

CHAIRMAN: JAMES PATTERSON

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

Alternate: Bryan Barber

VILLAGE OF WARWICK
PLANNING BOARD MEETING
NOVEMBER 9, 2021

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, November 9, 2021. Present were: Jim Patterson, Jesse Gallo, Tom McKnight, Bill Olsen, Kerry Boland, Bryan Barber, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: Tom Pappas, Todd and Christine Rosen.

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

A MOTION was made by Bill Olsen, seconded by Kerry Boland and carried to accept the minutes of October 12, 2021 Planning Board meeting. (5 Ayes)

15 MAPLE AVE.

AMENDED SITE PLAN
APPROVAL

ST. ANTHONY'S

Mr. Pappas – I believe this afternoon we sent in all of the corrections related to Mr. Getz's comments.

Mr. Patterson – Were you looking to waive the public hearing for this Board?

Mr. Pappas – Yes.

Mr. Olsen – There was a public hearing for the ZBA, was anyone there?

Secretary – No.

Mr. Olsen – No controversy, no discussion.

Secretary – There were no public present.

Mr. Olsen – And the appropriate number of people were notified?

Secretary – Everyone within 300ft. of the hospital and it was also posted in the newspaper and on the Village website.

Mr. Getz – As was mentioned, we did have a review letter dated Nov. 1, 2021 that had 4 minor comments on the overall plan C-100 and on Nov. 2, they submitted their response to those comments which involved adding the ZBA Resolution to the plan, a typo in the parking count, revision dates and a note in the Bulk Table referring to the ZBA approval for the two setback variances that were needed.

Mr. Patterson – So the parking remains at 152 not 162.

Mr. Getz – Right, the project does not change parking counts.

Mr. Pappas – Correct.

Mr. Getz – From the engineering side they have addressed all of our technical comments.

Mr. Dickover – In August the Board declared Intent to be Lead Agency and circulated, September the Board received the 239 from the County recommending Local Determination and 2 non-binding recommendations which the Board addressed, the Board also reviewed the Long EAF and declared a Neg. Dec. The Board needs to decide whether or not you will waive the public hearing on this amended site plan or hold it and the applicant also needs to have the Special Use Permit issued. In prior matters where SUP are required, the procedure requires this Board to consider the permit issued by the Village Board and in making your determination on the site plan application and because of that language in the code, in the past this Board has required the applicant to get the SUP before issuing your site plan approval. In this application the Board could if you were so incline and were inclined to approve this site plan you could do it conditionally on the condition upon the Village Board issuing the SUP and the applicant complying with any conditions that might be imposed by the Village Board in that regard. However, if those conditions required changes or modifications to the site plan that Resolution of Approval would be null & void and the applicant would have to come back to address the site plan change. It is certainly conceivable that the Village Board would impose conditions on a SUP but they might not be site plan related, such as payment of bonds, deposit of escrow, parkland fees, etc.

A MOTION was made by Jesse Gallo, seconded by Tom McKnight and carried to waive the public hearing as stated in 145-96 in the local Zoning Ordinance. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to adopt the Resolution prepared and read by the Planning Board attorney to grant the amended site plan application for 2 one story additions conditional upon the applicant receiving a Special Use Permit by the Village Board. If not so issued, or issued with conditions requiring modification or changes to the site plan hereby approved, this Decision shall thereupon be rendered null and void and the applicant shall return to the Planning Board for due consideration of such modifications or changes. The Planning Board attorney shall review the Special Use Permit issued and advise the Chair of the Planning Board whether the permit has or does not have conditions requiring modification or changes to the site plan hereby approved and further advise whether his signature on the plans is thereby warranted. (5 Ayes)

Mr. Rosen – We just purchased the property in the past couple of months and we have 2 silos on it.

Mrs. Rosen - We don't want to tear them down, so we thought about a tiny apartment.

Mr. Rosen – It would be used for family and friends but also as a supplemental income.

Mr. Getz – This property was just before this Board for a lot line change but I believe you purchased it after the lot line change...

Mr. Rosen – Yes.

Mr. Getz – The project before us is on the larger of the two lots, located in the Residential zone and not in the Historic District and they are proposing to create an apartment in a grain silo. Is it just in the larger one?

Mrs. Rosen – Yes.

Mr. Getz – The Village has a standard checklist for items to be included in a site plan application and for a minor project such as this there are certain items that can be waived by the Planning Board. We would need to see existing topography, utility connections, how would the new apartment tie into the water and sewer and powerlines. I believe that the construction is fairly limited, and the parking spaces...

Mr. Rosen – We originally had the parking spaces across the driveway near the property line but we have actually put them in the grassy area or that vicinity.

Mr. Getz – We need to see details of any new construction showing whether it is pavement or gravel, asphalt...

Mr. Rosen – For the parking?

Mr. Getz – Yes and whether there is going to be a sidewalk connecting and during that construction you need to provide erosion control measures, fencing, etc., just some standard details that your professional can help you with. The Table of Bulk requirements need to be on the plan and based on the zone you are in and the use that is proposed there is a list of requirements lot area, lot width, setbacks, height, etc. For example, if you were to keep those parking spaces where they are proposed it would be required to go before the ZBA because of the rear yard setback. The notes that the surveyor provided do not include a reference to the 2021 lot line change, but the property lines show new lines based upon that map so that is something that should be added.

Mr. Patterson – On the site plan list you have recommended items to be waived, do you still think those items should be waived?

Mr. Getz – Yes, if I haven't checked it off as a recommendation to waive, I feel it should be provided.

Ms. Boland – I have a question about waiving the nearby fire hydrant and though I am sure there is not fire hydrant but if unfortunately, there was a fire do we know if a fire truck can get there?

Mr. Getz – Well then perhaps we should not waive that.

Mrs. Rosen – There is a road with another driveway that is flat and that is where the mail truck, Fed Ex and UPS comes in and then turns around.

Mr. Getz – If you could expand your plan to show that then that would address her comment. Is that a different owner?

Mr. Rosen – Yes.

Mr. Getz – So we would want to see an agreement or an easement or some type of written document for that use between the two properties.

Mr. McKnight – On that same page it asks for locations and description of all existing & proposed site improvements, what is the rationale for waiving that?

Mr. Getz – The lists include utility connections and I think they are not proposing anything in that list which include drainage pipes, culverts, ditches, bridges, etc.

Mr. McKnight – Would adding water and sewer a site improvement?

Mr. Getz – It is but I thought that was somewhere else on the list, but I am fine with crossing that one off and making it part of the list.

Mr. Rosen – Water and electric already exists to the silo but there is no sewer, but we will be going through that process as well.

Mr. McKnight – If it is tied into the street, I guess that would be considered a site improvement...

Mr. Getz – They are doing site improvements and I think you are right it should be included.

Mr. Olsen – What about the excess of the 10% grade driveway?

Mr. Getz – Yes, it is an existing one but yes profiles and cross sections of the driveway should be provided or a profile of the other driveway if that is a better option.

Mr. Rosen – Yes.

Mr. Getz – The applicant did provide some architectural examples. It appears you would be adding a section to the silo.

Ms. Rosen – No, I don't think we will add the porch.

Mr. Getz – It would just stay circular.

Ms. Rosen – I don't think we will be doing anything that would really change the shape of it. I mean there will be windows and doors.

Mr. Dickover – The survey submitted has a different SBL so that should be corrected or explained. We need clarification of who the owner is, the County indicates John Sanford Family Trust 111. Have you closed title and now own it?

Mrs. Rosen – Yes.

Mr. Dickover – You need to review 145-120.4, there are specific standards for accessory apts.

Mr. Patterson – It does say that the owner shall be a resident of the premises for at least 12 consecutive months to receive permission for an accessory apt.

Mr. Dickover – Correct and they probably do not meet that requirement. When did you close title?

Mr. Rosen – A couple of months ago.

Mr. Getz – Is that an issue that they can theoretically go to the ZBA and ask for relief?

Mr. Dickover – I can't really say.

Mr. McKnight – What is the spirit of waiting 12 months?

Mr. Dickover – I don't know. There is a maximum floor area whether being in the main dwelling or accessory, it is 800 sq. ft. and a minimum floor area of 400 sq. ft. and it appears that the square foot area is 822 sq. ft. of floor area and in combination it is 1,600+ sq. ft.

Mrs. Rosen – That is not our plan that you are looking at, but we are creating a plan. There is a man in Kentucky that does these & we have a 5 hr. phone meeting scheduled.

Mr. Rosen – I think we came in at 616 sq. ft.

Mr. McKnight – Per floor?

Mr. Rosen – Total.

Mr. Dickover – The rest of the code indicates only one bedroom per accessory structure and you are proposing 2 bedrooms and I don't know whether or not it can be varied but right now the Board could not approve a 2 bedroom. The water and sewer are required to be separate from the primary residence, which requires you to show dedicated water and sewer lines on the plan. This is going to be a Type 2 action under SEQR. This application has been referred to OCDP and they have commented back to Local Determination with a non-binding comment about affordable housing.

Mr. Patterson – I think that your next move is to reach out to your designer and make sure that they have all this information.

Mr. Rosen – And in regard to the 12-month residency, who or where do we go for that?

Mr. Patterson – The ZBA was discussed here tonight but we can't speak on that.

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

Respectfully submitted,

Maureen J. Evans,
Planning Board secretary