

CHAIRMAN: JAMES PATTERSON

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

Alternate: Michael Dombrowski

VILLAGE OF WARWICK
PLANNING BOARD MEETING
MAY 12, 2020

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, May 12, 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, Eileen O'Brien, Susan Roth, Kirk Rother, Bob Krahulik, Tony Sylai, Raymond Maher, John Cappello and others.

This meeting was held via Zoom and Facebook Live.

A MOTION was made by Bill Olsen, seconded by Mike Dombrowski and carried to accept the minutes of the March 10, 2020 Planning Board meeting. (5 Ayes)

PUBLIC HEARING

**6 HIGHLAND AVE. MINOR 2 LOT DANIEL & EILEEN O'BRIEN
SUBDIVISION APPROVAL**

Mr. McGloin – This property was actually 2 lots in I believe 1989 and somewhere along the line it turned into one and now my clients would like to subdivide it back into 2 lots.

Mr. Getz – There is an existing house on the property. There is a new driveway proposed for lot 1 with a modified driveway entrance to lot 2. A portion of the sewer lateral that serves lot 2 will be located on Lot 1 so an easement will be required.

Mr. Dickover – We have received comments back from OCDP which was deemed local determination.

A MOTION was made by Mike Dombrowski, seconded by Bill Olsen and carried to open the meeting to the public. (5 Ayes)

There were no public comments.

A MOTION was made by Kerry Boland, seconded by Bill Olsen and carried to close the public hearing. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Kerry Boland and adopt the Resolution prepared by the Planning Board attorney to grant a minor 2 lot subdivision for 6 Highland Ave. (5 Ayes)

The meeting via Zoom was abruptly disconnected due to technical difficulties.

The Planning Board, Robert Dickover, Planning Board atty, David Getz, Village Engineer, Robert Krahulik, atty representing 18 Railroad LLC and John Cappello representing 16 Elm St. LLC met via Zoom.

Mr. Patterson – It was announced that meeting was over but...

Mr. Dickover – I did not hear any of that but if it is was made it should be the end of it.

Mr. Patterson – I agree but I don't know exactly how it was phrased or what term was used but I know it was announced from the Village Hall that we were ending the meeting but it was not voted on to adjourn the meeting.

Mr. Dickover – Let's look at the agenda and see if there is anything we need to do anything this evening. It may be that they are not urgent and we can re-schedule. There was a public hearing for 18 Railroad Ave and in the absence of the public I suggest that this be postponed to do otherwise would make any kind of action subject to challenge.

Mr. Krahulik – I understand Mr. Dickover's position and we want to proceed cautiously I will simply ask the Board to re-schedule the public hearing as quick as possible.

Mr. Dickover – The next item is 16 Elm St. - The applicant requested a determination from the Building Inspector on the issue as to whether or not the Building Permit had expired and or the site plan had expired. The Building Inspector has rendered a determination on that neither one has expired. By virtue of that Mr. Cappello has sent to me a letter earlier today that the request or an extension from our Board is moot and I would agree with that. Perhaps Mr. Cappello would like to comment.

Mr. Patterson – Do we need to hear from Mr. Cappello? The letter went to the Building Dept and he has made a decision so I don't think there is a decision that we need to make on this.

Mr. Dickover – I believe it is moot at this point and no need for a decision tonight and I think Mr. Cappello agrees with me I would just like to hear what he has to say or he may have a different idea.

Mr. Cappello – I agree, I understand the Board's reluctance, I know there was a letter from the other attorney but I believe it is moot. The Building Dept has issued it's determination and the determination is rational that the time frames are tolled until the challenge of the validity of the site plan is determined because it would be impossible for any property owner to close on finances and expend funds regardless of the validity of the lawsuit which in this case was not, he won the lawsuit, they are appealing and to say because you couldn't close because of the appeal when you started based upon valid Building Permit that was issued is patently unfair and likely illegal. The Building Inspector with the advice of the Village Attorney rendered that determination so I do believe it is moot. There is nothing for you to do and nothing for you to extend.

Mr. Dickover – Based on that will you be withdrawing your request for this Board to act?

Mr. Cappello – Yes.

Mr. Dickover – Mr. Chairman, there is nothing to be done further with respect to that this evening. The next item is Village View FEIS and my understanding at this point is that the applicant is pursuing discussions with the Village Board regarding the Robin Brae Pump station and so our Board in my opinion is not ready to make a final decision on the FEIS. If the other members agree with respect to that we can terminate this meeting.

Mr. Patterson – I agree.

The Board agreed.

The Board discussed re-scheduling the next meeting and how we go forth.

Mr. Krahulik - Mr. Dickover, we first sent out our certified mailings before the first meeting got cancelled because of the virus and the list was fairly extensive with 40 or 50 mailings at \$5.00 each and then we sent a second mailing for tonight's meeting and I think the public already knows that this is before the Board and I think it is incumbent upon them to keep track of adjournments and I am hoping to be relieved of having to send out notices again by certified mail. So if the you could think about it please.

Mr. Dickover – I can understand the fairness and I may come to agree with you but give me a day to think about it and I will discuss it with the Chairman and make a decision on how to proceed with respect to that.

Mr. Krahulik – Thank you.

Mr. Patterson – We did not make any decisions after the meeting closed abruptly do we need to actually adjourn the meeting?

Mr. Dickover – There would be nothing wrong with that.

A MOTION was made by Mike Dombrowski, seconded by Jesse Gallo and carried to adjourn the meeting. (5 Ayes)

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary