

CHAIRMAN: JAMES PATTERSON

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

Alternate: Michael Dombrowski

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
JUNE 9, 2020

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, June 9, 2020. Present were: Jim Patterson, Jesse Gallo, Bill Olsen, Michael Dombrowski, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: Bob Krahulik, Susan Roth, Kirk Rother, Jay Myrow and R.J. Smith.

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 May 12, 2020 Planning Board meeting. (4 Ayes)

PUBLIC HEARING

18 RAILROAD AVE.

CONDITIONAL USE/ SITE PLAN  
APPROVAL

18 RAILROAD  
AVE. REALTY LLC

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Mr. Krahulik – There is an existing 3<sup>rd</sup> story on the building above the existing Grappa Restaurant, La Pizza and the Olive Oil Co. The applicant is proposing 7 one-bedroom apts. with 11 dedicated spaces in the Chase parking lot.

Mr. Getz – All comments have been addressed.

Mr. Dickover – The public has been instructed to address all questions regarding this public hearing on the Village’s Facebook or by submitting written comments either through the mail or by the Planning Board secretary’s e-mail.

Mr. Patterson – Will we have to keep the public hearing open for 10 days?

Mr. Dickover – Yes and after 10 days if there has been no comment the Resolution can be signed.

A MOTION was made by Bill Olsen, seconded by Mike Dombrowski and carried to adopt the Resolution for Conditional Use /Site Plan Approval prepared by the Planning Board attorney 10 days from June 9, 2020 pending no public comment and conditional upon receiving 11 parking space permits from the Village of Warwick to be located in the Chase parking lot. (4 Ayes)

VILLAGE VIEW

EXT. OF SUBDIVISION/  
SITE PLAN APPROVAL

VILLAGE VIEW

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The Board reviewed the letter to request an extension.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to grant an extension until September 9, 2020. (4 Ayes)

WARWICK COMMONS

EXT. OF SITE PLAN APPROVAL

STERLING BANK

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The Board reviewed the letter to request an extension.

A MOTION was made by Bill Olsen, seconded by Mike Dombrowski and carried to grant an extension until September 9, 2020. (4 Ayes)

VILLAGE VIEW

DISCUSSION

VILLAGE VIEW

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Mr. Rother – All we are looking to do is give the Board an update on where we are in the FEIS process. On our end we are of the understanding that the 2 primary issues were traffic and the sewer pump station improvements. We had a Zoom meeting with the Village Board where the Village Board reached a consensus regarding the 4 alternatives that were proposed in the DEIS, the pump station on Robin Brae, the gravity sewer down Locust, gravity sewer through private property and a possible pump station on Woodside Dr. The Village Board decided that the improvement of Robin Brae pump station would be the preferred alternative and we are in agreement with that and it was also resolved that the way it will be handled is that we are going to be building it and dedicating it and entering into a Developer’s Agreement with the Village Board and I understand that the Mayor spoke with our Traffic consultant, Ken Worsted, the day after the meeting at length and at this time the Board did not want to install speed bumps on Locust St, they did not believe that is was an appropriate practice for that location.

Mr. Patterson – Do you have any information about the meeting that the Mayor had with the traffic consultant?

Mr. Rother – I spoke to Ken Worsted, the traffic consultant, after he had the telephone conversation with the Mayor and I think Mayor Newhard just had a lot of questions and I wanted to hear from experts on the effects of widening the roads, of why there is so many folks running through the Stop signs at the bottom of the hill and possible mitigated measures. One thing that was discussed on our end was maybe some sort of flashing sign indicating whether people are speeding, but Mr. Worsted indicated that Mayor Newhard just wanted his mind put at ease that we have taken a hard look at all of the traffic issues and that Mr. Worsted was comfortable. I don’t think there was any new development...

Mr. Patterson – I understand that you were not part of the conversation and I am aware of the meeting that the Trustees had, and I know that there does not seem to be any conclusion to it. I just want to make a comment that we have tried to address this with the Board, with the

applicant, the Trustees are looking at it and everybody seems to be trying to figure out how to make this road safer and it seems to keep coming back to the fact that there is individuals or drivers that are speeding and I don't know whether or not that is something we can address through this. I would still like to speak with the Mayor about this telephone call that he had and see if they came up with anything. I have not received anything at this point, but I know that we are trying to resolve this. I know that the community and residents are concerned but at this point we did speak with your consultant, we did ask questions regarding the safety of the road and I do believe we tried alternate angles as to how to make this road safer and again I think that the conclusion was the fact that the road is safe and it is up to the individual drivers to obey the traffic signs and speed limit and that would make it that much safer.

Ms. Roth – In regard to the FEIS does this decision have to hold up the conclusion of the FEIS? I do agree that you need to do something to address traffic issues, but it may not be part of the design solution for this particular project.

Mr. Patterson – In the meantime we are waiting a written description and or a design for the Robin Brae improvements, so when that is written into the FEIS but I guess we could get some more information from the Mayor and the Board of Trustees as to what to do with the traffic. Is that appropriate?

Mr. Rother – Jay Myrow submitted a draft Developers Agreement and I believe the last revision was submitted today which outlines the means to the end of how the Robin Brae pump station gets built and who pays for what. Touching back on traffic I am fully aware that the public has expressed concern for safety and there probably is a perception of a safety concern when they see people running stop signs. It is a 3-way stop but our data and even our 5 yr. accident history with the Police Dept. and DOT isn't revealing that it is an unusually dangerous intersection. If the science doesn't support it, how do we mitigate it? We are just mitigating for the sake of mitigating without there really being an underlying proven issue other than the residents claiming that they feel it is unsafe.

Mr. Patterson – I agree but when you say that they claim it, I don't want to dismiss any claims, they did have videotape of it so let's be realistic and say it is happening. We understand it is the drivers not necessarily the road.

Mr. Rother – I agree, I didn't mean it that way. When I say claim it I mean the accidents and there is not history of accident data. I agree that people are not obeying the traffic controls, I have seen it myself and that is an issue that needs to be addressed.

Ms. Roth – If you have that flashing signal that shows what the speed is that might be helpful but it is also an issue I believe of enforcement. The Village has to commit to enforcing the speed so people stop blowing through there.

Mr. Olsen – Do we know if the Village Board has communicated with the Police Dept. and got feedback from them?

Mr. Patterson – I know after the video was circulated there was some immediate response from the Police Dept. and tickets were issued but I am not sure whether it is an ongoing issue as far as the Police Dept. checking that intersection.

Mr. Myrow – For the purposes of completing the SEIS, the traffic report that we submitted and the actual configuration of the intersection shows that if the traffic controls are obeyed this is a significantly safe intersection. The area is safe. The accident data proves that out, they are not unusually long stops and the concern that I heard from the public was that people typically walk

there dogs and their kids along these roads and if people are speeding and not stopping it could potentially be dangerous and that is an appropriate comment however, that is enforcement. That intersection is traffic controlled to the max. It is a 3-way stop, you can't do anything more than maybe reducing the speed but it is an enforcement issue and we are not responsible for enforcement. I have not heard any particular traffic control suggestion made to improve the safety conditions in that area. So greatly appreciate the concerns of the public but it is an enforcement issue. There is no empirical data to suggest otherwise.

Mr. Patterson – We understand your position and all this information is great information, we had to go through this whole process and we needed to open it up to make sure that everyone was aware of what was going on.

Mr. Myrow – That is why we made Mr. Worsted available to the Mayor, the Village Board and we discussed this at great length and I will not speak for the Mayor with regards to his discussion with Mr. Worsted and I have not heard back from anyone other than Mr. Worsted who said that he had a very nice, productive conversation with the Mayor. In terms of the pump station it is now in the final draft, we circulated the Developer's Agreement based on the discussion we had with the Village Board and the most notable thing is or the way we structured this is that the applicant will build a replacement facility right next to the existing facility and when it is complete and ready to go into operation it will just be switched over. We will build that at our sole cost and expense. We have had discussions with this Board and the Village Board as to whether or not it would be appropriate for the applicant to foot the entire bill and we felt it was not based on equities and the contribution we would get from the Village is proposed to be a reduction in other fees that would be owed in the course of the Planning process, either the density fees, parkland fees or sewer/water hook-up fees. We made a proposal of what we would like to pay and the Board will review it and get back to us. There will not be any burden on the general tax fund to build this pump station because the only contribution the Village would be making is a reduction in future revenues which they have not budgeted for or have any expectation.

Mr. Dickover – The Developer's Agreement addresses my concern with respect to the economic impact. You may have to go back into the document and make sure that any numbers that were in there respectively for taxes, hook-up fees, etc are adjusted in accordance with the Developer's Agreement numbers once they are settled.

Ms. Roth – Once those numbers are settled I will put them in the description at the beginning of the document.

Mr. Getz – Does this mean that the Developer's Agreement must be executed before the Planning Board would complete SEQR.

Mr. Dickover – SEQR is going to be completed before they get to the Developer's Agreement, does it have to be or not I am not sure but it is going to be otherwise we are not going to get to the end line.

Mr. Patterson – Are we involved at all with the new pump station or is that all Village now? The development of the new area. Is that something we need to look at?

Mr. Myrow – It is Village land and I don't think the Village needs site plan approval for it, if that is what you are asking?

Mr. Dickover – The answer is no that project would be exempt from local zoning because it is a municipal sponsored project.

Mr. Patterson – How much of a description do we need for the FEIS?

Mr. Dickover – There are 4 alternatives described right now so it would just need to be amended.

Mr. Patterson – So we hope within the next couple of weeks that we will see the revisions to the FEIS.

Ms. Roth – Yes, there are just 2 minor revisions and everything else is ready.

Mr. Patterson – Where do we go from here?

Mr. Dickover – The matter is simply tabled until further submissions and perhaps next month we will be in a position to take some action.

31 MAIN ST.

CHANGE OF USE/  
SITE PLAN WAIVER

CAFÉ DOLCI

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The Board reviewed the application to change the use of a former bookstore to serving coffee and crepes. The applicant indicated there will be no fryer or gas ovens, they will be using a convection oven.

A MOTION was made by Mike Dombrowski, seconded by Jesse Gallo and carried to grant a change in use/site plan waiver for 31 Main St. (4 Ayes)

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