

CHAIRMAN: GEORGE AULEN

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

Alternate: Kerry Boland

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
MARCH 21, 2019

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, March 21, 2019. Present were: George Aulen, Bill Olsen, Jim Patterson, Karl Scheible, Jesse Gallo, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present: Kerry Boland, Jay Myrow, Kirk Rother, Keith Woodruff, Beau Kennedy, Eric Krebs and others.

The Board recited the Pledge of Allegiance.

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to accept the minutes of the February 21, 2019 Planning Board meeting. (5 Ayes)

WARWICK COMMONS

EXT. OF SITE PLAN APPROVAL  
APPROVAL

STERLING BANK

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Mr. Myrow - I am here to speak on behalf of contract buyers and I can give you an update on where the property stands. As of right now the contract is pending and they are doing their due diligence and one of the things they want to know is the viability of the existing plan which is 15 buildings with 116 bedrooms. My client has spent a lot of time with Maser Engineering trying to draw up some alternate plans because they do not believe that this is really the best layout, it does date back more than 30 years. The client feels that this plan can be updated and made far better in terms of environmental issues, traffic and reduction of impervious materials. I have brought some plans that my clients would like me to show you.

Mr. Aulen - We have met with your clients twice, the Mayor, myself and the engineer, so we are aware of some of his ideas.

Mr. Myrow - One of the plans is to take this 15 building cluster of units to 11 units and to reduce the unit count. The preferred manner of ownership would go from condo to townhouse. There is a great reduction of roads going in and they are committed to doing under -building parking which would significantly reduce the parking spots. There would be better traffic flow, a much more sellable product and a lower price product too. I know this application is on the agenda tonight for an extension and I hope there is no issue with extending it. But what I am asking for is some indication from the Board if we were to come in soon with this plan and proceed with due diligence to get a modification, we need some sort of commitment/reassurance based on the purchase price that we are spending that we do have this plan to fall back on if something catastrophic were to happen.

Mr. Olsen - Most of the people on the Board have not seen the presentation, can we take a look now?

Mr. Aulen - I have seen two presentations and that does not mean it is this one.

Mr. Myrow presented the sketch plans. I can't give you the specifics from an engineering standpoint but based on the analysis that Maser did the existing plan is not the most efficient plan to accommodate this number of units or number of buildings. The plan shows 11 clusters reducing the number of buildings by 4. It is a reduction in unit count, I believe, is 92 from over 100. I believe there was 140-150 parking spaces but now they will be underground which will reduce all of the parking space and the road structure is far improved. We would like the opportunity to bring this in. They are prepared to move quickly but we would like some type of commitment from the Board. This has been extended overtime with basically no promise to you as to what is coming forward.

Mr. Aulen - Are you starting from scratch and throwing the approved plan out?

Mr. Myrow - No, I have had a preliminary discussion with Mr. Dickover and I don't think he has come to any conclusions yet. My feeling is that we will submit an amended plan with the approval we have now. We believe under every impact identified in the SEQR process is going to be reduced so by either doing a consistency statement or some sort of supplementation we hope that we could continue to utilize the existing SEQR with an amendment or consistency statement and whether or not we are affected by zoning we will have to have a discussion about that.

Mr. Olsen - One of the issues was always the dam.

Mr. Myrow - We are fully aware of that and fully committed to it. I believe right now the DEC is considering not repairing the dam but replacing it with culverts and appropriate stormwater management.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to grant an extension to Warwick Commons to extend site plan approval until June 14, 2019. (5 Ayes)

Mr. Aulen - This subdivision was originally approved in 2008 and for various reasons there have been extensions to this approval and I am not quite sure where the applicant actually stands. Does the applicant intend to build this particular subdivision? I know he has provided several different concepts of what they want to do on this property.

Mr. Rother - The Board is aware that we are here tonight to get an extension of the originally approved 28 lot plan and we have been pursuing the cluster subdivision, had a lengthy DEIS/SEQR process and we currently in the process of preparing the FEIS. Approximately a few months ago we had a work shop with the Village Board because they are required to issue a Special Use Permit for the cluster subdivision, they had some concerns with the 45 lot cluster layout as was presented in the DEIS so we went back and we are working on a new alternative of plan that reduces all of the impacts and we expect to be submitting that to this Board in for the April meeting. So, we just continue to ask that the 28 lot maintain its approval, just like the prior application, it is just a stop gap in case the cluster subdivision does not move forward.

Mr. Myrow - We feel we are pretty close.

Mr. Aulen - We have been waiting for the FEIS from the public hearing.

Mr. Myrow - This was prompted by the public response and by the input we received from the Village Board.

Mr. Aulen - You are planning on submitting this in April?

Mr. Rother - Yes. We are working on engineering of this plan and then we would incorporate this into the FEIS. On how this moves forward SEQR wise seems to be a little tricky and I believe that is what Mr. Myrow is working on.

Mr. Olsen - How many lots?

Mr. Rother - Lots and dwelling units are different things but there are 33 buildings, 42 dwelling units, there are 9 - 2 families and there are 25 lots, 24 single family and the 25th lot has all 9 - 2 family houses on it. There are no stream crossings, 53% open space where 20% is required. No access onto Locust.

Mr. Aulen - Basically this is a concept that will come before us at the next meeting. At this point we are asked to give an extension to the subdivision approval that was approved in July of 2008.

A MOTION was made by Karl Scheible, seconded by Jim Patterson and carried to grant an extension to Village View to extend the 28 lot subdivision approval until June 14, 2019. (5 Ayes)

## **Public Hearing**

10 COLONIAL AVE.

SITE PLAN APPROVAL

JJLV PROPERTIES, LLC

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Mr. Aulen read the public hearing notice.

Mr. Woodruff - We are taking the existing building on 10 Colonial Ave. also known as the Bradner building and converting it from a 2 story professional office building into a retail store on the first floor and 2 - 2 bedroom apts. on the second floor. There is no exterior improvement as part of this Change of Use. We will utilize the existing parking, we have cross-easement agreements between the two neighboring properties for ingress/egress as well as shared parking from the adjoining properties. We have made the required revisions to the Bulk Requirements other than that it is relatively the same application, no other major improvements were made to the plan.

Mr. Getz - They have addressed our technical comments. But there seems to be a parking and easement situation.

Mr. Dickover - The applicant described their rights with respect to the parking as being easements but what I have seen are licenses or permission to use until such time as I might take my permission away. There are two licenses for parking which come from the former owners of the library building and the other one is from 8 Forester Ave., Warwick LLC. The licenses to use the parking that is denoted on this site plan that lays on the respective properties. The library was given to right to use the 4 parking spaces on the Bradner building property and though they have parking denoted here and I think the parking exceeds what is required by the Ordinance but if they were to lose the parking that is there by license they would fall short of the parking requirement by .7 spaces.

Mr. Getz - They need 12 spaces and they are showing 19.

Mr. Dickover - If they take away the licenses they are down to 11 and they need 12. The Board can grant some relief from the parking requirement and these licenses have been in existence for a fair number of years and there is some mutual benefit to all 3 of the properties involved and that they have the permission to cross each other's property to access their own so it seems to be a situation that is working, they just simply have not made them easements, they called them licenses which can be revoked. Typically in projects like this in the past where there is municipal parking available to buildings the Board has granted parking relief. In particular area I don't know that there is very much in the way of public parking but there is some street parking on Forester Ave, Main St. and Church St. I think they have demonstrated what they needed to in the way of parking.

Mr. Aulen - They are not within 300 ft. of a municipal lot...

Mr. Woodruff - The parking spaces that were for the Buckbee Center that was in the license are in the vicinity but on their property, portions of that parking fall within the applicant's property which we did not take into account as part of our parking calculations. What we did take into account was the four spaces here that are relatively on the property, I think they might be off by 1/10th of a foot or so. The other spaces in front of the building or to the rear depending on which

way you look and then the 8 spaces that are adjacent to the 8 Forester Ave. bldg. We do have sufficient space between those 2 parking areas to re-stripe if need be to bring those 8 spaces fully within the property limits. Because it is one-directional traffic flow we can bring it down to 20 to 22 ft. in length. We currently have 33 ft. so, there is more than sufficient room to bring those additional 8 spaces in if we needed to.

Mr. Aulen - The Village requires 9'x18' for parking spaces.

Mr. Woodruff - Yes but that would be for 90 degree angled parking but even then we could still get 9'x18' and limit the aisle access.

Mr. Olsen - Are there 2 exits onto Forester?

Mr. Woodruff - No, only 1, the other exits through to Colonial.

Mr. Dickover - Can we show an area with reserved/banked for future parking spaces should the licenses be lost and leave the situation the way it is?

Mr. Getz - Do you mean the re-stripping to bring it onto the property?

Mr. Dickover - We could denote it on the map "area reserved/banked for future parking" in the areas that they say they can move it to and so if they lose their licenses they would then simply come in and re-stripe those spaces.

Mr. Woodruff - All of that space is already paved so we may not necessarily need to come in for an approval to re-stripe the parking. The license agreement would just be terminated and then we could just re-stripe the spaces.

Mr. Dickover - So what I am saying is show it on this map, the spaces that would then become the spaces to be used and show it as banked for future parking and then the Board would not have to have it re-striped at this time.

Mr. Getz - I agree.

Mr. Patterson - Would that apply for both licenses or just the one?

Mr. Dickover - It could be up to the Board but I think the issue is you have to have enough parking should the licenses be lost.

Mr. Woodruff - Even if we lost all 4 of those spaces toward Colonial and lost that access point we would still have enough to meet the requirement for the 12 spaces.

Mr. Patterson - Is there any confusion with the 4 spaces that the library has as far as them using them and not parking on your property? Is there a license or an easement?

Mr. Woodruff - That is all part of the license because that is the only way they can get into those 4 spaces.

Mr. Dickover - It is a mutual agreement in that they granted cross licenses and neither one has the right to cancel it.

Mr. Aulen - I agree that it would be a good idea to note "banked parking" on the plan.

Mr. Scheible - Last time we spoke a little about the sidewalk along Colonial.

Mr. Woodruff - Yes, currently there is a flagstone sidewalk which is in disrepair and I have spoken with the applicant and he is in the process of putting his application before the ARB but he is fully intended to increase the curb appeal to the building.

Mr. Aulen opened the public comment.

Mr. Kearns, 102 Sleepy Valley Rd. - Parking in the area is bad now and I have no idea what the occupant wants to do here but parking is really bad there. You have people parking there and going to the Post Office and going over to ship packages. The Bradner building has a sign there for No Parking unless it is for the Bradner building so in terms of the licenses why would they allow that if they still have a sign there, I would think that if they are allowing parking throughout for this occupancy and the other 2 that are in question, they would have no signs and you could just park wherever you want. Parking is a problem there so I would not take it lightly in terms of trying to put aside any requirements for this particular building because it is a big problem and even the Post Office, when you go there 90% of the time you can't get a parking spot and there is only one person in the PO. There is a big problem parking in that area in general so I would not treat it lightly in terms of the parking and requirements to this particular building.

Mr. Olsen - Also, the Buckbee Center has numerous events where numerous people come, more than 4 cars, do you allow them to use it?

Mr. Woodruff - Per the license, no. There are strictly allocated those four spaces. They may ask for permission for those special events to the applicant or previously for those events to have additional spaces as need be but as per the actual filed license there is no full agreement.

Mr. Olsen - You are not going to put signs up that say "No Parking", I hope not.

Mr. Woodruff - There are signs there but is it enforceable to the point where, does it become counterproductive to have someone out there to police it? That will be up to the applicant, if it becomes a nuisance to him for his residents or for his business and parking becomes an issue he can very well hire a company to police it and remove vehicles that are not supposed to be there.

Mr. Olsen - With the 2 apts. there you will have people parking there 24hrs a day...

Mr. Woodruff - Correct.

Mr. Olsen - Taking up spaces that were used for other things.

Mr. Kennedy - I don't think the apts. will cause an issue with parking, they are not going to be there 24/7, hopefully they go to work and right now it is office space so you had people using the office space for 8-10 hrs. a day. As far as Mr. Kearns comments, it is a busy parking lot but it is a private parking lot and technically Post Office patrons should not be parking in there. When we had the license agreement we were very amenable to working with the Historical Society and allowing them to have their events which are mostly at night so there is not many parked cars there in the evening so it works out nicely. The biggest issues are people coming to the Post Office but I have never had a problem parking in that lot and I think it will work out fine.

Mr. Aulen - Unfortunately we have not received any comments from the Orange County Planning Dept. so we can not close the public hearing until we receive the comments

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to table the public hearing until the next scheduled meeting on April 9, 2019. (5 Ayes)

The Board reviewed the application.

Mr. Patterson - I noticed on the variance that the hours of operation are stated to be 8am to 6pm and the applicant is proposing 7am to 7pm.

Mr. Krebs - I can change the hours from 8am to 6pm.

Mr. Aulen - Will you be putting up a sign?

Mr. Krebs - I will be replacing Giant Copy's sign.

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to grant a site plan waiver to Eric Krebs for a chiropractic office. (5 Ayes)

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

Respectfully submitted;

Maureen J. Evans,  
Planning Board secretary