I am wondering about is the affordable housing part, is that a requirement or is that voluntary by the builders, I was just confused about that because at one point I thought it was a requirement and at another point I saw that it was voluntary and I just go confused. Thank you.

Mr. Rother – Mr. Chairman, would you like me to say anything to the affordable?

Mr. Aulen – If you would like to, yes. It was recommended by Orange County.

Mr. Rother – The plan you see on the Board is what is called “Preferred Alternative” in the DEIS. It is the plan that my client would like to build, that is 45 lots and none of them are affordable. They are fee simple lots, they would sell for whatever they could sell for. As we were going through this process, there is an agency called Orange County Planning and one of their comments in reviewing the plan is that they encourage to incorporate some type of affordable housing. The Village does have a section of their code that speaks to affordable housing but it is not mandatory in a cluster subdivision but we have gotten feedback from the Village to at least explore the option so we took 3 of the 45 lots, basically cut them in half and turned them into 6 townhouse units. They look similar to the homes, you would not really necessarily tell that it is a 2 family instead of a 1 family and the total number of lots or dwelling units has increased from 45 to 48. That plan, the 48 lot affordable plan is an alternative in the DEIS and I don’t think he has necessarily been reconciled yet which alternative they are going to choose but it is an alternative that we prepared at the Village’s request and it is not the applicant’s preferred alternative.

Mr. Joe Krasniewicz-63 Maple Ave.- My concern is also with the stormwater management. As the couple stated, during high rain events or storms Woodside becomes impassable or flooded and just imagine the stream that goes under Woodside and it travels down parallel Locust St. and it is anywhere from 3 to 6 ft. wide, travels down Woodside, down Locust behind all of those houses and ends up in a 36” culvert at the back of my property and then it goes underneath my property and across the street into the pond. Just imagine all of the water they are seeing going over Woodside now gets dumped into a stream that is 6ft. wide and then comes into the back of my property. I have been dealing with the Village with this issue for 20 yrs., since I bought the house, my house has flooded, I have had 6ft. of water in my basement, I have had to spend my own money, my own time to create a swale in my backyard to hopefully alleviate any overflow issues that have happened numerous times, it is a Village easement that goes through behind all of these properties and ends up at my property and then continues on. They are required to take care of it and maintain it but they do not, clean it...

Mr. Maher – The Village has no easement.

Mr. Krasniewicz – Yes they do. So that is my major concern, I see the retention ponds and 2 of them are north or uphill of the property so those would do nothing for the impervious houses and roadways, all that run-off that is generated by this development, 2 of those retention ponds would not even do anything for this. You have one retention pond that is going to take up that whole development.

Ms. Vicky Haag-14 Locust St. – I concur with all of the questions and concerns that everybody else is saying but one of my concerns is we really kind of word of mouth heard that this was raising its head again after 10 yrs. and doubling it from 24 to 48 is a concern. Are we supposed to be given notice that this is coming up by written information in our mailboxes? We just heard from word of mouth that this was actually happening so that is where my concern is.

Mr. Eric Haag-14 Locust St. – I guess this is an environmental discussion more than anything else and we heard about the water and things but there has not been a whole lot of talk about traffic. I don't know how this morphed from 20 something into 48 on little tiny lots most of the houses on Locust St. are fairly large lots and Woodside, not keeping with the rest of the neighborhood, it is going to increase a lot of traffic and the roads there, we have been there 25+yrs. when it was just a back country road and there was nobody on it and since there have been the developments up at Sleepy Valley it has increased the traffic somewhat and this going to add a lot more people and cars going up and down the street on a very narrow road, no sidewalks, there is no place to put sidewalks, there is pedestrian traffic on the streets, people walking dogs, it is generally a very quiet street for the most part and I don't know how this is going to change things but these are tiny little lots and it is not in keeping with the rest of the Town. I don't know where this came from. I was at the last meeting when it was the last guy that bailed out I guess when the housing market went down the tubes he backed out. But how did this double in size in terms of housing? This will add more traffic and other concerns in that area. That is something I would like to see addressed and Woodside is also a narrow street with no sidewalks and I don't think anyone is planning to put sidewalks and I don't even know where you would put them if you wanted to there is not enough room, you would have to destroy trees and everything else along the way to do it. I only found out about this 3 days ago so I obviously did not have a chance to read the DEIS, it seems like another one of those deals where you slide it under peoples nose.

Mr. Aulen – That is not the case.

Ms. Haag – Were we supposed to get something in the mail to let us know?

Mr. Rother – I can speak to that. In this process with the DEIS, the DEIS requires a public hearing and the subdivision application requires a public hearing so we are in the DEIS phase and once we finalize our subdivision with the Planning Board, for example, the alternatives and the Board is ready to have a public hearing on the subdivision you will have another public hearing and everyone within 300ft. of the project gets notified by certified mail. So there will be another public hearing and if you live within 300ft. you will get something in the mail.

Mr. Aulen – And the information was provided...

Ms. Maher – They did have an announcement in the Dispatch.

Mr. Mark Tuckfelt-56 Sleepy Valley Rd. – This is right across the street from us and I am concerned about the issue of water coming down the hill which everyone in the neighborhood knows gets completely out of hand and dangerous but I want to bring up a question about water in the other direction and that is the question what is the supply of water to be used by these residents all year round? I will tell you 2 or 3 weeks ago I had a small leak in my water system and we have a well and a pump and low and behold it went dry and we had no water

whatsoever, I fixed the leak and I have water again but it made me very aware of the fact that we are not above some enormous underground supply and that we need to have some concern about the fact that these people are all going to be pumping up water out of the ground and pouring it into the streams. Is there going to be enough water to supply all of these residences? Certainly it depends on what time of the year we are talking about but this happened to me in the spring time after a season of heavy rains. So I am concerned that this may be a vulnerability that has not been addressed. I want to talk about the water going the other direction as well and that is all of these homes are going to have toilets and various facilities like that and what is thought about where all of that is going to go, the issue of sanitary process for that to go back into the ground and not wind up in the stream which would be quite an unpleasant thought, so please consider that. I certainly agree with the other concerns about what this would do to traffic, there is no sidewalk and no place to put a sidewalk, the ground is a hillside that goes down steeply on one side and up steeply on the other side. When I get in my car I have to look very carefully because there are people walking with their dogs and thank goodness I rarely have another car coming in the other direction but if there happens to be a car coming in both directions and a pedestrian there is trouble brewing and I don't have any proposal on how to address it but I think it needs to be thought.

Mr. Michael Schnabl-31 Valley View Circle- My house is on the right edge of that map so I am obviously impacted. I am looking for full disclosure. I read the Dispatch, that is the official voice of the Village, is that how we get our information?

Mr. Aulen – Yes.

Mr. Schnabl – In the Dispatch it talks about annexation of Town land of just a little sliver of ½ acre to avoid a road going over the stream. That is all it said. With that annexation of that little sliver the builder gets an extra lot. It is nice that he is not going to disturb the stream and do more DEC studies and so on but he is getting an extra building lot with that little sliver, which is not full disclosure. I read the Dispatch and it said nothing about an extra lot because of that. We all know what is coming, Phase 2, that little circle on the left hand side, that is not a circle, that is a road to go up to the next 70 acres. They are in the Town that is planned to be annexed in, I know we are not talking about that today but that is Phase 2 and if this happens that is next. So all of these issues that everyone is talking about drainage, flooding, and traffic is going to be three times the amount. I know that land very well, I live right across the street for over 20 years, I have been a homeowner in the Town of Warwick since 87 so I am familiar with what goes on. To go from 28 to 45, 48 condos/townhouses I don't think it is fair. I am looking for full disclosure, up front; tell us what it going on, no hiding slivers. Thank you.

Ms. Haag – When may we expect to get some information or answers to some of these questions? Do we read it in the Dispatch? How do we find out when you have it?

Mr. Aulen – The answers to the questions will be supplied by the applicant. When they have time to research and get the answers then we will know and that information will be discussed and I don't know how other than our meetings which we normally have every third Thursday and the agendas are on the website.

Ms. Haag – So if you are going to be discussing this issue again it would be on the website?

Mr. Aulen – Yes.

Ms. Cecila Cenot – What is the acreage of the lots?

Mr. Rother – The lots are roughly 10,000 sq. ft. which is what the Village’s Cluster Zoning requires. On a density level we have about 21 acres with about 45 lots we are just under ½ acre per lot which if you look at Valley View just across the street is very similar. To answer the questions on how this gets wrapped up, the next step is called an FEIS, this is all being tape recorded and the FEIS will literally have the comment, who made it, and an answer for every questions that was brought up, then that document gets reviewed by this Board and it has to be to their satisfaction and then they will deem the FEIS.

Mr. Aulen – This information is always available upstairs in the Planning office.

Mr. Rother – It is also on the website.

Ms. Maher – What is the price point of the homes?

Mr. Rother – In the DEIS I think it is \$450,000 to \$495,000.

Mr. Aulen – I thought I saw \$400,000.

A MOTION was made by Jesse Gallo, seconded by Jim Patterson and carried to continue the public hearing until the next meeting of the Board on August 23, 2018. (5 Ayes).

Mr. Aulen – This public hearing will remain open until our next meeting.

28 CHURCH ST.

SITE PLAN APPROVAL

WARWICK VALLEY, BBA

The Board reviewed the Resolution approving the Special Use Permit granted by the Village Board.

A MOTION was made by Karl Scheible, seconded by Jesse Gallo and carried to adopt the Resolution for site plan approval for roof mounted solar panels prepared by the Planning Board attorney and read by Chairman Aulen. (5 Ayes)

4 WEST STREET

SIGN APPROVAL

FIZZY LIFTING

The Board reviewed an application for a third sign which would project from the building on the West St. side. The building which sits on a corner has 2 previously approved signs and locations for this applicant.

A MOTION was made by Jim Patterson, seconded by Karl Schieble to deny this application citing Sec. 145-81D.5 (a). (5 Ayes)

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary