

not approved

CHAIRMAN: JAMES PATTERSON
MEMBERS: WILLIAM OLSEN, JESSE GALLO & KARL SCHEIBLE
Alternate: Kerry Boland

VILLAGE OF WARWICK
PLANNING BOARD MEETING
NOVEMBER 12, 2019

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, November 12, 2019. Present were: Jim Patterson, Jesse Gallo, Bill Olsen, Kerry Boland, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: Susan Roth, Kirk Rother, Robert Silber, Mr. and Mrs. Maher and others.

The Board recited the Pledge of Allegiance.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to accept the minutes of the October 8, 2019 meeting. (4 Ayes)

VILLAGE VIEW

REVISED SEIS &
SUBDIVISION MAP

VILLAGE VIEW

Mr. Patterson polled the Board on reviewing the SEIS.

Each Board member responded yes.

Mr. Rother - I met with Dave twice to discuss the 4 sewer options that we discussed last month and we added that information to the SEIS. As far as the missing lot, we found lot 16. In our prior version we had ten- 2 family units and a larger loop and to comply with the Board's interpretation of the code we revised the plan and it was inadvertently left out and thank you for bringing that to our attention.

Mr. Patterson - Have you reviewed the lot lines?

Mr. Getz - Yes.

Mr. Rother - Do you mean as far as the setbacks?

Mr. Patterson - Yes, it seems tighter than the one before.

Mr. Rother - The minimum required is 5ft. on the sideyard and we are actually maintaining 25ft. between structures just for Fire Code purposes.

Mr. Getz - I believe you changed the shape of the cul-de-sac slightly.

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Mr. Rother - Yes it is more centered in the street.

Mr. Getz - So that generates a little more frontage?

Mr. Rother - Yes, it creates a little more space.

Mr. Olsen - What are the size of the lots?

Mr. Rother - They all exceed 10,000 sq.ft. and about 70 to 75ft. wide.

Mr. Getz - We also discussed whether that change would the drainage calculations or coverage calculations and it is a minor increase in coverage but nothing that would require any change in the designs.

Mr. Rother - The length of the cul-de-sac is exactly the same.

Mr. Gallo - Did it change any of the open space calculations?

Mr. Rother - No, it is still 44%.

Mr. Dickover - What about your drainage or your water sewer systems, have they been redrawn?

Mr. Rother - It has all been updated to reflect that.

Mr. Dickover - Have you had time to review it?

Mr. Getz - Yes.

Mr. Rother - Sewer has been aligned as needed, water, stormwater, grading...

Mr. Getz - They have added the 4 possible scenarios that the Village could pursue to mitigate the impacts that this project would have on the Robin Brae pump station. I will pursue Scenario #3 further with the Village Board. That is the one where a new gravity sewer line would be installed along Maple Ave./Rt. 17A and Rt. 94 to continue down Maple Ave. towards the center of the Village and not have to go down Robin Brae.

Mr. Rother - There is a sewerline there now it is just not deep enough.

Mr. Getz - We estimate about 1,200 ft. It is not a simple quick process, it requires DOT permits and DEC review but it is the best option.

Mr. Patterson - Does this need to be in place prior to the connections being performed in this development?

Mr. Getz - I would say no. He has a right to build 28 homes today...

Mr. Patterson - And tie them into what?

Mr. Getz - The existing system. That has been proposed for 12 years or so. It may also be a legal question that I can't answer too with regards to what would he be allowed to do, but...

Mr. Patterson - Let's just say it takes 1.5 years to put in the new line down Maple and with the capacity of the existing system and the developer wants to start right away, how does he go about it? Can he go about it?

Mr. Getz - The Village would be the applicant for the new line and the Impact Statement says that the applicant is willing to contribute its fair share...

Mr. Olsen - Who calculates that fair share?

Mr. Dickover - It would be a Village Board decision.

Mr. Getz - I can't answer who is allowed to do what and at what time but their timing before a house would be built and ready to connect is not going to be short either but you are right it is going to take awhile to get all of the documents together and get the reviews and the approvals and then to construct the improvements. In my mind that was the most significant environmental impact that the project was creating. What was the corrected cost for scenario #1?

Mr. Rother - It should read \$250,000.00 not \$225,000.00

Mr. Olsen - Are these cost numbers within range?

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Mr. Getz - They are for discussion purposes it is effective.

Mr. Rother - They should be pretty close.

Mr. Getz - In the SEIS on page 36, it should read "to add an additional pump station to the Village's responsibility". Page 74, I am not quite sure how it is supposed to read.

Mr. Rother - The final sentence in Section 5 in regards to capacity is related to Fire, Police and School Districts.

Mr. Patterson - On page 74 also states 43 new residences, is that a typo?

Mr. Rother - It should read 42 new residences.

Mr. Getz - There are just a few small clarifications on the plan that I will ask Mr. Rother to address but other than and from my point of view these plans are sufficient to accompany and EIS to be circulated for review.

Mr. Olsen - I am trying to reconcile the table on page 19 of open space. It says 8.9 acres of open space and then it shows 7.11 and I calculate 7.01.

Mr. Rother - That has to do with how open space is defined in your Code which is area that is not disturbed at all and that is 7.11 and 8.9 is the area of that parcel that would include the detention basins. We took out the stormwater management ponds, where grading spilled out and if you subtract all of that out are you left with undisturbed natural as it exists it is the 7.11 number.

Mr. Olsen - So the dedicated open space, should that be 7.1 or 8.9?

Mr. Rother - As far as the area that is slated to be open space it is 8.9 acre. But if you feel it should be 7.1 we can change it.

Mr. Olsen - It probably won't have an impact either way, I just want it to be clear.

Mr. Patterson - Is that your interpretation?

Mr. Getz - I am okay with the way it is presented because at the top of the heading it says "excluding proposed grading and stormwater areas" and that must be the 7 odd acres that makes the difference between the 7.1 and the 8.9. On a tax map it will look like an 8.9 and you could say it is disturbing 1+ acres so it is really only 7.11 that he is leaving alone. But if the Board would rather...

Mr. Rother - I can put a footnote to clarify it.

Mr. Getz - Yes.

Mr. Gallo - You would need to update the others as well.

Mr. Dickover - It should be apples to apples with the 28 lot and the 45 and the reduced alternative.

Mr. Rother - We will make it apples to apples.

Mr. Patterson - On pg. 29 regarding the erosion control, who does the inspections? Is it inspected daily? Is it a neutral party?

Mr. Getz - It is someone hired by the applicant/developer.

Mr. Patterson - Is that a conflict?

Mr. Getz - That is the way the State Stormwater Permit is set up. It has to be someone who is qualified that has got licenses or training to certify erosion control. Certainly the Village has the right to inspect also but the way the rules are setup is the contractor and/or the owner has to arrange for all of the inspections to be done by a qualified person.

Mr. Patterson - Do the reports go to you?

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Mr. Getz - Yes, typically they would go to the Building Inspector but they could come to me also. For a major project like Warwick Grove there were weekly inspections throughout the construction period.

Mr. Patterson - Were you involved?

Mr. Getz - Yes, we were working with the developer.

Mr. Patterson - Pg. 37- it talks about a booster pump station for incoming water, is there a location for that pump?

Mr. Rother - We show a generic box/proposed underground pump station.

Mr. Getz - In talking with the Village representatives we have highlighted the need that the pump station should come with a generator.

Mr. Patterson - It also mentions the culvert across the street, has anyone checked that culvert to make sure it is not leaking?

Mr. Getz - I have not.

Mr. Rother - I have seen it and it is certainly not new.

Mr. Patterson - I would like to make sure that it is not leaking or adding to any other problems across the street.

Mr. Getz - We will take a look at it.

Mr. Patterson - With the 45 lot there was a location to push off snow is there one for the 42?

Mr. Rother - The Town had the same question and I don't have an area designated for snow in the cul-de-sac but we could add one.

Mr. Patterson - Will electric utilities be above or below ground?

Mr. Rother - Below ground.

Mr. Patterson - I understand there were some conditions on the 28 lot parcel and I don't know what those conditions were. I am talking about the road improvements on Locust St. do you know what they were?

Mr. Rother - I don't understand. There was an entire Locust St. improvement plan for the improvements. Which was clearing all of the trees, replacing the guardrail, widening the road, it was a lot of work.

Mr. Patterson - I know we do not have the roadways coming out of there like the 28 and that had a lot to do with the clearing of it. I am just wondering if there are any of those conditions that should or could carry-over to this cluster. The condition of that road has been mentioned and the safety of it and I am wondering if any of those were done would it alleviate any of those problems that we have going down Locust St.

Mr. Rother - On that prior plan we had 2 access points to Locust St. so it was substantiated.

Mr. Patterson - I understand that there was more of a concern.

Mr. Rother - It was for sight distance because we were introducing traffic onto the street.

Mr. Patterson - If we are trying to compare everything from the 42 to the 28 I think I would like to know what those conditions were or are if it were to get approved now, so we could weigh out whether or not they still were warranted for this plan.

Mr. Dickover - It is part of the plan set from the 28 lot approval so the engineering work on it has already been done it really would be something for Mr. Getz to take a look at and comment on whether or not that improvement is necessary for this project. I think he has already done that earlier in the process and that is why it is not part of what you have in front of you. But it seems to me it is worth the re-visit. I has been an active topic of conversation with the public.

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Mr. Getz - I will do that.

Mr. Dickover - Is that topic addressed in the SEIS?

Ms. Roth - No it is not.

Mr. Dickover - Is it addressed in the DEIS?

Mr. Rother - The proposed widening of Locust St.?

Ms. Roth - No.

Mr. Rother - We have not proposed that improvement as a part of this cluster plan.

Mr. Getz - In the DEIS you did propose some improvements for sight distance.

Mr. Rother - Yes, the DEIS with the road connection out here, Valley View upper intersection with Locust has very poor sight distance particularly looking north so we did have improvements.

Mr. Dickover - It was some grading and clearing.

Mr. Rother - Yes and a little bit of clearing for our own site driveway.

Mr. Dickover - The guardrail to be replaced was part of that?

Mr. Rother - I recall that we would have to penetrate the guardrail with our entrance so a portion of that guardrail would be modified but we were not proposing to replace all of it.

Mr. Dickover - What about trees?

Mr. Rother - Only for sight distance.

Ms. Boland - I am concerned about the entrance to Woodside existing from there onto Woodside, you would have the concern of the cars turning in the 3 way stop that already exists. What is the distance from Woodside to the stop signs?

Mr. Rother - Roughly 300ft.

Mr. Boland - Is the road straight at that point?

Mr. Rother - 280ft.

Mr. Boland - If you are at Woodside and you look to you left can you see oncoming traffic?

Mr. Rother - Yes.

Ms. Roth - The Traffic Report addresses the site distance at those intersections.

Mr. Getz - The 3-way stop sign adds to the safety because you are not traveling 30mph. and in the other direction it is more than 500ft. of sight distance.

Mr. Rother - You may not want to hear it but I believe improving Locust St. is just going to make traffic speed up.

Mr. Boland - Under Flora & Fauna, the only parts addressed are the bats and I believe you say there is going to be a further ecological analysis.

Ms. Roth - No, this is where the DEC has changed their opinion on how you do these Flora & Fauna reports. What they do is make you look at the data base and if there are any endangered species in the area at all you have to assume that they are on the site and so you plan for mitigation has to assume that there are bats out there even if there are no bats there. That is the reason why it addresses those particular species because they are protected and there are plants out there to support those bats so you have to assume that it has to be mitigated if you have trees big enough to support them.

Ms. Boland - Can you explain why the preference is for the entrance and exit to go onto Woodside instead of Locust.

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Mr. Rother - To avoid the stream and wetlands is the primary clustering objective. Those 2 features are identified as the main conservation areas. With regard to that intersection, on the Traffic Study they get DOT accident data from 2012 to 2017 and based on that there was two accidents at that intersection one resulting in property data. The collision type was a sideswipe and one was with a fixed object or animal.

Ms. Boland - There are two houses that go along the new road in the Town portion.

Mr. Rother - Yes, the applicant owns 80 acres and after concerns about segmentation for SEQR we went ahead and prepared concept plans of what could be developed in the Town which resulted into 25 lots, we included those 25 lots where applicable in the SEIS, in the analysis with regard to traffic, water & sewer is not included because it is well & septic, drainage and as part of the Town application process the land in the Town is, I think, 5 existing tax parcels and the Town asked the applicant to consolidate all of them which we agreed to but we said that the applicant can build on those parcels right now because they exist but we asked that because of this road that we are going to build in the Town naturally creates 2 lots, one on each side of the street which would give us 2 potential houses on the 80 acres as a right and that is what is referred to in the SEIS.

Mr. Patterson - Do those have anything to do with us at all, it is in the Town.

Mr. Dickover - Practically, no but for purposes of complying with the SEQR regs., you are the Lead Agency for the Town's Planning Board for the portion of this plan so it is important to the Town that the impact be identified and addressed.

Mr. Rother - We received a comment from the Town Planning Board on the Scoping Document where they asked us to specifically mention that they requested the applicant to consolidate the parcels, so that is why it is there.

Mr. Getz - Would those 2 be part of the 25 homes that he would develop?

Ms. Roth - Yes.

Ms. Boland - You can just get a building permit for those, is it different than a planning process?

Mr. Rother - Yes, If you own an existing parcel of land and they want to build a house, you just prepare a site plan and house plans and apply for a Building Permit.

Ms. Boland - Do you have pictures of the houses?

Mr. Rother - Yes and we specifically did this type of layout to try and make it more of a cottage style home with driveways in the back, which is encouraged by zoning both in the Town & Village and we have renderings of the 2 family also.

Mr. Olsen - In 8 & 8A there are different amounts of 25% grade?

Mr. Rother - If you look at the titles, one of them is OC GIS and one is a real Topo, one is based on aerial Topo which is very sensitive, it will pick up slopes the size of a chair and the other one is also an aerial Topo, done by the OC GIS in 2005 and it is just to show the Board where the real contiguous patches of slopes are. One is just more detailed than the other.

Mr. Gallo - With the sewage would our approval be contingent or a condition based on approval by the Village Board of whatever agreement would be in place for Fair Market?

Mr. Dickover - There is going to have to be some language with respect to that.

Mr. Olsen - Where are we with this pie shaped piece?

Mr. Rother - The same place. It has been offered for dedication to both the Town and the Village, we are not proposing anything on it and if you want to annex it, it is the Municipalities prerogative.

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Mr. Getz - You are proposing a road on it.

Mr. Rother - It would make sense to annex it just to clean it up and I agree and if it were annexed we could make all of this open space.

Mr. Olsen - Can we make that a condition?

Mr. Dickover - I have expressed the same opinion because it doesn't make any sense to have a Village street crossing a small parcel in the Town and the applicant has been willing to offer it up for annexation and I think that petition should be pursued. It makes the taxation easier and the maintenance. Has a petition already been filed?

Mr. Rother - The petition is filed along with the schedule A and the survey.

Mr. Patterson - How do we proceed?

Mr. Dickover - You can accept the SEIS for public review, the Notice of Determination needs to be filed and the filing of that Notice would start the time limit to complete the 30 day minimum and the clock starts running with the filing of that Notice and then the setting of a public hearing. This would be a joint public hearing for both the SEIS and the subdivision. Are you comfortable with the subdivision plan and all of the engineering that goes along with it ready for a public hearing?

Mr. Getz - Yes. There are some outside agency approvals to get before he can get a final sign-off i.e., Health Dept. for the Booster Pump station for the water system, Sewer ext. review by the DEC but those can happen after this step.

Mr. Rother - Those can't happen until after the Board concludes SEQR and issues Preliminary Approval.

Mr. Getz - Yes.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to accept the SEIS for public review (4 Ayes)

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to schedule a joint Public Hearing for the SEIS and Subdivision approval on December 10, 2019 in Town Hall at 7:30pm. (4 Ayes)

A MOTION was made by Kerry Boland, seconded by Jesse Gallo and carried to adjourn the meeting. (4 Ayes)

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary