

CHAIRMAN: JESSE GALLO

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

Alternate: Vanessa Holland

VILLAGE OF WARWICK
PLANNING BOARD MEETING
JUNE 13, 2023

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, June 13, 2023. Present were, Jesse Gallo, Bill Olsen, Kerry Boland, Scot Brown, Vanessa Holland, Bryan Barber, Village of Warwick Engineer, David Getz and Planning Board attorney, Robert Dickover. Others present were: Hazel and Patrick Corcoran, Taylor and Dylan Pulliman, Kirk Rother and Robert Kennedy.

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

A MOTION was made by Scott Brown, seconded by Bill Olsen and carried to accept the minutes of the May 9, 2023. (5 Ayes)

43 WHEELER AVE.

SITE PLAN APPROVAL

PATRICK CORCORAN

Mr. Corcoran submit an amended site plan to be reviewed.

Mr. Getz – In reviewing the plan from last week, the biggest issue is the parking. The plan that came in today is slightly different but I still have the same concerns that each of the parking spaces are viable to be used both from a dimensional point of view and with the topography. I think we really need is a plan that shows the proposed grading because although it is not a real steep site but there are some variations and when a building covers quite a bit of property it leaves you limited amount of areas to get back to existing grade and make sure the slopes are acceptable. For example, in both of the layouts you have submitted, I can't tell without proposed grades how that parking spot could work because I believe there would be steps or slopes coming down from the building. You may be able to make it just fine but you need to provide a plan to us that shows how you are doing it. You have existing contours which is great but we need proposed contours also. You can just show us how the grading will work around all sides of that building

and tie into the road and property. The code states that a children's play area be provided with this use.

Mr. Corcoran – My original drawing had a play area and the ZBA told us to remove it.

Mr. Dickover – I don't think it is applicable. If you read that code provision, the one that you are referring to talks about when there is more than one building on the lot then a children's play area is required. Here there is only one building on the lot so it does not apply.

Mr. Getz – We need to see how you are handling the roof run-off, I believe you are proposing a pervious pavement which is great but you still have a good size roof area.

Mr. Corcoran – I believe I have a note on the plan that we are pitching them towards the catch basins.

Mr. Getz – Well your grading will show that. We need additional details for the pavement and landscaping. The code requires fencing, erosion control methods and things like that.

Mr. Corcoran – What kind of fencing does the code require?

Mr. Dickover – It's fencing for properties with residential use, not zone. The other issue you have is that 145-50 in the ordinance prohibits parking in your side and rear yard setbacks.

Mr. Getz – You have variances that reduce required yard but you are not allowed to put a parking space within 10ft. of the property lines.

Mr. Corcoran – But I am allowed to put in a driveway...

Mr. Getz – Yes.

Mr. Corcoran – And these are driveways, you are allowed to park in your driveways.

Mr. Getz – A driveway can be access to parking but according to the code parking is not allowed in side or rear yard setbacks. There are plenty of existing non-conforming conditions but that is what the code says.

Mr. Dickover – It is your position that the two spaces on the side is a driveway?

Mr. Corcoran – Yes.

Mr. Dickover – To where?

Mr. Corcoran – The parking spots.

Ms. Boland – Can you explain the parking for Unit A please.

Mr. Corcoran – We moved it to the other driveway.

Mr. Olsen – But they are saying that, that is not allowed.

Mr. Corcoran – Is that something I need to get a variance for or what do I do about that?

Mr. Getz – That would be the ZBA if you want to pursue a variance.

Ms. Corcoran – Are we essentially short 2 parking spaces right now? Is that what it comes down to?

Mr. Getz – I think you are short more than that.

Mr. Corcoran – So, a driveway can not be in your setback?

Mr. Gallo – No you can have a driveway in your setback but to access your parking spot somewhere else.

Mr. Corcoran – If this Board is not going to approve this, then I have to go back to square one...

Mr. Getz – It's not that they don't want to approve, it is that they can't with the parking in the side yard setback.

Mr. Corcoran -I will just have to go back to the commercial use, that seems to be my only option.

Mr. Getz – That is up to you, we can not comment on that. The surveyor/engineer's signature and seal are required.

Mr. Olsen – What is the issue? The total number of parking spots they need?

Mr. Getz – Your code recommends 2 spots per unit...

Mr. Olsen – Recommends?

Mr. Getz – In the Village code it is considered a maximum, so the Board has the right to approve less than 2 per unit if you think it is appropriate.

Mr. Olsen – So we could approve one per unit, if we thought that was appropriate.

Mr. Getz – I believe so.

Mr. Olsen – Can we approve one per unit? Would that resolve a lot of these issues?

Mr. Getz – It would make it easier, it would make the site viable, yes.

Mr. Olsen – The space in the garage counts?

Mr. Getz – Yes.

Mr. Olsen – Well, they have 3 spaces so that is really all they would need.

Mr. Brown – But there is a parking space that blocks one of the garage spaces.

Mr. Olsen – Can you have a garage space under the units?

Mr. Corcoran – That was my first plan which was rejected by the ZBA, they did not like the way it looked.

Mr. Olsen – I can understand that but...

Mr. Corcoran – I can put a parking spot right in the front here beyond the front yard setback which is ten ft.

Mr. Olsen – You might be able to put another to make 4 spaces.

Mr. Getz – If you are providing less than 6 spaces on the property what is available near by?

Mr. Corcoran – We have the 12 hr. municipal lot that is less than 300 ft. away.

Mr. Olsen – And it is not very heavily used.

Mr. Gallo – Is there parking on the street, both sides?

Mr. Corcoran – Yes.

Ms. Holland – I think plenty of apts. only have one parking spot.

Mr. Corcoran – Some don't have any like all of the apts. on Main St. don't have any.

Mr. Olsen – So the one in the front will work?

Mr. Getz – We have to see how it all lays out but possibly.

Mr. Corcoran – There are two curb cuts...

Mr. Getz – The curb cut up here may need to be done a little wider but potentially and it is up to him to show us how everything works.

Mr. Brown – It feels really tight to do 3 apts. here. You keep saying you could do commercial as if nobody would want that but that is the zoning. I am trying to imagine what is a commercial use on that corner look like?

Secretary – What is allowed is a commercial space with apts. on the 2nd and 3rd floor that's what it would look like.

Mr. Corcoran – And I can use way more coverage of the lot. It is only because of the neighbors that we are not doing it but we could do an office with parking underneath and apts. on 2 floors above.

Ms. Boland – Why is the problem with the neighbors, why do they...

Mr. Corcoran – They don't want a commercial building in their neighborhood.

Ms. Boland – It has been advertised as a commercial site.

Ms. Holland – But it is a residential area.

Mr. Getz – It would be helpful to get direction from the Board not on a final decision but at least on the number of spaces they want to require. Can the Board give him guidance on that?

Mr. Olsen – My thought is I don't think you need more than 3.

Ms. Holland – I agree.

Mr. Gallo – I am good with 3 or 4.

Mr. Olsen – We require 3 but any extra would be ok too.

Mr. Gallo – Right but the 3 must be independent, you can't have it where someone needs to move so the neighbor can get out of the space.

Mr. Olsen – Right.

Mr. Gallo – If you can have 3 that are accessible at all times I would be fine with that.

Ms. Boland – It is hard for me to say right now because I feel like I have received a lot of information. I feel like we have held other property owners feet to the fire about parking and I want to be fair.

Mr. Getz – The Railroad Ave. apts. had to reserve space.

Secretary – Yes, that is correct because there were no 12hr. municipal lots near them, the South St. and First St. lots are 3hr. only parking.

Mr. Getz – How many spaces did we require?

Secretary – 11 spaces.

Mr. Getz – How many units?

Secretary – 7 or 8.

Mr. Gallo – That is not 2. Is there anything else?

Mr. Getz – They have provided more information on the EAF so that has been addressed and I believe Mr. Dickover may have some comments.

Mr. Dickover – There is a provision of the codes for parking across the street from land in a residential area where it needs to be screened from the view of such land by a thick hedge, wall or fence approved by the Planning Board, so maybe if you re-solve this concern you may want to screen the Truitt side but I see there is already a fence there but you may have to show some additional screening on that lot. 145-27 talks about the architectural view of the building has to satisfy the Board that it is in conformance with the residential nature of the neighborhood. Does it meet that criteria in your mind?

Mr. Olsen – It does to me.

Ms. Holland – Me as well.

Mr. Gallo – I agree, it doesn't look like an apt. or condo.

Mr. Corcoran – So we are good with 3 spaces and the fence or landscaping and we are good with the look of the house.

The Board concurred.

Ms. Boland – I would like to see updates before the meeting next time.

28 GALLOWAY RD.

FLOOD PERMIT

TAYLOR & DYLAN PULLIMAN

Mr. Pulliman – Our neighbor has a pond that is around 2 acres big and every time it rains the left side of the pond overflows and destroys and floods our whole property. We called everyone and everyone told us there was nothing we could do. Eventually we got a berm that ran down the

whole property line, from the back right corner to the road. We were then told that we had to take this portion of the berm and move it into the back yard because what runs down by the creek is considered a FEMA floodway. We contacted FEMA, DEC came to the house, and we got all of that squared away and we put 400ft. of silt fencing up to make sure nothing was contaminating the creek. The DEC cleared us, FEMA cleared us and then we built this berm down here. We thought that the FEMA floodway ended here but it does not, it runs with the actual side of our house and goes all the way straight back. Everything that is marked in blue is where the berm should be placed to be in compliance with FEMA and the Village ordinances. Everything marked in red is in the FEMA floodway, so we now have to take that portion and angle it so that it is inside our property line and outside the FEMA floodway.

Mr. Getz – That area needs to be kept free from any disturbance, fill even excavation, you are not allowed to change anything in a floodway unless you do a study and demonstrate that, that work will not raise water surface elevations anywhere along the stream. But in my experience is that once you touch the fill in part of the floodway you will get a rise either at your place or somewhere down stream, you are allowed to fill in the flood plain under FEMA and Village regulations as long as you stay out of the flood way.

The Board reviewed the application to install a berm in the rear yard and out of the floodway.

A MOTION was made by Kerry Boland, seconded by Scot Brown and carried to declare this an Unlisted Action under SEQR. (5 Ayes)

A MOTION was made by Scot Brown, seconded by Kerry Boland and carried to declare a Negative Declaration under SEQR (5 Ayes)

A MOTION was made by Vanessa Holland, seconded by Kerry Boland and carried to issue a permit to develop in Flood Hazard Areas. (5 Ayes)

13 FORESTER AVE.	EXT. OF SITE PLAN	KENNEDY COMPANIES LLC
	APPROVAL	

The Board reviewed the request to extend the approved site plan for 6 months.

A MOTION was made by Bill Olsen, seconded by Scot Brown and carried to extend the site plan approval for 13 Forester Ave. until December 13, 2023. (5 Ayes)

13 FORESTER AVE.	AMENDED SITE PLAN	KENNEDY COMPANIES, LLC
	APPROVAL	

Mr. Kennedy – We talked about putting apts. on the second floor of 13 Forester Ave. once the Village allowed residential in the Light Industry zone. We are here tonight to amend the existing site plan for 8 1-bedroom apts on the second floor.

A MOTION was made by Bill Olsen, seconded by Vanessa Holland and carried to re-affirm the Village of Warwick Planning Board Lead Agency and to declare this an Unlisted Action under the SEQR process (5 Ayes)

A MOTION was made by Scot Brown, seconded by Kerry Boland and carried to schedule a public hearing on July 11, 2023 to amend the site plan for 13 Forester Ave. (5 Ayes)

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

Respectfully submitted,

Maureen J. Evans,
Planning Board secretary