

CHAIRMAN: JESSE GALLO

MEMBERS: WILLIAM OLSEN, KERRY BOLAND, BRYAN BARBER & SCOT BROWN

Alternate:

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
JULY 12, 2022

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, July 12, 2022. Present were: Village Engineer, Dave Getz, Planning Board attorney, Robert Dickover, Bill Olsen, Bryan Barber and Kerry Boland. Others present were: Jay Myrow, Robert Silber, John Gruen, Freya Carlbom, Mrs. Buckley, Audrey Reynolds, Ray and Lugene Maher, Guy Kipp and others.

The meeting was held in the Village Hall.  
The Board recited the Pledge of Allegiance.

A MOTION was made by Kerry Boland, seconded by Bryan Barber and carried to accept the minutes of the June 14, 2022. (3 Ayes)

77 FORESTER AVE.

EXT. OF SITE PLAN  
APPROVAL

KENNEDY COMPANIES LLC

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The Board reviewed the request to extend site plan approval for 180 days.

Ms. Boland – Are there any changes to the property? Environmentally?

Mr. Myrow – No, there are no changes to the property at all.

A MOTION was made by Bryan Barber, seconded by Kerry Boland and carried to extend site plan approval until March 15, 2023. (3 Ayes).

**Public Hearing**

VILLAGE VIEW

AMENDED 28 CLUSTER  
SITE PLAN/SUBDIVISION APPROVAL

VILLAGE VIEW

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Mr. Olsen read into the meeting a concern by Maryann Buckley - I remain concerned about the water supply issue. I hope a thorough study has been done to ensure that there will be sufficient water and water pressure for the existing homes, particularly the Valley View Circle residents who already have low water pressure at times. I would like this concern on the public record in case there are any issues in the future.

Mr. Myrow – The project had received a final site plan/subdivision approval for a 42 lot development. Since that time the applicant has filed an application to amend that approval to reduce the lot count to 28 single family lots. That lot is counting on as of right lot count that was shown in our yield plan when we did the cluster development. There is no bonus lots, we have withdrawn our application for that. We have taken the 42-lot plan and reduced the number of lots and reconfigured the roadway and essentially those are the major changes. When we reduced the lot count, we also had a reduction in infrastructure and less stormwater and less disturbance on the site. In terms of SEQR there had originally been FEIS that had been done and when the 42 lot was approved there was a Full Supplemental Environmental Statement and when we submitted this application it was our obligation to show that the impacts of this project would be the same or less than what was shown in the FEIS and the Supplemental Impact Statement. It was easy to show that 28 lots would definitely going to have less of an impact than 42 lots and it is my understanding that the Board did a Consistency Statement, and it was shown that all of the impacts would be the same or less. It is also my understanding that the Board adopted a finding that the SEQR has been completed based on the Consistency Statement.

Mr. Olsen opened the meeting to the public.

Susan Shapiro on behalf of Audrey Louise Reynolds – 51 Woodside Dr. -The house is on the corner where the road is going in and her concerns are that buffers be insured on the new road and that it is planted with evergreens and that they be maintained. We are asking that the trees that are there not be disturbed, and that road is within 10ft. of her bedroom window. As developers leave the trees die and then no one will be there to maintain them, and that lack of privacy will come back.

Mr. Getz – This plan shows the same as the previously approved plan and it clearly shows that evergreen landscaping is proposed along the edge and in terms of the road it is actually between 45 and 50ft. away from the property.

Ms. Reynolds – Where is it from the entrance to my driveway? There is concern that an easement might be necessary.

Mr. Getz – The new road is entirely on the applicant’s property. Actually your driveway crosses onto their property. They are clearly on their side.

Ms. Shapiro – What about the maintenance of the evergreen? Can you put in there that they are deer resistant and they will be replaced?

Mr. Getz – We can put in there that maybe a 3 year period that they have to guarantee.

Ms. Shapiro – Is there an HOA? They can be responsible for maintaining that.

Mr. Getz – Yes.

Ms. Shapiro – And if they die, replacing them. If you could put that in, it would be appreciated.

Mr. Getz – That is something that the Board can consider.

Ms. Shapiro – Construction, what kind of barriers will there be? What are the limitations on the time of construction?

Mr. Getz – The Village Code has those and any contractor on any site has to follow the rules. Secretary – 7am-8pm on weekdays and 8am-7pm on weekends. We do ask that they not work on Sundays but they are permitted by Code.

Ms. Shapiro – Is there a way to ask them not to construct on Saturday?

Secretary – No.

Ms. Shapiro – If you are saying that her driveway is pre-existing and it encroaches do we need some sort of easement agreement or understanding so they don't block her driveway?

Mr. Dickover – That is not a question for this Board. You would need to take that up with the applicant.

Mr. Getz – It is a private matter but there is nothing on their plan that would affect your driveway.

Ms. Shapiro – What if they decide to put up a fence and block her from access?

Mr. Dickover – That would require a site plan change.

Mr. Getz – If they do something like that it is your right to challenge it and get it corrected but there would be no reason for them to do that.

Ms. Shapiro – Is the Building Inspector the one who monitors the silt fences?

Secretary – It would be the Building Inspector and the Village Engineer.

Mr. Getz – And they have to hire an outside consultant to do weekly inspections and submit those reports to the Village.

Ms. Shapiro – How close is the closest house to her?

Mr. Getz – From the corner of her back building to the first house is about 155ft.

Ms. Shapiro – Is that a conservation easement or a utility easement?

Mr. Getz – It is a strip of land that has been annexed from the Town into the Village.

Ms. Shapiro – What is the plan for that?

Mr. Getz – There are no structures proposed, they have a proposed detention basin and a proposed swale that will bring run-off into there stormwater system but it is a vegetated area that is not to be disturbed.

Ms. Shapiro – Is there a way to make it a permanent conservation easement?

Mr. Getz – I think it is, it will be part of the HOA property. The Village or Town will not have the right to build on it. It will be private property.

Mr. Myrow – This is a cluster, open space can not be developed and you can not increase the density in a cluster plan. That is the whole reason for clustering.

Mr. Getz – There will be legal documents for this.

Ms. Carlbom – 43 Woodside Dr. – What is the exact size of these lots?

Mr. Getz – Roughly about .25 acre, around 10 or 11,000 sq. ft.

Ms. Carlbom – I thought we would talk tonight about whether this was a feasible plan, not about trees and driveways, am I correct. From what I can see we have not addressed any of the traffic issues and you are putting us into a very difficult situation with the way this main road comes out onto Woodside Dr. There is a very serious intersection from Locust onto 17A. To my eye this new plan these houses seem so close together for 28 houses.

Mr. Getz – Mr. Myrow mentioned the environmental reports that were done for the 42 unit plan and that included an extensive traffic study, a public hearing with the traffic engineer here that was very dedicated to the same issues.

Mr. Gruen – What was that engineer's name?

Mr. Getz – Ken Worsted.

Ms. Carlbom – That traffic study was done pre-covid and we all know about the increase in population and the increase in traffic and that issue has not been addressed yet.

Mr. Getz – It was studied in detail during that traffic study and as we have discussed, this meeting is about this plan in comparison to what was previously approved, it is 28 units instead of 42.

Mr. Olsen – Is the traffic study in the Consistency Statement?

Mr. Dickover – Yes. The purpose of this meeting is not to engage in a question and answer period, to the extent that the Board can answer you questions or the applicant can and they are easy questions and easily dealt with this evening we will endeavor to do that but the real purpose of the meeting is to hear your concerns and for this Board to determine whether or not you have anything new that the Board has not previously considered in connection with the plan. We have answered the question about traffic, it was studied extensively in the prior environmental reviews, the Board has certainly heard your comment and they will determine whether or not they need or want to do anything further in connection with the traffic.

Mr. Gruen – 43 Woodside Dr. – I and several other citizens wrote a letter concerning Mr. Worsted to the Planning Board. We were gravely disappointed in Mr. Worsted observations or lack of them concerning traffic safety, my only concern is traffic safety and welfare of myself, my wife and neighbors. I did not come with the intention of discussing our letter signed by many professional and educated people in our neighborhood expressing our concerns as to the validity and usefulness of Mr. Worsted observations, apparently this letter has been ignored. I perceive that our comments about Mr. Worsted of been ignored. My concern is traffic safety, there are a lot of children on my street. The corner of Locust and Maple in my feeling needs to be addressed by at least the Police Dept., the Planning Board or some authority because of it's danger. If we have a big storm like we have in the past and this development goes in and then trees fall down, how is the Fire Dept. going to get up there to put out the fire? That is a question I put before the Planning Board.

Ms. Carlbom – I am really quite shocked that the hard work that my husband and several neighbors did to point out that the traffic report does not address the dangers and concerns that we have as residents of this neighborhood.

Ms. Boland – Could you forward a copy of the letter to us?

Mr. Barber – How long ago did you send the letter?

Mr. Gruen – Well it actually went to the Town Board.

Mr. Barber – Could you re-send it, this is the Village not the Town.

Mr. Gruen – I mean to the Village Board for their discussions.

Mr. Dickover – The Board is asking that you forward a copy of the letter to the Planning Board secretary so she can make sure the Board gets a copy.

Mr. Kipp – 25 Locust St. - People speed and ignore stop signs every day coming down Valley View.

Mr. Olsen – Didn't you send us videos on that?

Mr. Kipp – Yes.

Mr. Olsen – And we forwarded it to the Police Dept.

Mr. Kipp – Yes but it still goes on everyday, someone is going to get hurt or killed.

Mr. Olsen – Yes but it is a pre-existing situation.

A MOTION was made by Bryan Barber, seconded by Kerry Boland and carried to close the public hearing. (3 Ayes)

A MOTION was made by Bryan Barber, seconded by Kerry Boland and carried to table the application until August 9, 2022. (3 Ayes)

19 SPRING ST.

CHANGE OF USE

ROAM FOOD TRUCK

The Board reviewed the application to change the use of a pre-existing dry cleaner to a prep kitchen and take-out only space.

The Board approved the change of use from a dry cleaner to a prep kitchen and take-out only space. (3 Ayes)

A MOTION was made by Kerry Boland, seconded by Bryan Barber and carried to adjourn the meeting. (3 Ayes)

Respectfully submitted,

Maureen J. Evans,  
Planning Board secretary