

CHAIRMAN: JAMES PATTERSON

MEMBERS: WILLIAM OLSEN, JESSE GALLO, KERRY BOLAND & THOMAS McKNIGHT

Alternate: Bryan Barber

VILLAGE OF WARWICK
PLANNING BOARD MEETING
OCTOBER 13, 2020

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, October 13, 2020. Present were Jim Patterson, Jesse Gallo, Bill Olsen, Kerry Boland, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present: Maurice Rached, Andrew Fetherston, Jason Anderson, Dave Everett, Nathan Ungar, Leiby Katz and Melanie Wesloske.

The meeting was held in Town Hall.

The Board recited the Pledge of Allegiance.

Mr. Patterson acknowledged that the Planning Board received 2 pieces of correspondence referring to Village View which will be put into the file.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo, and carried to accept the minutes of the September 8, 2020 Planning Board meeting. (4 Ayes)

WARWICK COMMONS

AMENDED SITE PLAN
APPROVAL

W C STAGE 5 LLC

Mr. Everett – We are applying for an amended site plan approval along with a lot line adjustment for this project. This project was originally the 4th phase of a multi-phased residential project approved by the Planning Board in 1986. The other 3 phases have already been constructed. In 2012 there was an amended site plan sought for this phase to make some minor changes to what was approved in 1986. Your Board approved those amendments conditionally with a number of conditions and that approval has been renewed multiple times a year up and to this point. We have a new applicant now that would like some additional changes to the project which we feel actually improves the project, reduces environmental impacts and has some good

safety features to it. They are proposing to reduce the unit count from 116 units to 90 units but the number of bedrooms stay the same. There is a decrease in the residential buildings by one building. We have increased the setbacks to the neighbors on two sides, pulling the project back and we thought that would be beneficial and provide some additional buffer and greenspace. We have also updated all of the stormwater on the site to comply with the new DEC regulations as some regulations have changed since the last time this project was approved and the new regs are more protective of the environment. We also are proposing a crash gate on the top side because the Board received a letter from the residents living on Ridgefield Dr. and it was signed by 70 or 80 people who live there, they have a lot of concerns about cut through traffic coming down Brady and Sheffield to get to Ball Rd. or 17 which they experienced when Sheffield Dr. was open. They petitioned the Village to close the road which the Village agreed to do so we are proposing a crash gate to prevent the traffic but it still provides social connectivity between the neighborhoods but we will be speaking to the EMS & Fire Dept. as well as this Board for any comments on this. We also removed what we think was an unsafe intersection, it was a 6-way intersection down along Brady Rd and we added a standard 4-way intersection. We think the architecture is really sharp for this project and then there is the dam which was part of the 2012 approval located adjacent from the HOA property. That dam was supposed to be repaired and re-built as part of that approval but we are proposing something different, which is not necessarily to repair and maintain it but actually to decommission it. We want to remove one of the water control features and just have a culvert that goes through the dam which will cause the pond to drain out. The purpose of that is to save the HOA money because maintaining these dams is expensive, there are inspection requirements, file reports with the DEC and it can be costly. There is currently a violation on the dam now that the HOA has to deal with and decommissioning the dam would avoid those types of violations in the future. The HOA is thinking about our proposal. We received an e-mail from the DEC which basically says that they do not care whether it is decommissioned or re-built it just needs to be taken care of so we will do that as part of this project. In 2012 the Board issued an amended approval where you looked at the prior approval and you determined that the proposed changes were consistent with your prior approval in addition to looking at SEQR in the past and you determined that they were consistent with the prior SEQR review. We are essentially asking you to do the same thing this time. We have provided this large binder and we want it to be as complete as possible and it basically goes through all of the environmental impacts that the Board has previously identified as being of concern and showed that the project is not going to have a significant environmental impact and that it is consistent with the prior approvals of 2012. Tonight we were hoping to accomplish your feedback, any thoughts, comments, questions that you have on this project and what issues you want addressed moving forward and we would also ask that you start the SEQR process, to just re-establish yourself as Lead Agency. We think it is important now that time has gone by to re-establish Lead Agency and do a coordinated review with the other agencies that may be involved in approving this project. We are available to handle the circulation and send it out to all of the agencies or assist you in doing that. We feel that this is pretty complete and we will also be referring it to the OCDP.

Mr. Fetherston – The site is 15.3 acres it is not in a 100 yr. floodplain, no DEC wetlands exist on site but we have identified Federal wetlands on the site. We did a wetland flagging on July 26, 2019 and submitted it with a Jurisdictional Determination request to the Army Corp of Engineers

but as you are aware they are very understaffed and going through Covid so they are very slow to respond but we should have that response shortly. We are proposing absolutely no disturbance to the wetlands. We met with the Village Engineer and Planning Board attorney last week and we got some of their comments, but they really have not had a chance to review the materials. We will see if we can pull back the grading in some of the areas, pull back the retaining walls a little bit and have a little more space between where we say the wetland line is and where the walls would be. The previous approved plan had 15 buildings. We are proposing 14 residential buildings and the 15th building would be a Clubhouse, which was never on a plan that you saw or approved but it was decided that we needed a recreational area, we needed the Clubhouse. There is already one associated with the development to the north. We also will be creating an outdoor swimming pool. We went from 116 units to 90 units and all of the units are two bedrooms and of those 90 units 82 of the units have a one-car garage, there are only 8 units that have a 2-car garage. There are 41 visitors spaces gathered throughout the site and another 13 down here dedicated to the Clubhouse. We have mailboxes, garbage and recycling scattered throughout the site. The internal roadway layout has been changed. We have proposed a crash gate at the top by Sheffield which we have to discuss with you and also with the EMS. We will have to completely redo Sheffield Dr. it is in terrible disrepair. I believe the water main inside of Sheffield Dr. is live but that is to be confirmed, I know the sewer is live, so some things are active. The prior plan proposed a number of stormwater facilities both surface basins as well as sub-service drywells. Back in the day they used to design concrete drywells, but everything is plastic now and we are going to do that in our development too. On the utility plan, blue is water main, green is sanitary sewer and orange is the storm drainage system. On the original plan there was a series of surface basins scattered throughout the site and also sub-service galleys that would take in the stormwater and infiltrate it into the ground. In addition to doing the wetlands study that we did in the field for the site we also had a Geo-tech engineer go out and do some soil testing for the stormwater test and we found fantastic rates, sandy soil, it is just very positive. We designed a couple of stormwater basins and some sub-service galleys out of these plastic chambers, these things aren't proposed for underneath roadways they are proposed for underground lawn areas, backyards and sideyards, they can take vehicle loads but in this case they are not. Some of the drainage from the roadway we are just by-passing from Brady that is coming down the hill, we are taking that through the site. I believe the water in the road is active so we will do some pressure testing, we have a number of hydrants out there spaced at a maximum of 500ft. apart and we need to coordinate with Mr. Moser for the water testing. The sanitary sewer takes from the high end and everything is gravity, there is no pump stations, but we don't need it we are on the side of a hill. We have to figure out where the discharge point will be because we can't find the manhole, but we will have a discharge point because there is sanitary sewer taking care of the other units down at that location. On the top the sanitary sewer is already there and functioning, so we are going to collect the sanitary sewage and discharge it into the same pipe. I have been involved with the dam since 2016 because I was working with the Bank because they didn't have a buyer and there is a road that goes across the dam and what we are proposing is to leave that road as it is, all of the utilities go under that road, electric, water and possibly sewer, we have to check but all of the utilities stay where they are. There is a concrete box right now and that has to be removed and the lake slowly drained so what we are proposing is to not have the liability of a dam and to drain the lake, revegetate it and let it revert to the stream that it was originally, it is a

manmade pond, it is not natural, when it is removed and revegetated in accordance with the DEC standards and of course, with the Board's and HOA's desires. I have met with them and am trying to convince them that this would be in their best interest but it is their decision. The other option is to do the plan which is to raise the road 4ft. and put a tremendous culvert through it, it is a tremendous liability for the people on Ball Rd. and the people down below it. I want to ask the Board if you are interested in a site visit? We will make ourselves available or just the Board.

Mr. Anderson – We are proposing a new look with a traditional early american feel and style and more of a traditional neighborhood development. There are 8 unit buildings with the early American style and the various styles within the time period and we created a more neighborhood development which is more in mind of a single family home but with 8 units or 5 units. Depending on the options chosen we have the potential to have 45 unique structures.

Mr. Rached – In terms of traffic impact we looked at several sections, most specifically at Brady Rd. and Cascade, Brady and Country, Brady and 17, Brady and Ball and Sheffield Rd which is going to be improved. We analyzed the existing conditions and we added the traffic that would be generated by this development and we found that the level of service would be the same, the increase and delay for the most part is a fraction of a second. The trips being generated by this development and this is with a reduction from 116 units to 90 units, in the am peak hr. we expect this development to generate approx. 14 entering trips and 37 existing trips and in the pm peak it will be the opposite. I think we did a good job cleaning up the section of Sheffield and Brady, the proposed section is a 4-way intersection and we are proposing to improve site distance and to clean up the vegetation. We are proposing a gate at the top of Sheffield which will also serve as an emergency access for the community to the east. Parking is abundant and more than this Board requires and looking at this as a traffic engineer I can say this is a very nice development from the traffic aspect.

Mr. Fetherstone – There are sidewalks in the Ridgefield development on both sides of the road. County Lane and that entire development have sidewalks on both sides of the road on all of those roads. We are doing only one side of the road just to have the pedestrian connectivity and that is what they did on the original plan. We are only doing one side because that is a current design and it reduces the amount of impervious cover. We had a conversation a week ago when we met with the Village Engineer and Planning Board attorney regarding all of these interior roads are 24ft. wide, two cars can easily pass but you are not going to park on the road and have 2 cars pass. We designed a 30ft. road and the Village Engineer was talking about bringing it down to 26ft. because it might be more in keeping, again with reducing the impervious cover and your counsel said a with narrower width there may be less speeders too. We are completely on board with that but again that is something for your Board to consider.

Mr. Getz – You have mentioned the gate several times, in terms of the traffic flow, if there was no gate how would that affect the flow of traffic in this part of the Village?

Mr. Rached – I would estimate probably less than 10% of this traffic would go eastbound so in the morning let's say 40 trips leaving and I would estimate 3 or 4 trips will be going eastbound and the rest would go on to Brady. That is not a lot of traffic.

Mr. Getz – What about traffic not generated from the site, but traffic coming down Brady?

Mr. Rached – There will be some traffic coming down Sheffield to Brady and to estimate I would say a handful of cars, somewhere between 5 & 10 vehicles.

Mr. Fetherstone – How many would come down Brady and go into our site to cut through?

Mr. Getz – A lot of commuters head east.

Mr. Rached – 5 to 10 would do the opposite move. It is not a large number but it is there.

Mr. Olsen- My personal opinion is we should not have a gate. We should have through traffic roads to have communities connected to each other. We should not have isolated individual communities, we are trying to have a community in the Village of Warwick, I think we need to have as much connectivity as possible. You just said that traffic will not be a major impact either way so I don't think that is a major issue. The gate can be there if the police have a key to it but the residents don't have it, so for a number of reasons I don't think we should have a gate.

Mr. Fetherstone – The reason that the gate is there was because of a letter we got with all of the signatures but it is really the decision of the Board and the EMS providers.

Mr. Olsen – Who will own the internal road? Is it a private road?

Mr. Fetherstone – What we are going to do is set up a Master HOA and offer it for dedication to the Village, if the Village wants to accept it, but the Master HOA will own it and maintain it and repair it until the Village accepts it. They will also own the open space. We will also have 3 sub-condominiums associations because it is designed to be separated into 3 distinct neighborhoods on 3 separate lots and each association will be responsible for all of the common facilities that are within their own lot i.e. roads, parking, landscaping, exterior of the buildings, etc. Before any units can be sold we need the approval of the Attorney General of the Offering Plan.

Ms. Boland – Why 3 separate associations?

Mr. Fetherstone – That is the only way you can phase the development; you build it out in phases. Each lot has to be built all out at one time and the way the 2012 approval reads was you wanted to have a permit for the dam issue and you wanted work on the dam to begin before you allowed any work to begin here and you also required for this to be phased as it relates to the timing of the dam, that was all in your previous approval.

Mr. Olsen – The dam functions as a detention basin...

Mr. Fetherstone – It does not right now. We did a model in 2016 and we showed that, that does not have any detention value right now. When the dam would be raised, and additional control structures were put on, the storage would be there. The proposal to raise the dam and remediate the dam in that fashion says keep this normal level of water and when you get a big storm store more water on top of it because this road is now 4ft. higher. So, I am saying that is not the way to go but you do have to provide that storage. I say drain the lake and provide that storage down below, as low as you possibly can. Storing water up high is a liability.

Mr. Olsen – That serves for the existing development correct?

Mr. Fetherstone – Yes, everything flows down into it.

Mr. Olsen – And you are saying it doesn't function now as a detention...

Mr. Fetherstone – No, what flows in, flows out. The detention is maybe 1 or 2%, it is negligible. The reason is because all the volume is stored up. All I am saying is the original plan and original permit to raise the dam doesn't make sense. The HOA wanted to be convinced that they could either rebuild the dam up higher or decommission it from DEC's perspective. The day after our meeting I sent an e-mail to the DEC, they responded saying "we don't care what you do with it, we don't care if you lift it up or you lower it, you need to get the violation removed."

Ms. Boland – Why was it installed in the first place? What purpose was it meant to do?

Mr. Fetherstone – It is in the Prospectus. The HOA asked if they got rid of it would it be an issue if they get rid of that amenity. The DEC dam regulations changed to be very stringent so there was a regulatory change. When they first constructed it, it was as bad as it is now. I think from the Prospectus, it was done as a water feature.

Mr. Olsen – Isn't there a fence around it?

Mr. Fetherstone – No.

Mr. Fetherstone submitted pictures of the dam as it exists today.

Mr. Fetherstone - To repair the dam, we must raise it 4ft. and you are actually creating more environmental impacts. We are just waiting for the HOA to decide whether to repair it or decommission it.

Mr. Getz – Can you please explain what the violation is?

Mr. Fetherstone – The dam has insufficient spilling capacity which means that in the designed storm which is beyond the 100 yr. storm event, the dam would fill up and overtop the road because there is not sufficient spilling capacity in that box. The threat is a dam break.

Mr. Patterson – So the violation actually says “threat”.

Mr. Fetherstone – I don't have the exact wording but is threatening is what it says.

Ms. Boland – Has the delineation of the wetlands changed since 2012?

Mr. Everett – What we are asking from the Board is for you to consider exactly what was done in 2012, which is to do an amended SEQR findings. The Pos Dec that was issued back in 1986 and EIS was done and an FEIS was done and a full set of SEQR Findings were done also. In 2012 when they came back for the amendments, the Board took a look at the potential environmental impacts to see if there were any new impact and to see if there were any significant impacts at all and concluded there were not because the project and it's impacts were essentially consistent with the previous SEQR findings. The materials that we provided are very specific through each of the potential environmental impacts that the Board was concerned with in 2012 to show that there really isn't any change. We have a SEQR consistency chart in the binder that compares 30 different data points which show they have either been reduced or the same, there may be 2 or 3 where there is a slight increase but it is very minor. We do think it is important because it has been 8 years since your last approval that we re-circulate for Lead Agency to get comments from the other agencies.

Ms. Boland – Should the Town be included, I don't see them on the list?

Mr. Everett – We can include them as an interested agency.

Mr. Fetherstone - We did a SWPP and what we included in that is Stormwater Quality and run-off reduction. We did not include the dam yet so right now it is not complete until we get that information.

Ms. Boland – You gave one example regarding green infrastructure practices, I was wondering if there were more examples.

Mr. Fetherstone – We did soil testing throughout the site and we found fantastic soil rates so given the density and the kids running around we wanted less ponds and more sub-service infiltration that is kind of consistent with what is done originally. Instead of concrete we are using plastic. Right now our biggest green infrastructure is infiltration, the whole idea of run-off reduction is get it into the ground and then let it run-off. There are other in the SWPP that are mentioned but that is the most major. We didn't do green roofs because we don't have flat roofs.

Mr. Olsen – Can the roofs can have solar panels?

Mr. Fetherstone – That is something you would have to go the HOA and or each individual condominium association for and these slope down towards the north so in the winter time they will get minimal benefit.

Mr. Olsen – You are going from 116 units to 90 units and all of them will have 2 bedrooms so how many residents do you anticipate having? I believe you will have more residents than if you had the 116 units.

Mr. Fetherstone -To be right I would have to look at the Census values, that is what we use per bedroom.

Mr. Olsen – I would like to see that data please. The impact on the school system and how many kids would live there.

Mr. Fetherstone – We will break it down by age group.

Ms. Boland – What is the difference between a bedroom and a study?

Mr. Fetherstone – A closet.

Mr. Patterson – Were there any past restrictions as to the number of units that could have 2 bedrooms?

Mr. Dickover – I wouldn't call it a restriction, there was approval for 1 & 2 bedroom units and I believe there was an entry in the HOA documents that forbid converting any of the non-bedrooms into bedrooms and the Board's concern back then was the conversion of garages and basement spaces into bedrooms. I think that prohibition may be in HOA documents.

Mr. Patterson – If the garages are on the first floor do you have a full basement underneath it?

Mr. Fetherstone – The basement is under the wood floor of the dwelling, but it would not be under the concrete floor that the vehicle would pull into.

Mr. Patterson – When you were discussing the discharging point for the sewer system, were you talking about a discharging point or a connection point?

Mr. Fetherstone – Connection, discharge from out site into the adjacent site. It is a connection point to the municipal sewer.

Mr. Patterson – School buses, at one point we talked about a school bus station feature at the corner of Brady and Sheffield to protect the kids as they were waiting for the bus.

Mr. Fetherstone – That was on the original plan and if you see note #3...

Mr. Patterson – Do you have anything for them now?

Mr. Fetherstone – We do not have anything now but we certainly have space for it and we have a much safer space for it.

Mr. Patterson – I thought at one point we discussed sidewalks on both sides.

Mr. Fetherstone – This originally approved plan shows sidewalks on one side. It may have been discussed but this is the 2013 approved site plan and it shows the sidewalk on Sheffield only on the northside.

Mr. Patterson – No one is going to cross the street to walk on a sidewalk.

Mr. Fetherstone – The problem is that you have cars parking in everyone of those driveways which will make people back out onto the road and on the sidewalk. It is a matter of opinion but if you prefer to have it on the outside we can do that. If the Board thinks that sidewalks are a pertinent issue than we will do it.

Mr. Olsen – Having all of the driveways facing out the front does not look good to me because I guarantee people will park in the front and it won't look good, is there a way to get some of the driveways in the back? It would make it look such much nicer.

Mr. Anderson – No, part of the reason why is because we are working with the grade as well so instead of just flattening out an area we are stepping everything with the grade as we are working around and as these things go up and down we are entering those. I really don't think that this a view that does not look good when it comes to the garage. It is what you see in most homes and residential areas.

Mr. Fetherstone – In any residential area you are going through you will see parked cars. I would rather see cars in front of a driveway as opposed to large parking areas in a residential area.

Mr. Patterson – Have we spoken about the number of parking spaces versus bedrooms?

Mr. Fetherstone – We have 250 parking places and 180 bedrooms

Ms. Boland- And 90 studies...

Mr. Olsen – Which could become bedrooms.

Mr. Patterson – How many acres on the site?

Mr. Fetherstone – 15.3 acres.

Mr. Patterson – So there is no point where you can be disturbing more than 5 acres at a time?

Mr. Fetherstone – We are just about over 5 acres and we are thinking that it is going to be built in 3 phases but will discuss with the applicant on what he thinks about phasing.

Mr. Getz – You would need a waiver from DEC if you disturb more than 5 acres.

Mr. Fetherstone – That is 5 acres of soil exposed. You can still build the project that may be 5 acres, you may not have to waiver if you don't have 5 acres of soil exposed. You may be able to stabilize the soil, that is the way that a lot of people working on private property avoid the DEC waivers.

Ms. Boland – The SEQR from 2012 says 9.93 acres are green space but it goes down in new project slightly, it is a minor decrease but why would that be if there are fewer buildings?

Mr. Fetherstone – It is the same number of buildings but fewer residential buildings, it is 14 versus 15 residential buildings and 1 Clubhouse building. We have the documents explaining on where we got the numbers so I will have to look at it.

Mr. Olsen – How large is the clubhouse?

Mr. Fetherstone – 4,500 sq. ft.

Mr. Olsen – Plus the swimming pool?

Mr. Fetherstone – Yes.

Mr. Olsen – 2 story building?

Mr. Anderson – It is not designed yet but it will be 1 story.

Mr. Patterson – Who owns that building?

Mr. Fetherstone – The Master HOA.

Mr. Gallo – Was the traffic study done during rush hour times?

Mr. Rached – It was done during morning and evening.

Mr. Gallo – Any weekend studies?

Mr. Rached – No because the weekend number is lower than the am/pm.

Mr. Gallo – What month did you do the study?

Mr. Rached - May

Mr. Gallo – Because the weekend during this time of year with apple season, Brady Rd. is terrible. If I were to see an easy cut through, I would take it.

Mr. Fetherstone – There will be signage. It is a gate and dead ends are labeled.

Mr. Gallo – My concern is the residents and having people driving around their community and not know where they are going.

Mr. Fetherstone – If we end up doing the gate we will put signs ahead alerting people of the gate and if we don't put the gate we will do something different.

Mr. Gallo – With snow removal, what if they just pile up the snow in front of the gate, won't that defeat the purpose of the crash gate?

Mr. Fetherstone – That would not be permissible.

Mr. Patterson – Are there additional hydrants besides the two?

Mr. Fetherstone – Yes and they are all on the plan and we want a response from the Fire Dept. on maneuver ability, the gate and the location of the hydrants.

Mr. Getz – The bulk table needs to be corrected and I have some specific comments on the drawings.

Mr. Patterson – Have you received those comments.

Mr. Fetherstone – Yes.

Ms. Boland – Can we have a site visit?

Mr. Olsen – I would go.

Mr. Fetherstone – When and if you go on a site visit please go to the dam as well.

The Board agreed to a site visit for November 7th at 11:00am with a representative from Maser.

Mr. Dickover – You mentioned that the clubhouse is going to be owned by the Master HOA, then it will be sitting on it's own separate lot and you don't have that shown here.

Mr. Fetherstone -It will probably be done by an easement or something like that, we haven't really worked that out. If it needs to be on a separate lot...

Mr. Dickover – It is up to you to decide.

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to circulate the Notice of Intent to continue to be Lead Agency for the Warwick Commons Stage 5 project. (4 Ayes)

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to refer the plan to the Orange County Dept. of Planning per Municipal Law 239 for review. (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