

CHAIRMAN: GEORGE AULEN  
MEMBERS: WILLIAM OLSEN, JAMES PATTERSON & JESSE GALLO  
Alternate: RAEY WEBSTER

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
MARCH 15, 2018

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, March 15, 2018. Present were: George Aulen, Bill Olsen, Jim Patterson, Jesse Gallo, Village Engineer, David Getz and Planning Board attorney, Robert Dickover. Others present were: Kirk Rother, Mike Batz, Peter Cirillo, John Rader, Harry Littell, Frank Cassanite, George Schick, Barry Cheney and others.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to accept the minutes of the February 15, 2018 Planning Board meeting. (4 Ayes)

WARWICK COMMONS            EXT. OF SITE PLAN APPROVAL            STERLING BANK

The Board received a letter from Sterling Bank representative Larry Wolinsky from Jacobowitz & Gubitz requesting an extension for the Warwick Commons site plan approval.

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to extend site plan approval for Warwick Commons until June 22, 2018. (4 Ayes)

Mr. Aulen – At that time I would like an update on this project.

Mr. Aulen – Are you working on your Special Use Permit from the Village Board of Trustees?

Mr. Rother – No we have not submitted it yet but we will be submitting shortly. Right now we are working the DEIS and the Traffic Study has been completed. But tonight there are a couple of things I would like to finalize with the Board because it affects the SWPP, which is part of the DEIS 1) street width 2) sidewalks on both or one side of the road; and this all relates to impervious area and in this being a Cluster subdivision and in the spirit in keeping with that.

Mr. Aulen – In all actuality it is related. If you want a narrower road you should probably only have sidewalks on one-side and no parking on the other, similar to Homestead Village or Warwick Grove.

Mr. Olsen – I am in favor of sidewalks and maybe in some places it is appropriate on one side or the other side, we can take a look at some of the maps.

Mr. Aulen – What was the road width in the previous approval?

Mr. Rother – 26ft.

Mr. Aulen – And we did that to decrease the amount of impervious surface.

Mr. Patterson – Now you want 24ft.?

Mr. Rother – No, we want to stay at 26ft.

Mr. Getz – Some of the written code for the Village has a diagram of 35ft. of pavement.

Mr. Aulen – Yes it is.

Mr. Getz – Other places it has 30ft.

Mr. Aulen – Yes, but we as the Planning Board have the authority to waive some of that and decrease the size of it to decrease the impervious surfaces and better control the run-off.

Mr. Getz – Yes.

Mr. Olsen – Each place has its own garage?

Mr. Rother – Yes.

Mr. Olsen – So, it is all off-street parking.

Mr. Getz – In Warwick Grove there are public streets that are narrower than 26ft. They are 24ft. and the one-way streets are even 18ft. But their public roads are 24ft. wide.

Mr. Aulen – Yes that is part of the TND in the zoning and this is not TND.

Mr. Getz – No, but it is similar...

Mr. Aulen – Yes it is.

Mr. Rother – We are trying to accomplish the feel of it. Narrower homes, garages in the back...

Mr. Aulen – One thing that has been discussed in Board meetings is positioning the homes so they can have solar on them.

Mr. Rother – We can look into that. This layout that you have in front of you is slightly changed; there is a unusual lot arrangement in this area of the project. At one time we had a cul-de-sac, then a dead-end, then a flag lot...

Mr. Aulen – You eliminated the cul-de-sac.

Mr. Rother – Yes and we shifted the road over.

Mr. Aulen – We requested that the DPW respond to the island in the cul-de-sacs and we have a letter from the DPW Supervisor in which he recommends against installing an island in the cul-de-sac. But it appears that you have eliminated that cul-de-sac and have one which goes out towards the Town and may be some day a connecting road.

Mr. Rother – Eventually and most likely.

Mr. Olsen – Is it possible to combine the driveways?

Mr. Rother – There is and we had a plan that did that but the problem is that the applicant sees it just baggage to try and sell those lots because now you have a shared driveway on every single lot and the reality is we would just create two double-width driveways that straddle the lot line, so as far as the impervious area it is almost the same. We could make it narrower and instead of two double it could be one 16ft. and one 18ft.

Mr. Aulen – Shared driveways are not a good idea...

Mr. Getz – It can create issues for sure.

Mr. Rother - The owner doesn't think it is a good idea. We have done a large amount of cluster projects and we are finding that the real decrease in impervious area by sharing driveway is not that substantial.

Mr. Getz – As far as sidewalks, do you want the applicant to propose a plan?

Mr. Aulen – Yes.

Mr. Getz – Because the current plan shows both sides everywhere...

Mr. Rother – That is correct.

Mr. Getz – So if you feel that they are not necessary or it is a better plan to have just one side in places, I think it would be best if you proposed something for the Board to review.

Mr. Aulen – You could address it in the DEIS.

Mr. Patterson – Is there drainage on the center or the side of the road?

Mr. Rother – The road is curved and there is drainage on the sides with a 6" curb and the sidewalk would be beyond that.

Mr. Aulen – You would have a 4ft. sidewalk and then 4ft. from the curb to the sidewalk...

Mr. Getz – The drawing shows it right on the curb-line.

Mr. Rother – We can do either or.

Mr. Getz – Warwick Grove has the green space between the curb and sidewalk.

Mr. Olsen – But not 4ft. it is probably 2 or 3 ft.

Mr. Aulen – The spaces between curb and sidewalk vary but the sidewalks are 4ft.

Mr. Rother – If the Board would prefer curb, grass, sidewalk we can certainly do it.

Mr. Aulen – It would be good when they plow, because the snow will come over the curb...

Mr. Patterson – And it would have somewhere to melt.

Mr. Olsen – Will you put shade trees in?

Mr. Rother – Yes.

Mr. Olsen – Where will they be? Between the sidewalks or behind...

Mr. Rother – Every DPW Commissioner I have met wants them outside the right of way line. So they will be beyond the sidewalk, they want it on the individual lot owners property. Regarding your comment about the look of the common driveway, what I certainly will do is mirror them and each lot would have its own driveway.

Mr. Getz – One change they have made is to take advantage of the ownership of the land in the Town and extend some of that grading outside of the Village and it makes the buildable area in the Village much flatter and easier to work with for those lots. So the overall limit of disturbance may have increased slightly.

Mr. Olsen – Will you need to speak with the Town about this?

Mr. Rother – Yes.

Mr. Aulen – You have to go to the Town for the modifications you are doing to the plan that was approved by them.

Mr. Getz – Plus the annexation. One aspect that the Board needs to keep aware of is that the applicant needs to meet the objectives of the Cluster process in to keep open space. Is there a chance to butt Lot 30 up Lot 31 so you don't interrupt the open space?

Mr. Rother – There is. The only reason we did that is because of some steep slopes.

Mr. Olsen- So the open spaces are steep and rocky?

Mr. Rother – Not rocky but your Code identifies as primary conservation areas as slopes over 25% and a list of other things on this particular property the wetlands and steep slopes are the only two primary conservation items.

Mr. Getz – In the DEIS maybe you can look at those options of keeping the steep slope as part of the open space or shifting the lot over. I just feel like having a lot there all alone is not conducive to the Clustering.

Mr. Aulen – When we go for a site visit we can take a look at it.

Mr. Rother – So as I understand it, the Board is ok with a sidewalk on one side, grass between the curb and sidewalk...

Mr. Aulen – Trees on the lots and not in the right-of-way.

Mr. Rother – 26ft. roads, no island in the cul-de-sac

Mr. Olsen – How do we feel about 24ft. roads?

Mr. Patterson – 26ft. is what is proposed.

Mr. Olsen – I am suggesting 24ft.

Mr. Rother – 26ft. is what was proposed before.

Mr. Getz – I don't feel that a wider street is better but the Fire Dept. and Emergency services would like wider roads but other side is that there will be more run-off, more paving, more plowing...

Mr. Aulen – What about with the cars parked on one side and then emergency equipment, it would be a problem if it was 24ft. I think the extra 2ft. make a difference.

Mr. Olsen – If you are only going one-way...

Mr. Getz – These are 2 way streets.

Mr. Patterson – You need 14ft. for the Fire Trucks.

Mr. Getz – I think we should stick with the 26ft.

Mr. Rother – My opinion, being a Village setting with pretty tight lots, I would stay with 26ft.  
Mr. Dickover – Is there going to be no parking on one-side?  
Mr. Aulen – Yes.

A site visit to Village View property is scheduled for April 14, 2018 at 10:00am.

132 SOUTH ST. EXT.

SITE PLAN APPROVAL

WARWICK FIRE DEPT.

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Mr. Aulen – One thing I neglected to indicate at our discussion is that you will require a Special Use Permit from the Village Board of Trustees and this is done simultaneously.

Mr. Rader – The Fire District is represented by the Pinsky Law Group which is out of Syracuse, NY. They specialize in Fire District law, Town law and Municipal Law. They provided us with a letter that we would like to give to the Board tonight. It just gives some case history of the Fire District being to declare themselves Lead Agency under SEQR.

Mr. Getz – Which is an unusual situation...

Mr. Aulen – Usually we are Lead Agency.

Mr. Dickover – We will take it under advisement.

Mr. Rader – That is all we are asking.

Mr. Aulen – Mr. Getz and I walked the site last week.

Mr. Getz – Under the proposal they will be demolishing the existing building and building a larger building in its place. The new building will extend out to the lawn area on property. There is the main property and a sliver in the back that is located in the Town and within that area there is some parking proposed, relocating a dumpster and a generator. The Town will have to be notified of the project. Some of the work they are proposing is re-locating a shed and that is off of their property and on the Ambulance Corp. property. I believe we will need a letter from the Ambulance Corp. as being the owner of that property for permission.

Mr. Cirrillo – We actually asked them for a letter because we are re-locating the stormwater culvert, right now the stormwater pipe right now goes out onto their property and we want to replace it. The DEC, who we have already had to the site, is fully on-board with the project asked us for a letter from the Ambulance Corp. for permission to replace that pipe.

Mr. Aulen – What are you doing with the DEC, did you get a letter from them?

Mr. Cirrillo – We are waiting for a letter from the Ambulance Corp. and then we will give it to the DEC and supposedly we will have our permit.

Mr. Aulen – You are within that 100ft. buffer for the wetlands.

Mr. Getz – They are actually more than that because they are working in the wetlands too.

Mr. Cirrillo – We did meet with them on site probably about 1 year ago and they are fully on-board, they are just really waiting for the letter.

Mr. Getz – Have they seen the latest plans.

Mr. Cirrillo – Yes.

Mr. Getz – Before this Board or any other Board can act on this I believe we would need to be sure that the DEC permit is in hand.

Mr. Cirrillo – My civil engineer prepared a drawing that may be a little more clear.

Mr. Getz – Has the DEC validated that delineation?

Mr. Cirrillo – I believe so but I would need to verify that.

Mr. Olsen – The plan shows a propane tank...

Mr. Cirrillo – That exists.

Mr. Olsen – But you don't have it on any other map, you only show it on this map.

Mr. Cirrillo – Because we are bringing in a gas-line.

Mr. Olsen – What are you going to do with this?

Mr. Cirrillo – It is going to be removed.

Mr. Olsen – It should say that.

Mr. Cirrillo – That is an existing condition plan.

Mr. Olsen – But this is on the Ambulance property.

Mr. Aulen – And it has been there for a long time.

Mr. Olsen – But they may want to know about that.

Mr. Getz – So you should keep us updated as you finalize the DEC permit.

Mr. Aulen – Yes, that is the most important thing.

Mr. Getz – The DEC will check the archeological and other habitat issues. Have they asked you about those things?

Mr. Cirrillo – They were on-site and we were looking at the trees and I believe that they did not feel there were any problems with the type of trees that were there or Indiana Bat. They said there should not be a problem about removing trees at a certain periods of time.

Mr. Getz – We recommend that a Full Long EAF Part 1 be submitted for the project. The existing facility is about 22 spaces and they propose 51, which is a big increase. In terms of equipment and other things what are the differences between the existing and proposed station?

Mr. Cirrillo – It is still a 2 bay Firehouse, there are currently 30 to 40 members and they are increasing the size of the social hall. I do not know the size of the existing but I can tell you that if the social hall is used as a meeting room at 7sq.ft. per person we can have as much as 288 people which based on the parking requirements at 1 per 4, which was the closest thing I could find for assembly, that would mean 72 spaces. If the meeting room is used as a social setting then it is 15sq. ft. per person and we have 155 people which converts to 39 spaces. If you see the site plan we are basically very tight. We have our building and what we have left over just fits the parking on each side and in the back. A couple of times a year there is trainings where other companies come and then there are social events such as roast beef dinners and such. During the day you may find 3 to 5 cars there and in the evening when these activities happen is when more people come to the building and they have about 5 events yearly.

Mr. Batz – 90% of the time the lot is going to be empty.

Mr. Getz – You have a facility now with fewer spaces, maybe 20 or so, is there on street parking that gets used if you have a big event?

Mr. Batz – There is not much on street parking.

Mr. Olsen – How wide is South St. Ext.?

Mr. Cirrillo – About 30ft.

Mr. Getz – There are some aspects of the parking that does not appear to meet the Village's Code. The number of ADA spaces for more than 50 is 3 and the applicant has 2.

Mr. Cirrello – 1 space put us over.

Mr. Getz – The Code calls for a 15ft. minimum setback for parking when it is adjacent to residential property with screening. The Code also says that there should not be parking in the front setback and the current facility has it and the applicant is proposing to keep that situation. Variances from the Zoning Board of Appeals may be required if you can not comply with those.

Mr. Aulen – You already have parking on one side next to a residence which is pre-existing, non-conforming. Since you are going to have to get variances you may as well get variances for everything because you will lose a lot of parking spots if you take away that 15ft.

Mr. Getz – It looks like you are keeping with the same on the other side, correct?

Mr. Cirrillo – Yes, we are parking right up to the existing retaining wall.

Mr. Batz – Our attorney did advise us that because we are municipal governed that we exempt from the Zoning Code. We only met with him on Tuesday night and he did not have time to prepare...

Mr. Aulen – He said you are exempt...

Mr. Batz – From the Zoning Code because we are a municipal government and he does have case law.

Mr. Dickover – We will take that under advisement.

Mr. Aulen – I had asked this question when we first met to review this.

Mr. Rader – We only have met with the attorney on Tuesday night to prepare for tonight.

Mr. Batz – I do know that the Town, when we built our last Fire Station did exempt us.

Mr. Aulen – The Town exempted you.

Mr. Rader – They waived coming before the Planning Board.

Mr. Batz – We are just trying to give a little history.

Mr. Cirrillo – I am doing another Fire Station in Ulster County and it is a different attorney quoting the same verse and chapter. We are not being confrontational; we are just stating what the attorney has told us.

Mr. Aulen – I understand.

Mr. Batz – We obviously want to be good neighbors.

Mr. Cirrillo – We want to work with you, with the neighbors...

Mr. Aulen – That is why I asked the questions in the beginning.

Mr. Rader – About an attorney?

Mr. Aulen – No, whether you were controlled by any agency.

Mr. Getz – For example, schools are not required to come before the Planning Board.

Mr. Aulen – Yes, they are with the Dept. of Education, they can do whatever they want. But I have never heard of anything about Fire, Ambulance or those types of services and basically I do not think you have a problem.

Mr. Cirrillo – That letter is sort of an introduction.

Mr. Dickover – Are you claiming that you are exempt? Are you going to take that position? And if you are we should resolve because you are wasting time with this Planning Board. So, if you are going to take that position it needs to be resolved before time is expended by this Board.

Mr. Batz – I actually believe that, that is the position that we prefer to take.

Mr. Dickover – Then we are probably done for this evening.

Mr. Aulen – If other Municipalities have you come before the Planning Board in the State of New York, I would suggest that you are not exempt. It is the position of the municipality rather than the State and that is why I asked if you were a State Agency.

Mr. Batz – And that is where our attorney basically said that we are a governed municipality because we collect taxes, we control taxes as the Board Fire Commissioners, not different than a Village Board. We set the tax rate,...

Mr. Dickover – Are you a Village form or Town form?

Mr. Batz – We are a Town formed Fire District, we set the tax rate for the Fire District and we govern the Fire District and that is why they say we are a governing body as a municipal government.

Mr. Aulen – That is why I asked the question.

Mr. Cirrillo – We did not know and it took this long to actually talk to the attorney.

Mr. Aulen – But why would it be in our Zoning Law in the Village, which is a Home Rule in New York State. That question could actually be answered by the Village Board of Trustees and the attorneys.

Mr. Batz – The Board of Trustees guided us to come before the Planning Board.

Mr. Aulen – Then I would interpret that as not being exempt. You are going to need variances no matter what.

Mr. Cirrillo – Again, according to their attorney we do not, we do not have to follow that book.

Mr. Dickover – On behalf of the Board, if that is going to be your position, that you put it forth in a letter to the Board. Your attorney mentions it in his last sentence but he does not set forth that this will be your position.

Mr. Batz – This Board or the Village Board?

Mr. Dickover – This Board, explaining that you are exempt from site plan review approval. This Board has certain experience and expertise in these projects so it may behoove and benefit everybody with their involvement in your application. It certainly should not be adversarial.

Mr. Batz – No and we are not looking to be.

Mr. Aulen – We have to go according to the Zoning Law unless we receive something from the Board of Trustees or the attorneys say you do don't have to, that will be fine with us.

Mr. Getz – I would like to talk about one other comment which is a physical reality. I believe what you have drawn can not be built without going onto the neighbor's property. You have parking within foot of the property line and in this area with the retaining wall that is about 5ft. high and you have that right on the property line and it is a fill wall and I don't know how you can build that without disturbing the neighbor's property when you have a zero setback to it. It is just something that if you proceed with this Board we would need some details about how that is working out and perhaps an easement agreement with the neighbor if in deed you do have to disturb their property.

Mr. Cirrillo – I talk to my structural engineer and we can build a wall that he termed a counter-foot footing which is basically an L but I do know that the practicality is that when you are digging a trench...

Mr. Getz – You are digging a trench on this side the whole way? You would not run a machine down? I am just pointing it out from a reality check; that if you imagine a vertical wall 10ft. high on the neighbor’s property line could you really build this plan the way it is drawn.

Mr. Aulen – If we need a decision on whether or not you are coming back to this Board, I would imagine that we are finished for this evening.

Mr. Dickover requested that the Board go into an Executive Session.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to adjourn the meeting. (4 Ayes)

Respectfully submitted;

Maureen J. Evans,  
Planning Board secretary