

*Due to a malfunction with the Village recorder, these minutes were done via a copy of the taped version provided by Town Hall.

CHAIRMAN: JAMES PATTERSON

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

Alternate: Bryan Barber

VILLAGE OF WARWICK
PLANNING BOARD MEETING
NOVEMBER 10, 2020

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, November 10, 2020. Present were Jim Patterson, Jesse Gallo, Bill Olsen, Kerry Boland, Thomas McKnight, Bryan Barber, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present: David Griggs, Becky Koze, Andrew Fetherston, Jason Anderson, Charles Gottlieb, Phillip Greeley, Nathan Ungar, Leiby Katz, Melanie Wesloske, Daniel Mack and others.

The meeting was held in Town Hall.

The Board recited the Pledge of Allegiance.

Mr. Patterson acknowledged that the Planning Board received 1 piece of correspondence referring to Warwick Commons/Sheffield Rd.

A MOTION was made by Bill Olsen, seconded by Kerry Boland, and carried to accept the minutes of the October 13, 2020 Planning Board meeting. (4 Ayes) {1 Abstention – Thomas McKnight }

28 CHURCH ST.

AMENDED SITE PLAN
APPROVAL

CONVERGENT ENERGY

Mr. Getz – We received a response from the Building Inspector indicating that the facility is an allowed use subject to the receipt of correspondence from O&R that the facility will be used for the Village of Warwick. We also received a response from Fire Dept. indicating they had no concerns with the proposed facility. The utility poles numbers shown on sheet 2 should be updated and consistent with the plan. The Emergency Response Plan mentions lighting. The

location, height, and illumination and fixtures should be provided on the map.

Mr. Griggs – There are 2 lights with motion detectors that will be placed on the North and South side.

Mr. Getz – Could you put that on the plan. The Emergency Response Plan indicates a meeting point, we need to know where it is, so it needs to be stated on the map where the meeting point is located.

Ms. Koze – We will do that.

Mr. Getz – You submitted a Decommissioning Plan. The cost of that plan should be established and an acceptable bond should be submitted to the Village Board. What is the life span of one of these?

Ms. Koze – Potentially 20 years, the batteries have about 10 years and will be replaced.

Mr. Getz – Are there similar places nearby?

Ms. Koze – There is one in NY but they are just breaking ground, and it is a different technology but we do have videos and drone shots and they really are the best source.

Mr. Getz – I believe the information in the EAF is sufficient for review.

Mr. Patterson – What happens after 20 years?

Ms. Koze – That is a projected time. We have a contract with options and extensions to continue and if it is not continued, we decommission and remove it.

Mr. Patterson – Do you picture extending the site or having any other locations in the area?

Ms. Koze – No, we have no intention of expanding or have any other locations.

Mr. Olsen – How many houses will these batteries be for?

Ms. Koze – Approximately 400-450 houses yearly but this is for the grid not individual homes.

Mr. Olsen – So this is not specifically for the Village of Warwick?

Ms. Koze – The grid is serving the Village of Warwick. It is for brown-outs, not to energize all of the homes in Warwick.

Mr. Getz – And also for peak times.

Ms. Koze – Yes.

Mr. Griggs – Like when they work on the sub-stations, they can use this.

Ms. Boland – Is the fire management portion specialized depending on the type of emergency event it is, is detailed in here?

Ms. Koze – Yes, it is all detailed in there and we will also coordinate directly with the Fire Dept. Emergency Responders and walk them through it and all the procedures.

Mr. Patterson – Is there a Fire Suppression System?

Mr. Koze – Yes.

Ms. Boland – I have asked multiply times for a Safety Report from your existing locations and I think I left it very open on what type of format it should take whether it was external or internal, so where is it?

Ms. Koze – Well, we have had no safety incidents...

Ms. Boland – Can I get a report?

Ms. Koze – Sure, I can provide something.

Ms. Boland – That is what I have been asking for. When can I get it?

Ms. Koze - I will have to talk to our operating people.

Ms. Boland – I have asked for it for 3 meetings in a row. How is 2 weeks?

Ms. Koze – We can certainly try to get that.
The Board review and amended the Long EAF submitted by applicant.

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

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to schedule a public hearing on December 8, 2020 or at the Board’s next regularly scheduled meeting. (5 Ayes)

Mr. Getz – There is a summary of consistent impacts in Exhibit E in the EAF which the Board should review for SEQR purposes to compare the last project to this one. We have talked about traffic and whether the proposed gate would it be closed to prohibit cars going through or open to let traffic pass. The traffic engineer recommended the gate be open and I think we should speak on that.

Mr. Greeley – When the traffic study was prepared it was assumed it would be gated and not a through connection. The supplement deals with it if it was opened to full traffic and the effect of that. From the development of traffic that would utilize Ball Rd. in the peak hour we estimate about 60 total trips and approximately 15 vehicles from the development. There may also be some traffic from the adjoining neighborhoods that may come out to get access to Brady but that would maybe, be 5 to 10 total that may try to use that. There could also be traffic from the South on Brady Rd. that may decide to make that maneuver and if it was open to full traffic I think there are some things that might be implemented to calm down traffic like a choker where traffic can still get through but it reduces the width of the road and it could cut down on more people but that is depending on what the Highway Dept. says, there are speed tables, speed bumps or gradual or contrast in pavement just so that it doesn’t look like it is a thru way but it would calm the traffic speeds down but to have a through road makes sense definitely for emergencies. As I said before the original traffic study was done with just emergency access. There was some concern about weekend conditions and our study did look peak hours and on Saturdays around midday. I know there are concerns about the fall, with Applefest and other things and in our Supplemental submission we provided the data. We have data going back to 2012.

Mr. Patterson – If I read correctly, you would like to dedicate Sheffield to the Village. We do acknowledge where it ties into the community it does appear to be about 30ft. We would need to speak with the DPW and see what they have in mind. I think that during construction there should be a gate up there but after the dedication and acceptance of it, would it be removed? We also are going to be reaching out to the Village Board to see what their view is.

Mr. Getz – How would you describe the choker? How wide would it be?

Mr. Greeley – There are variations of it but the choker that I would use here would be to bring the road width down to like a one way for a very short distance and one vehicle would proceed at a time. I wouldn’t use a speed hump but maybe a speed table, but what we can provide for the Board is some of the information that is being used in other areas that describes the exact treatment.

Mr. Olsen – Will there be parking on these roads?

Mr. Fetherstone – No. The width now is 30ft. and I guess you possibly could park.

Mr. Greeley - There are some advantages to a narrower road and parking does tend to slow traffic down but some communities don't like parking on the streets and the Village requirement is 30ft.

Mr. Fetherstone – There are a lot of options, it is not just gate open, gate closed. There is speed control, narrowing, you could build the road as it with the gate open and leave it, set aside a bond and if there are too many complaints on speeding and we want the narrowing you can do it after construction, see how it works.

Mr. Greeley – We can provide some sketches or back-up.

Mr. Fetherstone – The original letter we got was signed by 70 people in the adjacent community that they wanted the gate closed. The gate allows emergency access and that is the critical thing for Ridgefield, that they have another way in.

Mr. Gottlieb – We were contemplating requesting a public hearing so we could listen to the neighbors because as we go on and hear what the Village Board, the DPW and this Board thinks and it would also be interesting to hear what the residents adjacent to us think and get their input.

Mr. Patterson – Mr. Dickover, can you reach out to the Village attorney and see if the road was accepted and see what the liability is? I would also like to reach out and get some suggestions from the DPW and the Village Board to consider the speed reduction measures.

Mr. Dickover – In the letter it questions on whether the traffic study done in May which was during Covid? Could you please address that?

Mr. Greeley – We do have historical information which we used. Prior to the pandemic we estimated from 2019 and back to 2012 and with that we have adjusted factors. We adjusted by location and by about 25 to 30%. NYS DOT keeps data and we get information based on cell phone data and we adjust based on that information. When we do the study, we are also project the future so projecting out from the current year to 4 or 5yrs out we have another percentage year added on top of the base traffic and typically it is conservative.

Mr. Patterson – We would love to have suggestions to slow down the traffic and we can set up a meeting with the DPW and possibly a Village Board representative, Barry Cheney and make sure everyone is on board.

Mr. Getz – Regarding the dam...

Mr. Fetherstone – I copied you and the DEC dam safety engineer for Orange County. I sent an e-mail today to the HOA and their attorney and they said they would get back to me in a couple of days and that was 5 days ago, so nothing has changed. We are a little frustrated because we have to do a SWPP that relies on that dam one way or the other and that is a problem right now. We need a resolution.

Mr. Patterson – There is a pipe on the northside of the pond that sticks out of the pond, is that for Fire trucks?

Mr. Fetherstone – That is a dry hydrant and it is exactly what that is, they draw water and fill the tank. It is really not needed in that area There is municipal water you don't need to draw water out of a pond but if the Fire Dept. needs it we can take it out and relocate it if the decision was to decommission that dam.

Mr. Patterson – I don't know what the pressure is out there.

Mr. Getz – They are going to be testing that as part of their design...

Mr. Fetherstone – It was approved before, but we are going to do our own pressure test, understanding that we need to get 2 permits from DEC to do the dam. We can't go forward; we can't get approval without it being solved. We are looking to try and address one of the issues which is the gate, open or close, gate or no gate, narrow or not, speed tables....

Mr. Gottlieb – If we can schedule the public hearing hopefully that kind of expedites the decision on the dam. Certainly, if this Board does not feel it necessary to close the public hearing you can keep it open and continue the conversation. It is always my preference to ask for public comment as soon as possible and as often as possible so we can respond to it.

Ms. Boland – I am not sure how a public hearing would...

Mr. Fetherstone – Because they will all be noticed because we are going to do disturbance around that dam one way or another, it must happen. We must do mitigation around that dam, we have to either raise the dam or remove it, it has to happen for this project to be approved. So everyone around that dam, everyone around this development will be noticed. They come to a public hearing I will personally tell them that their HOA is holding this thing up. They have a dam that is in violation of the DEC safety standards, it is a liability, and their Board has to make a decision one way or another and that is what is holding everything up.

Mr. Olsen – Are you saying you only want a public hearing on the dam issue?

Mr. Fetherstone – No.

Mr. Patterson – I am a little hesitant, we have been going over this dam issue for many many years...

Mr. Dickover – It has always been the business of this Board for at least 15 years to do the environmental review prior to a public hearing. The Board needs to review the Consistency Statement before we can schedule a public hearing.

Mr. Gottlieb – On something that we would like to get figured out before we do the SEQR determination is what mitigation measures are going to be in place for the road because that is an impact that needs to be assessed for the SEQR determination. We would like to know what the residents would like to see or suggest, we would like to know what mitigation is necessary.

Mr. Patterson – I disagree with that. It is the Board's decision as to what mitigation takes place and although we will be happy to listen to them, it ultimately is the Board's decision and as I said I am hesitant to schedule a public hearing at this time.

Mr. Gallo – I agree.

Mr. Fetherstone – I understand the Board's regular procedure but I always think it is better to get all parties in the room, DPW, public, everyone, it is just that we put a lot of work into this and to have this slow us down, it is just frustrating.

Mr. Patterson – Now that they have an attorney, I think the process may be quicker.

Mr. Gottlieb – What items can we verify before the next meeting so that we can get past the hurdle for a public hearing?

Mr. Patterson – We have already stated the position this Board has regarding SEQR and so the dam issue needs to be resolved.

Mr. Dickover – The dam has always been a major component of this project and the Board will make the decision whenever they feel it is appropriate.

Mr. Getz – I would like to expand on the tax revenue projections and the fiscal impacts and the implications of fee ownership versus condominium ownership. Would that require a subdivision of every single lot?

Mr. Gottlieb – We looked in the Zoning Code to see whose authority would be to mandate that type of fees under subdivision ownership and we did not see that anywhere in there. But we will respond on that because no matter which way you dice it that type of subdivision would be very complicated with the Planning Board and at a transactional perspective for the future owners of these units. But we will respond to that comment as well as the tax implications.

Mr. Getz – We did receive a plan today. Can you point out some of the changes?

Mr. Fetherstone – We looked at the area bulk regulations in the current zoning and we realized that previously there was a 5-lot subdivision and there was really no need for those separate lots. All of the buildings have stayed the same we just eliminated the lot lines so there is now a 3 lot subdivision in addition to the road.

Mr. Patterson – For what reason?

Mr. Fetherstone – For zoning compliance. It helped us lower our FAR and the Developmental Coverage.

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

Respectfully submitted,

Maureen J. Evans,
Planning Board secretary