

Unapproved Planning Board minutes

CHAIRMAN: JAMES PATTERSON

MEMBERS: WILLIAM OLSEN, JESSE GALLO, & KARL SCHEIBLE & KERRY BOLAND

Alternate: Michael Dombrowski

VILLAGE OF WARWICK
PLANNING BOARD MEETING
MARCH 10, 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, Michael Dombrowski, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: John McGloin, Susan Roth, Kirk Rother, Stephanie Tunic, Bob Krahulik, Lugene and Raymond Maher, John Gruen 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 as amended of the February 11, 2020 meeting. (4 Ayes) {1 Abstention - Michael Dombrowski}

6 HIGHLAND AVE.

MINOR 2 LOT
SUBDIVISION APPROVAL

DANIEL & EILEEN O'BRIEN

Mr. Getz - The plan has been revised to include a note #8 regarding the driveways requirement for paving and the maximum slope not to exceed 11%. The application is also required to go before the OCDP for comments because it is within 500ft. of a municipal boundary.

Secretary - The application was sent to OCPD on Feb. 12, 2020.

Mr. Patterson - Was the new map attached?

Secretary - Yes.

The Board reviewed the Short EAF.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to declare a Negative Declaration under the SEQR process. (5 Ayes)

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A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to schedule a public hearing for a Minor 2-lot Subdivision for 6 Highland on April 14, 2020. (5 Ayes)

18 RAILROAD AVE.

AMENDED SITE PLAN/
CONDITIONAL USE

18 RAILROAD REALTY, LLC

Mr. Getz - The parking calculations were corrected per our comments which now indicates 7 apartments at 1.5 parking spaces per apartment, 11 spaces in total. They also attached a legible version of the variance on a second sheet.

Mr. Krahulik - I think we just need to finalize what the Board needs to satisfy the parking requirements. We have offered a couple of different proposals all of which are acceptable to my client.

Mr. Dickover - The Board needs to make a determination of how many parking spaces will be required and where they will be located.

Mr. Krahulik - The alternatives would be a license to utilize the office at 2 Bank St. which is privately owned property, the Chase Bank parking lot towards the Caboose can be utilized on a permit basis through the Village of Warwick. The parking space issue would be whether the Board will require 11 spaces all of the time or perhaps the number of spaces based on the number of vehicles owned by the occupants, we don't know if everyone will own a vehicle.

Mr. Olsen - How many spaces are available as Bank St.?

Mr. Krahulik - 20.

Mr. Dickover - How about your own use?

Mr. Krahulik - There are two of us so are immediate needs are not significant.

Mr. Olsen - Would that be at a cost to the residents?

Mr. Krahulik - Yes.

Mr. Olsen - Available 24hrs a day?

Mr. Krahulik - Yes.

Mr. Dickover - The ZBA decision was that it was this Board to determine what the word permanent means so in your deliberations on this question you will need to give that some consideration.

Mr. Olsen - What if the owner of 2 Bank St. changes?

Mr. Dickover - A license generally is revocable at will so whether the owner changes or not it can be revoked.

Mr. Olsen - Is there a way to make that permanent?

Mr. Krahulik - We could but we would not at 2 Bank St. One way to look at permanent is that we would always be able to demonstrate the availability of 11 spots and you could make that a condition of occupancy of each apt. and if we could only demonstrate 10 spaces then we lose the right to occupy a unit.

Mr. Patterson - No matter where those parking spaces are, correct? I think that would apply to no matter where those spots are.

Ms. Boland - It is the responsibility of the owner of 18 Railroad to obtain the spots?

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Mr. Krahulik - Yes, it would be the property owner's responsibility to ensure that there were spaces. This is an important issue, we are not going to be the only ones coming in with this problem so I think some flexibility is going to be needed otherwise some buildings like Chase Bank that can never be occupied again.

Mr. Patterson - But that would be during the day, not during the night and we are talking about overnight for this particular property.

Mr. Krahulik - There is an abundance of overnight parking spaces available in the Chase lot. There are 80 spaces available for overnight parking and only one spot is committed. Daytime is the problem, from what I understand there are only 18 spaces available during the day which gives you an idea of when the demand is.

Mr. Dickover - For the purpose of compliance it would be easier for the spaces to be committed to the Chase lot presumably.

Secretary - Yes.

Mr. Dickover - 11 is the maximum number of parking spaces that can be required but you don't have to require 11, you can require anywhere from 0 to 11. So you should also give some thought to how many spaces you want to require.

Mr. Patterson - You spoke earlier about people using mass transit to work but the problem is where we live because even a job from Mon-Fri but more than likely I always see people having 1 car or even 2, so my personal view is to keep it at 1.5 per unit. I don't know if this is something we can fluctuate as time goes on, I think once we make a decision we are bound to it. Is that accurate?

Mr. Krahulik - We can come back to you, we always have that option.

Mr. Dickover - They could come back and maybe historically show that the occupancy of this space only had 5 cars over the last 2 or 3 years and make an application to amend the condition. The idea of having a floating number based upon occupancy would be very difficult to monitor, it is just not practical.

Mr. Krahulik - There are only 7 - 1 bedroom units. We are using 1.5 as a factor but we don't know if 2 people will be leaving in each unit so there are some unknowns. We have no objection to providing 11 spaces and if the Village in the future thought they needed to free up some spaces they can approach the applicant to reduce the number of spaces.

Mr. Patterson - I think being able to come back to the Board to reduce the number of spaces is a good option for the applicant. Right now I am inclined to do the 1.5 spaces per unit.

Mr. Patterson polled the Board.

Mr. Olsen - I don't want us to get locked into the 1.5, if another applicant comes before the Board, would we be locked in with a precedent?

Mr. Dickover - No.

Mr. Olsen - Then I am comfortable with 1.5.

The Board agreed on 1.5 spaces per unit.

Mr. Patterson - Then there is the issue of location. As it has been pointed out, it would be easier for the Village to monitor what is going on with the Chase lot. I would propose that we designate the Chase lot for the parking location.

Mr. Krahulik - The Chase lot is preferred by the applicant, he approached me because early in this process it was discussed that public parking was not considered permanent.

Mr. Patterson - Would we have to go for day and nighttime permits?

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Mr. Dickover - Yes. Does the Village issue different permits for day and nighttime permits?
Secretary - Yes.

Mr. Patterson - Available at all times would indicate that there would be 11 spaces for this particular project and as far as I interpret it I believe it indicates that we should have 11 spaces for both day and night for this particular application.

Mr. Olsen - I am not sure I agree.

Mr. Gallo - I agree and they can come back and propose to the Board some type of deviation from this condition with evidence and proof.

Ms. Boland - Agree.

Mr. Dombrowski - Agree.

Mr. Olsen - I still think that permanent does not mean 24hrs./7 of parking. My concern is limiting the parking in the Chase lot, it is used all day by shoppers, etc.

A MOTION was made by Jesse Gallo, seconded by Kerry Boland and carried to have the applicant use the Chase parking lot for a total of 11 spaces for both day and night time permits. (4 Ayes) {1 Nay - Bill Olsen}

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to declare this a Type 1 action with a Negative Declaration under the SEQR process. (5 Ayes)

A MOTION was to made by Mike Dombrowski, seconded by Kerry Boland and carried to schedule a public hearing for an amended site plan and conditional use for 18 Railroad Ave. on April 14, 2020. (5 Ayes)

WARWICK COMMONS

EXT. OF SITE PLAN
APPROVAL

STERLING BANK

A MOTION was made by Jesse Gallo, seconded by Mike Dombrowski and carried to extend site plan approval for Warwick Commons until June 10, 2020. (5 Ayes)

WARWICK COMMONS

AMENDED SITE PLAN

W C STAGE 5, LLC

Ms. Tunic - At this time there is a lot to consider. We have reviewed Mr. Dickover's memorandum but at this time we do not have any comments but we do agree with the fact that the next stage is for this Board to issue a Notice of Intent of Lead Agency so we can start those discussions.

Mr. Dickover - I wanted to give you some background on this project so I pulled together some historical documents. The Resolution for approval at that time was an amended site plan, the SEQR Findings that were made in 1986 and because so much time has gone by it

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is my opinion that this evening the Board should resolve your intent to re-establish your position of Lead Agency on this project. The applicant submitted a Short EAF. This was a Type 1 Action in its previous life and my recommendation is that the applicant provides the Board with a Long Form EAF. Similar to Village View with the long hiatus and we re-established Lead Agency, had a Long Form submitted, the Board renewed the Positive Declaration Finding and that is my recommendation with respect to this as well. Once that has happened we will have to circulate a Notice of Intent to Re-Establish Lead Agency. We ultimately need to decide whether or not we are going to require an SEIS or if all of the environmental impacts are actually positive and they are less based upon this modified plan you could resolve that no SEIS is required. You could also find that so much time has gone by that you want to re-visit the entire project and require a new EIS. Since 2010 we have had some regulatory changes and some of those were addressed in 2010. I don't believe we have had any zoning changes that apply to this project but traffic does get busier, so you could look at that, sewer may be an issue now, it wasn't in 2010 and water supply as well and based upon that review we would give our direction to the applicant on how we are going to proceed.

Mr. Getz - The Stormwater rules have changed since this was approved and at a previous meeting a Maser rep. indicated that they would be complying with the current regs, which are stricter than what would have been in the old plan.

Mr. Dickover - Was the 10% reduction in 2010?

Mr. Patterson - For a month to research it.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to re-circulate and establish Lead Agency for the Warwick Commons Stage 5 application for an amended site plan for Warwick Commons. (5 Ayes)

A MOTION was made by Kerry Boland, seconded by Bill Olsen and carried to request a Long EAF from the applicant. (5 Ayes)

VILLAGE VIEW

EXT. OF 28 LOT
SUBDIVISION

VILLAGE VIEW

A MOTION was made by Mike Dombrowski, seconded by Jesse Gallo and carried to extend the preliminary 28 lot subdivision approval for Village View until June 10, 2020. (5 Ayes)

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VILLAGE VIEW

FEIS

VILLAGE VIEW

Mr. Dickover - Optimistically I thought that we might be able to reach a conclusion this evening but what has transpired is with various comments received from Board members and some of which just came in yesterday and today, they need to be incorporated into the SEIS and more importantly the issue of the cost of the sewer transmission line and how that is going to be paid for came up in the conversation and Mr. Myrow, on behalf of the applicant has been trying to organize or coordinate a meeting with the Village officials and my understanding is that it is scheduled for Friday. It is an important environmental issue as to who it is going to be built by and how it will be paid for and it needs to be addressed in the Findings and without having some resolution we are not ready to accept a FEIS at this point nor are we prepared to prepare our Findings based upon that and I don't think the applicant wants you to do that at this time.

Mr. Patterson - Have you been invited to the meeting?

Mr. Dickover - No, I have not. The Village attorney will be there, it is a meeting for the Village. I think Mr. Getz is invited.

Mr. Getz - Yes.

Mr. Patterson - Will you be able to attend?

Mr. Getz - Yes.

Mr. Patterson - Have we established at least the direction you would like to go with the modifications for the sewer?

Mr. Getz - Do you mean which scenario? Yes, putting a sewer line along Maple Ave. That is the way the SEIS described it and that has not changed.

Mr. Patterson - Based on the fact that it is a financial decision for the Village Board I don't think we should push to have you there Mr. Dickover. I don't think there is anything that you would add that Mr. Gaba would not.

Mr. Dickover - I don't think there is. I am sure Mr. Getz can carry your message to the meeting.

Mr. Patterson - I am not sure there is going to be any resolution on Friday or whether it will continue further than that. If there was a resolution to this particular issue I guess we could go forward next month but if we don't have anything I guess we are on hold.

Mr. Dickover - We may be.

Mr. Rother - Our hope is that between now and next month your Board can fine tweak the SEIS with the changes that were submitted today.

Ms. Roth - I have Jesse Gallo's comments.

Mr. Rother - As far as the meeting, I personally don't think we will have all of the things worked out in one meeting but we should definitely have a direction.

Mr. Dickover - It will require action from the Village Board in a formal meeting. They can't really make a decision on Friday.

Mr. Rother - It will be Mr. Getz, myself, Mr. Cheney, the Mayor, the Hwy. Superintendent, the Village attorney and Jay Myrow.

Ms. Roth - Mr. Gallo had a comment about sidewalks and I just found out tonight that there are going to be sidewalks on both sides.

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Mr. Rother - We have them on both sides of the street where ever there is homes, along the entry road going in where the stream and the wetlands are on the right hand side we do not have a sidewalk.

Ms. Roth - So I will go through the comments again.

Mr. Gallo - Ok.

15 ELM STREET

ZONE CHANGE/
SITE PLAN APPROVAL

JOSEPH IRACE

This application was presented to the Planning Board per procedure for a Zone Change. The application is before the Village Board to change the existing zone of Light Industry to the Central Business Zone.

The applicant discussed the possibilities and future of the property. The applicant proposes a potential subdivision and apartments along with proposing the existing Feed & Grain building becoming an office on the first floor and an apartment on the second floor with a small addition for a 2 car garage with storage for the applicant and owner of the property.

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to circulate a report prepared by the Planning Board attorney to be submitted to the Village Board regarding the requested Zone Change from Light Industry to Central Business at 15 Elm St. This report will be reviewed by the Planning Board members for the Chairman's signature. (5 Ayes)

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary