

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

VILLAGE OF WARWICK
PLANNING BOARD MEETING
FEBRUARY 11, 2020

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, January 14, 2020. Present were: Jim Patterson, Jesse Gallo, Bill Olsen, Kerry Boland, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: John McGloin, Susan Roth, Jay Myrow, Bob Krahulik, Tony Driton, Michael Newhard, Nikki Grzegorzewski, Kimberley Starks, Lugene Maher and others.

The Board recited the Pledge of Allegiance.

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to accept the minutes as amended of the January 14, 2020 meeting. (4 Ayes)

6 HIGHLAND AVE. MINOR SUBDIVISION DANIEL & EILEEN OBRIEN

Mr. McGloin - The subdivision proposed is basically the same subdivision that was approved in 1989 and for some reason the lots were merged and now the O'Briens' wish to separate them again. This plan is almost a duplicate of what was done before other than a current topo and some finished contours.

Mr. Getz - They have even provided a copy of the previous map and at the time of the map there was an existing house on the property so it is virtually the same project. To the existing house there is a long driveway across the front of the property and what they are proposing now is to remove part of the existing driveway and create a separate driveway for lot #2...

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

Mr. McGloin - Lot 1 is at the minimum mostly because of the grading and the applicant's wanted to keep most of the land with the existing house.

Mr. Getz - The property is located in the R district and it is not located in the Historic District. In Sec. 120-16 of the Village Code states " the maximum slope of a driveway up to the front setback line should 10% and what is drawn is slightly steeper. The existing house and the new house will be set back quite a bit below the road so it is a challenge to get in and get down to the houses at a flat slope and as Mr. Dickover pointed out the Board could issue a waiver of that 10% requirement and allow the driveways to be slightly steeper, 11 or 12%...

Mr. McGloin - They are at 11% or so. Part of the reason is that the structure on Lot 1, it is hard to know whether the applicant would choose to put a garage under it is probably the best solution for the property and that is the reason it is shown that way. They can certainly fill it and there would be no challenge whatsoever in getting the grading done but this is the best way to construct on this property in my opinion.

Mr. Getz - Can you draw it at a 10%?

Mr. McGloin - I could but what I am trying to do is maintain a decent grade coming away from the garage floor rather than having slope in there.

Mr. Getz - I agree that coming around the side is better.

Mr. Olsen - It looks nicer but understand that I had a steep driveway at one time and I was not happy with it.

Mr. McGloin - It is around 11%, it is close and again I could raise the house but what that does is it makes the back stick out more, the higher I come up in the front. Right now I am right at grade which is nice, there is not a lot of change in grade back here. If I start bringing this up I will have to do more with the contours in the back and go further down the hill with finished contours. I did this based on what I thought would be a good appearance.

Mr. Getz - Theoretically, you could make the lot a little larger to give yourself more room to work with.

Mr. McGloin - But what that does is drives the driveway further up into the slope...

Mr. Getz - That's true it would make it harder. Personally I would not have an objection to allowing the driveway at 11%, it is not much different from 10% and it is not a long slope.

Mr. Patterson - What is the slope on the modification of the existing driveway.

Mr. McGloin - About the same.

Mr. Getz - Yes.

Mr. Patterson - When you say about the same...

Mr. McGloin - About 11%. I can do 10% on Lot 2 but that just means more filling, more grading and more change to the existing driveway. All of these contours have to go out further and further to be able to meet the grade. This one would be tough without raising the house up out of the ground like a skyscraper.

Mr. Dickover - Is there room down on Highland Ave. to construct a one car parking lot so when you can't get up that driveway when it is iced over so you can get off the road and get the car out of the way?

Mr. McGloin - Maybe. I believe in most cases the 10% is the non-pavement status. If it is less than 10% in the Town. If you were going to approve this you can certainly require that the driveways be paved, that makes a big difference but they do not have to pave the driveway, there is no ordinance regarding paving the driveway but you could require that. It is easier to clean and easier to get the snow off and it is faster.

Mr. Getz - The existing driveway is paved.

Mr. McGloin - I didn't want any retaining walls so I tried to grade it without retaining walls.

Mr. Patterson - If the client were to decide to put the garage underneath would it increase the slope of that or can you stay with the 11%?

Mr. McGloin - That is what is shown here now, this is shown at a basement floor of 608 which is basically on the contours that are there, there is minor grading in the back but not a lot. To accomplish the 10% I would have to come up another 1 or 2 feet higher and require a lot more filling in the backyard.

Mr. Getz - There is a sewer lateral that serves the existing house that crosses all the way to tie into the sewer line in Highland Ave. and as a result of this subdivision part of that existing pipe would be on Lot 1, so an easement should be provided.

Mr. Dickover - If it is there it should be accommodated and at some point someone is going to have to maintain it or come in to repair it so it would be a sewer line easement. Is there a drainage pipe there?

Mr. McGloin - No, we are not proposing anything and there isn't anything in existence. Everything flows into the basins.

Mr. Patterson - Do you need to change the size of the line once you tie the second house to it?

Mr. McGloin - We are not proposing that.

Mr. Getz - They will have a separate tie-in for the new house and all of the other utilities are separate like water, electric...

Mr. McGloin - Yes.

Mr. Getz - The applicant has submitted the check-list and they are requesting a waiver from the requirement to locate trees on the plan of 8" in diameter or larger. There are trees that will need to be removed by the construction...

Mr. McGloin - Large chunks of the property is wooded and with this sort of grading pattern there is absolutely no way that we are going to be able to save anything in the front of this property. Then entire area is being re-graded to accommodate the new driveway and the lesser slopes. There is no realistic reason to show anything because it has to be taken out.

Mr. Getz - Sometime when there are significant trees they are shown on the plan because they design around them to preserve but I agree that in this case if they are going to build the house there is no way to save anything in that area.

Mr. McGloin - What is mostly there are a lot of Pine trees that were severely damaged by the storms, they are just beat up with broken limbs and tops broken off.

Ms. Boland - What would an example be of a significant tree?

Mr. McGloin - A 30" Oak tree.

Mr. Getz - Yes.

Mr. McGloin - I don't believe there is anything like that here.

Mr. Getz - With regards to the remainder of the check-list, the plans are very complete, they show a good description of the existing conditions and what is proposed.

Mr. McGloin - The dash lines are proposed and the solid lines are existing.

Mr. Olsen - Is there any potential run-off?

Mr. McGloin - Of course there is going to be some anytime you have a roofed area or driveway you will create some. The area in the back of this lot is a lot less steep than the area in the front

so there is plenty of area in the back where the water shouldn't even get off the lot once the construction is finished.

Mr. Getz - There is also existing pavement that is going to be removed, which is about the length of the existing driveway so the overall difference...

Mr. Olsen - You are taking the trees and putting a house there with lots of impervious surface. You are increasing the amount of impervious surface on the property.

Mr. McGloin - The only real increase is probably the roof surface because the other driveway is going to be removed and filled in and be replaced by a new one.

Mr. Getz - For a project this size there is no requirement in the Village Code that he has to provide detention basins...

Mr. McGloin - I believe that they will end up with more grass surface than is here right now and that does an awful lot to slow down any water.

Mr. Getz - Once the plan is ready to be approved iron pins should be placed at the new property corners.

Mr. Dickover - Will there be an issue with run-off from this lot impacting Highland Ave. and or the neighbors across the street or downstream? Do we need to be considering ditching or a swale?

Mr. McGloin - It won't happen on Highland Ave.

Mr. Getz - No, the people that would be affected would be downhill but the water is not heading out to the street.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to classify this application as a Minor Subdivision. (4 Ayes)

Mr. Dickover - If the Board is in agreement with the waiver for the trees as Mr. Getz is we can then review this project as it is presented and if and when you do a motion to approve it we would incorporate the waiver language into the resolution at that time.

A MOTION was made by Kerry Boland, seconded by Bill Olsen and carried to declare itself Lead Agency under the SEQR process and to Type this application as an Unlisted Action with an Uncoordinated Review. (4 Ayes)

Mr. Dickover - Lot #2 has the existing house on it with a pre-existing non-conforming side yard and because the non-conformity is not being increased or enlarged I don't believe a variance is required. There is a shed at the rear of that property that appears to be which appears to be close to the lot line. This project will require an easement in favor of lot #2 across lot #1 for the sewer-line.

The Board was polled and agreed to waive the 10% slope requirement for the driveway.

Mr. Patterson - I would like to consider having macadam or some type of asphalt...

Mr. Getz - As a pull-off area?

Mr. Patterson - For the pavement itself.

Mr. McGloin - I can put a note on the plan.

Mr. Gallo - Can we make a condition that it is no more of a certain percentage?

Mr. Dickover - It can not be anymore then what is going to be shown on the approved plan so you probably should be it on the plan the largest extent of the slope.

Mr. Getz - Do you want to say maximum slope of 11%?

Mr. McGloin - Yes, we can do that. The notation will state that the driveway percentage shall not exceed 11% at any point and the entire length of each driveway shall be paved.

VILLAGE VIEW

FEIS
ALT. CLUSTER SUBDIVISION

VILLAGE VIEW

Mr. Patterson - We have received the FEIS but I have not had an opportunity to complete the review.

Mr. Getz - Two of the most significant impacts raised on the project are on traffic and on wastewater, the fact that this will send more wastewater to a part of the Village's system that has the Robin Brae pump station which is already sort of a weak link in the system. The Village is hiring HDR, which is the Town Engineer and has traffic engineers in their office to take a second look at the traffic study. They did provide some comments for their review for the Town Planning Board on the traffic study but they claim that those were prepared more with regard to impacts on the Town facilities not specifically on the Villages roads, so the Village Board is making arrangements to hire them next week. I sent the FEIS to HDR so they can see how the applicant has been responding to the traffic questions that were raised also.

Mr. Patterson - Can we send along the minutes of meeting last month as well?

Mr. Getz - Yes.

Mr. Myrow - Do they include Mr. Wersted?

Mr. Patterson - Yes.

Mr. Getz - I reviewed the FEIS and I found some questions and typo's which I pointed out.

Ms. Roth - Those are easy fixes.

Mr. Getz - Many of the comments that the public or consultants to the public made regarding land use or impacts on wetlands or streams, this document now says "those comments no longer apply, we have changed the road layout, we have changed things so that we are no longer...

Ms. Roth - That was from the previous DEIS.

Mr. Getz - Yes, but after awhile it gets repetitive so for being complete is it good to have that much included in there?

Ms. Roth - That is just my opinion. I think when the public goes through the effort to stand up in front of the Board or write a letter, they want to be able to identify easily their comment and then point back and get the answer. That is a personal preference you are not required by SEQR law to do that, you could summarize and provide one answer.

Mr. Dickover - You have a Draft FEIS it has been prepared for you by the applicant but at the end of this process it is your document and the responses to the to the comments that you receive are yours. It is for you to review them and determine whether or not they are in fact your responses to the comment and that is the process that you should gage yourselves in between now and the next meeting of this Board in March. To avoid running into any disagreements I suggest that we try and complete your review process by the meeting in March and be prepared

at that time to accept what has been presented to you as the FEIS, at that point it will be filed and once it is filed you have a 10 day period for other interested or involved agencies to comment on it and at the end of the 10 day period you will commence preparing your Findings on the FEIS. Review the responses and make sure they are to your agreement and if they are not I suggest that you write your own and present them to the Planning Board secretary so we can start collecting and putting together what might become collectively the agreed responses to the comments.

Mr. Patterson - Do we make those modifications after the acceptance or prior to accepting?

Mr. Dickover - They should be made prior to acceptance because that becomes the FEIS document so your responses need to be your final responses.

Mr. Getz - What would the procedure be if someone has comments in the coming weeks? What is the best way?

Ms. Roth - Give them to the Planning Board secretary and she can get them to me.

Mr. Olsen - Before the March meeting?

Ms. Roth - Yes, that gives you 3 weeks.

Mr. Getz - So all of the comments should be in the office and to the applicant by March 3, 2020.

Mr. Patterson - If it is accepted at the March meeting, what is our next move? Does it go out for public review?

Mr. Dickover - No there is no more public comment, it goes out to the interested agencies, primarily the Town of Warwick because they are an involved agency. They will also need to make a Findings on their aspect of the project. I think the Village Board has a Special Permit application on this and they will need to make a Findings also on that aspect of the project. After the 10 days are up and then you embark on your Findings and then I believe it is 30 days after filing the FEIS.

Mr. Olsen - That brings us into May.

Mr. Getz - What about the subdivision plan and approval, does that run concurrently?

Mr. Dickover - They do not have to but it is not unusual that they might.

Ms. Boland - How soon will we have the review from HDR?

Mr. Getz - I don't know.

Mr. Myrow - Can I address that with the Board? I didn't learn that the Board was even considering any additional information as a result of our traffic study until a day or two ago. The Board has a prerogative to ask for whatever it wants to assist in its review my only comment regarding having HDR do anything would be that it should fit within our SEQR. If you are going to consider it as part of SEQR, it should fit within this March 3, 2020 deadline. The reason I say that is from my client's point of view I am not sure a need for the HDR review, typically, you would ask for additional information for the traffic study that was presented to you demonstrated either marginal circumstances or circumstances that might even remotely suggest that there was an environmental impact. Based on what I heard from Mr. Wersted and having read the study there is nothing that is even remotely close to marginal on this study. Everything was well within the standards and I didn't see anything in the study that suggested a negative impact. If you look closely at the HDR letter that they did for the Town there is significant detail and comments about the Village. It was not limited to the Town. There were comments regarding the Village intersections, there were literally over 40 comments that were raised on the Wersted study and a significant number of them involved the Village, it was not limited to the Town and Mr. Wersted responded point by point on all 40+ and are contained in the SEIS. I understand that the Board is

acting with caution but I think it would be more appropriate if it was something more specific that you saw in the Traffic Study and have them review that. Have you identified anything specific? Or is it just a general review to make sure that Mr. Wersted dotted i's and crossed t's?
Mr. Patterson - I believe that is exactly what it is.

Mr. Myrow - Based on the existing HDR I believe they have already done that.

Mr. Patterson - Mr. Getz, to clarify, we are not asking them to do another study, we are just asking them to review it.

Mr. Getz - What their words say to me is that they looked at it on behalf of the Town and it may be a little different on behalf of the Village, so that is where this came from, but we do need it by March 3.

Mr. Myrow - That I have no problem with as long as it doesn't delay what should happen on March 10.

18 RAILROAD AVE.

SITE PLAN/CONDITIONAL
USE APPROVAL

18 RAILROAD AVE LLC

Mr. Krahulik - We appeared last in August where the primary issue was the necessity of permanent parking which at that time was interpreted to the applicant to actually own the spaces in fee. We were referred to the ZBA for an interpretation and we received a variance which granted relief from the requirement that permanent parking spaces be offered and then we were referred back here for determination of what parking spaces you would require and where they would be located. We have offered as an alternative sufficient parking at 2 Bank St., availability of parking at the Chase Bank lot where there are 2 types of permits available, a daytime permit and an evening permit. There are 80 spaces available and 79 spaces available for overnight parking and there are 18 daytime spaces available. So between those 2 spots there is more than ample parking available and we will leave it to the discretion of the Board on how many spaces and where you would like them. We have included the variance on the map.

Mr. Getz - We really need a larger version on the map, we can not read it, you can put it on a second sheet. The need for the parking is for the 7 apartments.

Mr. Krahulik - 7 apartments but I think the Board reached 11 parking spaces or at least discussed which I believe was the maximum of spaces required. We emphasize that the code provides maximum spaces but leaves it in the Boards discretion and can require less. We think the spirit and intent of the code is to reduce parking throughout the Village to promote affordability and public transportation but we understand the concern over parking. It could also be a floating requirement where the applicant maintains 11 spaces somewhere but always within walking distance to the apts.

Ms. Boland - That would be the responsibility of the owner and not the occupants?

Mr. Krahulik - He would charge the tenant but yes the owner of the building would be required to make parking available.

Mr. Getz - Instead of specifying specific properties would you do a radius?

Mr. Krahulik - We could live with 500ft. Both Bank St. & Chase are within 500ft.

Mr. Patterson - How would we monitor that?

Mr. Dickover - In my opinion they do not have a variance what they do have is a Determination from the ZBA is that they do not need a variance. Out of decision came of couple of things 1)

Under the Zoning Board, the parking does not have to be permanent and you could require 0 parking which is up to the Board. Then the question of how to enforce this, 1) you could make the parking that is being offered now as part of an approval to be maintained and if it is not maintained because the Chase lot gets sold or Bank St. is unavailable that the Conditional Use aspect of the Site Plan approval become void or temporarily suspended until the parking is replaced which presents an enforcement issue by the Building Dept.

Mr. Krahulik - This is not the first time the Board has reviewed a similar project. The Nazari project next door and the same as 20 Spring St. Kitar application both mixed use commercial on the first floor & apts on the second floor, no parking requirements. The Board has looked at similar applications and parking was never an issue.

Ms. Boland - The Spring St. has the Spring St. parking lot.

Secretary - Yes, it is a 12hr. parking lot so it was taken into consideration by the Board.

Mr. Olsen - And they had parking across the street.

Mr. Dickover - There is some on-street parking which is part of that criteria that the Board can consider in meeting the parking requirement, the Chase Lot and Mr. Krahulik has offered a revocable license to use his parking lot too.

Mr. Patterson - The Chase lot would be easier to monitor if that was the case, if there was a change in that lease.

Mr. Olsen - I would suggest that we require less 1.5 spaces for parking to at least 1 space per apt.

Mr. Krahulik - There are 7 one-bedroom apts. On average there might be one, some may be commuters and some may have two.

Mr. Patterson - Can we stipulate which lot they should use?

Mr. Dickover - I think the spaces should be identified. How many spaces does Mr. Krahulik have?

Mr. Krahulik - I have 20 spaces but I have offered 11 to the applicant.

Mr. Dickover - At some point you have to decide how many spaces and where they should be. If you think the idea of having the approval conditioned upon those lots remaining that could be drafted into the decision.

Mr. Getz - What is the status of the construction of the building?

Mr. Krahulik - We are waiting for this approval to close a bank loan to finance the remainder of the project.

Mr. Getz - Some work has been done, correct?

Mr. Krahulik - The shell was been done and the building stabilized.

Mr. Getz - So the rest of the work is interior?

Mr. Krahulik - There is some exterior siding, windows & doors.

Mr. Getz - What about the ARB.

Secretary - This has been before the ARB.

Mr. Krahulik - We would like to schedule a public hearing.

Mr. Dickover - We can proceed that way.

A MOTION was made by Kerry Boland, seconded Jesse Gallo and carried to declare Lead Agency and to type this as a Type 1 Action with an Uncoordinated Review under the SEQR process. (4 Ayes)

A MOTION was by Bill Olsen, seconded by Jesse Gallo and carried to send this application to be reviewed by the Orange County Planning Dept. (4 Ayes)

Mr. Dickover - We will review the Long EAF at the March meeting and then we can schedule the public hearing for the April meeting.

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

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary