

CHAIRMAN: JAMES PATTERSON

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

Alternate: Bryan Barber

VILLAGE OF WARWICK
PLANNING BOARD MEETING
FEBRUARY 9, 2021

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, February 9, 2021. 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 were: Andrew Fetherstone, David Everett, R.J. Smith, Lenore Franzese, Priscilla Cashey and others.

The meeting was held in Town Hall.

The Board recited the Pledge of Allegiance.

Mr. Patterson acknowledged correspondence via e-mails regarding Warwick Commons.

A MOTION was made by Bill Olsen, seconded by Bryan Barber, and carried to accept the minutes of the December 8, 2020 Planning Board meeting as corrected. (5 Ayes)

WARWICK COMMONS

AMENDED SITE PLAN

WARWICK COMMONS

Mr. Fetherstone – On Dec. 29, 2020 we submitted a small packet with a single dimension plan with small changes with comments and a response letter with a memo for modifications that could be made to the dam.

Mr. Everett - We conducted a meeting via zoom with the DPW Supervisor, the Mayor and a couple of Board members regarding the gate and it is our understand that this is a Planning Board decision, but we are willing to close the gate during construction or longer and if the Village decides to accept dedication of the road and the gate then it would be up the Village how to handle the gate We have put a packet together with will serve letters from the Water and Sewer that were issued by the Village Engineer indicating that there is sufficient water and sewer capacity available for the project and SWPPP comments have been addressed for your review.

There was a discussion about the best route for the sewer line amongst the engineers, the other issue was the road width. There was a discussion in previous Planning Board meetings and a Village meeting about reducing the width of Sheffield Dr. I believe the Board has done that in other projects and it was a request that we do the same here, it certainly reduces impervious surface and stormwater run-off which is a benefit to our approach. But I believe we are looking for some direction from you guys tonight on whether that is acceptable. If it is we will go ahead and start the engineering for the road. We would also like the Board to consider if they have not designating themselves Lead Agency. I know at the Board's direction we did send out the Lead Agency Coordination documents and 30 days had not past in the November meeting. We are also requesting that the Board consider adopting the Draft Amended SEQR Findings that have been prepared and certainly to schedule a public hearing for the next meeting. We need to get public input and comments on the project.

Mr. Getz – I agree with the gate and my recommendation for a 2 lane road with a gate makes sense I expect having the gate closed is the best option but it does leave the Village with the opportunity to leave it open or closed depending on circumstances. Regarding stormwater, we have had some back and forth with Maser and they have provided back-up information and additional documents after December and the Feb. 2 review letter. The key thing that they have demonstrated is that they can handle/mitigate their stormwater with facilities on their own property. I thought that the dam would help mitigate their project but they have demonstrated that quite a few infiltration and bioretention basins and with the soils they have to work with and the design they are able to reduce peak flows and provide the water quality measures that are required on their property so the dam is not required.

Mr. Olsen – Are the percolation rates sufficient there?

Mr. Getz – Yes, the SWPPP report they have previously submitted included a large number of underground infiltration tests and they followed DEC protocols. Do you remember how many spots were tested?

Mr. Fetherstone – No, but we were out there for days and did quite a few tests. The geotechnical engineer did the test and they were very satisfactory and where there were good tests we did infiltration and where there weren't we did bioretention. By adding a few more plastic chambers and more stone we meet with Village Code which is more stringent than the State Code and we reduced it by 10%.

Mr. Getz – They also have to demonstrate that they have a suitable depth of soil, which they did. With the approval of this it will be required that there will be a stormwater management agreement that will take over time what measures the owners need to take to expect and maintain and repair as needed. These stormwater measures rely on infiltration to a great degree to make this all work and we want to make sure that those measures get inspected regularly. To their credit they have designed the measures with some conservancy, they have assumed the worst rate.

Mr. Patterson – Do the reports go to the Village Engineer?

Mr. Getz – I believe they go to the Building Dept.

Mr. Patterson – Do we have something if the maintenance does not get done?

Mr. Getz – Then the Village would do it and charge accordingly.

Mr. Fetherstone – The DEC Storm regs require some type of maintenance agreement which is basically a blanket easement or an agreement that is placed on the site and it requires the applicant or owner time to maintain and repair all the stormwater control measures in accordance with the SWPPP that is approved and according to the DEC regs. If they fail to do that the easement agreement will allow the Village to make the repairs and charge the cost back to the applicant. There are provisions for notice.

Mr. Getz – The roadway, the Board has approved 26ft. in Village View and Warwick Grove...

Mr. Patterson – Agreed, and on that meeting that we did the Village Board indicated that they had no problem with reducing it down and the DPW Supervisor also agreed that it would not be an issue and that is what we were really looking for so yes we are ok with that.

Mr. Olsen – The gate, it will be the responsibility or the decision of the Village Board on whether or not the gate should stay open?

Mr. Fetherstone – During construction the gate is closed and after construction if the Village takes ownership of the road, if they dedicate it, it is your prerogative whether it is open or closed. If it is private then I believe whatever we put on the site plan will stand.

Mr. Everette – It would be up to the owner of the gate and the road as to when to open it but if the Board wanted an easement or some type of control over that.

Mr. Olsen – Who makes that decision?

Mr. Fetherstone – The Village Board.

Mr. Patterson – But just to be clear, they are leaning towards leaving it blocked. They don't see any advantage to opening it up at this point.

Mr. Olsen – In my opinion I think it should be open for not isolating communities and a lot of other issues so I think we should discuss that with the Village Board.

Mr. Patterson – We can but it won't be for quite some time or until the road is dedicated.

Mr. Dickover – Once the road is offered for dedication, that gate automatically comes with it. There should be a note on the map that says “till the road is accepted for dedication by the Village, the owner of the gate will leave it closed or leave it open (inaudible). The Board does need to have a discussion to make a decision on whether you will have a gate, and it appears to be yes, but we should formalize that decision so the applicant knows what the answer is and the sewer lines and water lines run with that so we do need a decision from the Board with respect to that. In October of last year the Board circulated the Notice of Intent to reaffirm your status as Lead Agency and I don't believe we have ever formally acted on that which requires a motion. The applicant at the Board's request has prepared a Draft Finding Statement. I have reviewed it a number of times as well as the Village Engineer and it has been circulated to the Board. It is a large document that addresses a lot of things but I think the major item of interest is the dam and how it is treated now. As the Village Engineer has said, the applicant has demonstrated that the dam is not needed to vacate stormwater on his site as a result of which the prior problems of this Board with respect to the importance of mitigating or remediating that dam in my opinion are no longer an environment concern it becomes an off-site improvement which under the circumstances the applicant I don't believe should be burdened. The applicant has previous to this evening offered to put up a fund of money for the HOA to use to for those remediation efforts and if the Board finds that the dam is no longer a mitigation concern then that becomes a private matter between the applicant and the HOA and I think it would behoove the HOA to

come to some agreement with the applicant sooner than later. We have had a number of e-mail correspondence from the attorney of the applicant, the president of the HOA and from members of the community of their concerns. At this point the Board does need to accept the Draft Finding Statement or not, it is your document, the conclusions that are drawn in it are yours and you have to be satisfied with them. That is a necessary step to proceed to a public hearing.

A MOTION was made by Bill Olsen, seconded by Kerry Boland and carried to declare itself Lead Agency under the SEQR process for Warwick Commons. (5 Ayes)

Mr. Patterson – It is the Village’s thought process that the gate would be up during construction and it would be up as a private road and it would only be decided upon after dedication to the Village. I agree that the gate should be up during construction for safety reasons, it makes no sense to open it up.

Mr. Olsen – In a cul-de-sac area we can require a secondary access, we did this in Village View, so the fact that we are cutting off...

Mr. Patterson – That is not necessarily...

Mr. Olsen – That road was the secondary access road and if we cut that off some other applicant can come and say they don’t have to have it because we didn’t do it for Ridgefield.

Mr. Patterson – There are other locations that are fenced off or gated off roads. The Fire Dept and the DPW have combo locks and are comfortable with having it set up the way it is. What I am trying to do at this point is talk about the gate during construction.

Mr. Olsen – I agree with that during construction.

Ms. Boland – Not during construction but after do you think there something for pedestrians?

Mr. Fetherstone – Yes, there is a sidewalk that ends in Ridgefield that would be continued through.

Mr. Everett – The thought is to try to continue social connectivity.

Mr. McKnight – Will you be continuing the road from Ridgefield into the development for ambulances to pass through?

Mr. Fetherstone -Yes.

Mr. McKnight – Where does the pavement stop? Does it stop on Ridgefield?

Mr. Fetherstone – It continues through the site but asphalt is in such terrible shape and really prohibits the travel. The Village Board at the requests of the neighbors thought that it was a safety issue and they closed the road around 2015 or 2017 so this gate is kind of no different than that and that is why it maintains the status quo that the Village Board already agreed to, this will actually give us options as to whether it is open or closed. The sidewalk will be on the North side of the road, on the South side there is a wooded area so no foot traffic coming from that area.

Mr. Patterson – The last time I looked at the plans the sidewalk was on the North side of the road and we had made a recommendation to bring it on the South side of the road from the first intersection over to Brady Rd.

Mr. Fetherstone – From Brady it is on both sides of the road because you have population on both sides and we have cross walks all the way around. But from the 4-way intersection it is just on the North side of the road because that is where the population is but we are doing it all the way off site over to where it joins up and the reason it is broken up is because of the driveways.

Mr. Patterson – We also need to discuss the width of the road, did we decide on 26ft?

Mr. Getz – Yes, we discussed that Warwick Grove has 26ft. with parking on one side but this would be no parking on Sheffield Dr., correct? Is that your proposal?

Mr. Fetherstone – Yes.

Mr. Getz – In my opinion the benefits of a more narrow road of 26ft. are quite a few, less plowing, less run-off, less heat generated in the summer, more green space, etc.

Mr. Patterson – Would that apply to all of the roads in the development?

Mr. Fetherstone – Just Sheffield.

Mr. Patterson – What are the widths of the other roads?

Mr. Fetherstone – I believe they are 24ft.

Mr. Getz – Yes, 24ft. and that is a common standard for that type of road.

Mr. McKnight – What is the minimum that the Village requires?

Mr. Getz – The Code says 30ft. but that Code was written many years ago and since there has been several projects that a waiver has been given to reduce the width.

Mr. McKnight – Would this present a problem for the Village to dedicate it?

Mr. Getz – No, the Village Board indicated that they are in support of this idea also.

A MOTION was made by Tom McKnight, seconded by Bryan Barber and carried to accept the Finding Statement as amended on February 4, 2021. (5 Ayes)

A MOTION was made by Kerry Boland, seconded by Bill Olsen and carried to schedule a public hearing for Warwick Commons on March 9, 2021. (5 Ayes)

Mr. Olsen questioned the potential for affordable housing.

Mr. Dickover indicated he would research the Village Code regarding affordable housing for this type of project.

15 ELM ST.

AMENDED SITE PLAN

WARWICK FEED & GRAIN

Mr. Irace – I own the property at 15 Elm St. and am converting the building into a home and a home office for my architecture firm. The first floor will become a home office and the next 3 floors will become living space. There is only 1 apt. Originally when I came before the Board in July of 2019 we proposed 2 different uses and through the course of time it just became unrealistic so I have scaled back am proposing to renovate it into a home and home office. In order to do that the existing zone needs to be changed from Light Industrial to Central Business because you can't propose new residential in a Light Industrial zone even though it is surrounded by residential uses. The office is allowed in the zone but residential is not. So with that said, I am in front of the Planning Board for a Change of Use. I am not proposing to build or change anything and the Village Board has sent me here for the Long EAF review for the zone change. I received the comments from the Village Engineer and the Planning Board attorney.

Mr. Getz – Although the proposed construction for this project is on going because he received a Building Permit so he is allowed to be doing the renovations that he is doing. Reviewing the checklist and the plan, several things should be added or updated like showing the existing topography, retaining walls and other existing features in the vicinity of the tower and other t

things that are not shown on the map. I think the topo is before you brought in the fill...

Mr. Irace – Yes.

Mr. Getz – There are some other items like the metes and bounds of the property lines, the names of the neighboring property owners, parking calculations, etc. The Bulk Table should be updated with the Use Group J requirements. ADA requirements should be addressed for the first floor.

Mr. Irace – We are putting a ramp to the front door to the building with a designated handicap accessible parking lot with a transfer lane next to it. The building is accessible, it's the first floor and it just needs to go up about 1.5ft. and there is a handicap accessible bathroom in the office with a 3ft. wide corridor through the whole space of about 1,000 sq. ft.

Mr. Getz – The elevation from the parking area to the building is fairly flat, correct?

Mr. Irace – It is all flat and the parking is pre-existing, we are just defining it with curbs and paving.

Mr. Getz – Those are the kind of details we need to see like the parking spaces. There are six that are shown and it looks very close to that neighboring property identified as 210-7-2 and there might be some concern that perhaps the headlights or other impacts being so close to the property line might be a problem but there is a retaining wall that could effectively screen those parking spaces because they are a few feet lower than the adjacent property, so I think it is important that we have those features shown on the map so we can see where everything is. As far as the checklist, the Board has the right to waive some of these requirements for example, a drainage report, the applicant is doing very minor site changes so there would be no real reason for a drainage report so the Board should review the checklist to determine which site plan elements can be waived. The property is within a Flood Plain, the Waywayanda Creek is nearby and last year he submitted a Flood Plain permit application and the Planning Board is the Village's representative to review the application and it appears to be complete. The property is in the Flood Plain but any work that he is doing is outside of the Flood Way. You are allowed to fill the Flood Plain as long as you stay out of the Flood Way which is the corridor that runs along the stream defined by FEMA. It appears that his construction meets the FEMA requirements and the Village requirements, he is outside the Floodway and he is elevating his floor to the proper elevation above the flood elevation.

Mr. Olsen – Is that indicated on the map?

Mr. Irace – Yes, it is on the drawing. Basically the railroad tracks becomes a divider between the Floodway which is dangerous and the Floodplain which is rising water but the first floor of the existing building is at 2ft. above the high water mark according to the FEMA map but the rest of the site drops down.

Mr. Patterson – What about the garage?

Mr. Irace – The garage itself about 1ft. lower than the elevation of the main floor which is 519 and the flood elevation is 517.

Mr. Getz – You should add the flood elevation to the plan.

Mr. Irace – I will put all of the elevations on the drawings.

Mr. Patterson – The simple ramp you discussed earlier appears to be 515 to 519 and obviously you are going with 3.5ft. and it could possibly be 35ft. long...

Mr. Irace – That site has been completely filled in and that is why Mr. Getz has rightfully said to show the latest grades. We filled in the site with at least 3ft. of proper tested material over the summer and it is within just about 1ft. lower than finished grade.

A MOTION was made by Bill Olsen, seconded by Bryan Barber and carried to declare Intent to be Lead Agency and to Type this an Unlisted Action with a coordinated review with the Village Board under the SEQR process. (5 Ayes)

The application will be referred to the OCDP

72 SOUTH ST.

CHANGE OF USE/
SITE PLAN WAIVER

KYLE COSMILLO

The Board reviewed the application to change the existing use of a drop-off/pick-up dry cleaning service to a to go, made to order donuts, candy, ice cream, coffee, milkshake, and chocolate covered treats shoppe. The Board also reviewed the variance granted to the property on Oct. 22, 1991.

The Board determined that the proposed use along with the required approval of the Orange County Dept. of Health for the proposed use required a Use Variance from the Village of Warwick Zoning Board of Appeals.

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

Respectfully submitted:

Maureen J. Evans,
Planning Board secretary