

CHAIRMAN: GEORGE AULEN

MEMBERS: JAMES PATTERSON, WILLIAM OLSEN, JESSE GALLO & KARL SCHEIBLE

Alternate: KERRY BOLAND

VILLAGE OF WARWICK
PLANNING BOARD MEETING
MAY 17, 2018

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, May 17, 2018. Present were: George Aulen, Jim Patterson, Bill Olsen, Karl Scheible, Kerry Boland, Village Engineer, David Getz and Planning Board attorney, Robert Dickover. Others present were: Kirk Rother, Susan Roth, Jay Myrow, Robert Silber and others.

A MOTION was made by Bill Olsen, seconded by Karl Scheible and carried to accept the minutes of the April 19, 2018 Planning Board meeting as amended. (4 Ayes) {1 Abstention – Kerry Boland}

VILLAGE VIEW

REVIEW OF DEIS
FOR CLUSTER SUBDIVISION

VILLAGE VIEW

Mr. Aulen – We received a letter from the applicant’s attorney, Jay Myrow, indicating something that I had mentioned at the last meeting dealing with Affordable/Workforce housing. I had mentioned that it was not in the Cluster zone but however it is something that would be beneficial to the community and part of the concept of the Cluster zoning is to provide Workforce housing and that is why the lot sizes were made smaller. However, it seems that the applicant does not want to provide affordable housing which I find unfortunate.

Mr. Myrow – I think it is more a combination of the ability to afford it with single family homes. I think the cost would exceed what we would have to sell it for. So they would be at a loss. Other types of housing may qualify but it is awfully difficult to do with single family homes.

Mr. Patterson – What do you mean by other types of houses?

Mr. Rother – Townhouses, condos,...

Mr. Myrow – Apartment buildings.

Ms. Roth – Your codes defines Affordable housing as something that a resident making 80% of the average household income...

Mr. Aulen – That is that County's too.

Ms. Roth – The average household income in Warwick is about \$66,000.00 and if you take 80% of that you would have someone who makes \$50,000.00 to \$55,000.00 a year and if you break that backwards into what they could afford as far as a mortgage, they will only get about \$115,000 to \$150,000 that is all that the mortgage is going to allow.

Mr. Aulen – Can you show me those figures? It would be a lot easier to follow.

Ms. Roth – According to FEMA guidelines you can only take 30% of your monthly income, so just the mortgage and the principal, not any of the taxes is about \$800 per \$100,000 so if you are thinking about affordability it is just way out of the range. A mortgage on a \$200,000 house is about \$1,600 per month without taxes, so they cannot afford it.

Mr. Rother- The construction cost could be about \$250,000.

Mr. Scheible – Where is the 80% on median salary?

Ms. Roth – That is defined in your code, if you look in the Affordable Housing section. It is impossible to provide a house at \$200,000 on that particular property. For a starter home in Warwick, that would probably mean that they would need to be in a condo or a 4plex at least as defined by your code. After the affordable housing is provided, it is then restricted for the life of the house, in terms of the amount of money it could be sold for and re-sold for. So you are asking the developer to sell houses at a loss to him in order to add to your affordable housing stock. So it is probably not appropriate for a single family house but if you were to entertain a 4plex, garden apartments, that would probably be more appropriate.

Ms. Boland – The \$55,000 is that per family or individual?

Ms. Roth – For the whole household. If you think about who would be making those types of incomes, it would be workforce, the people who mow your lawns, work in the delis and things like that and those people generally rent so that is where affordable housing comes in.

Mr. Myrow – I am assuming that the Board is not really looking for a significant change to this layout in terms of...

Mr. Aulen – The Cluster concept was to have a lot of open space and build the houses closer together. That has not been done with this plot that you have given us. You are giving us exactly what you had before except you are adding 15 houses to it.

Mr. Myrow – Do we still maintain 50% open space?

Mr. Aulen – The open space that is being provided is almost basically unbuildable, it is in the wetlands and the valley, it has steep slopes...

Mr. Myrow – What is the standard for open space?

Mr. Getz – 25% is required and the applicant is providing about 30%.

Mr. Rother – I think 20% is required.

Mr. Aulen – This layout we have is exactly the same except you have more houses as the original one that is already approved which has 28 lots. Even in your DEIS to speak about sprawl and that is what you have here. The idea of the Cluster was to bring the houses together and eliminate the sprawl and you have not done that and I am quoting from what I received from the applicant.

Ms. Roth – This is what I changed from the last time in the DEIS. In the Village of Warwick, you only have a finite amount of land that people can feasibly walk to the Village. If you get out any further than a 1.5 miles or 2 miles, then people start driving into the Village.

Mr. Olsen – They will drive to the Village from there. They are not going to walk.

Ms. Aulen – It would be nice if it could be walkable but the concept of the Cluster was to bring the houses together and have a lot more open space and I do not see that in this layout.

Mr. Rother – As far as this layout, between the shape and what the Code defines...

Mr. Aulen – Then maybe it cannot be adapted to the Cluster zone. If the land is not able to be made that way, maybe you cannot build it.

Mr. Myrow – Except we do meet the regulations.

Mr. Rother – The Code identifies what we are supposed to reserve being the wetlands, the stream and steep slopes so that is why that is the stuff in open space, that is what the Code tells us to protect. And with regard to sprawl, there is actually less disturbance in this than on the 28 lots. There are fewer infrastructures, less linear feet of road and it is serving 45 homes instead of 28. In fact it is the opposite of sprawl, we are increasing density, we are putting more homes in the same space.

Mr. Aulen – Define sprawl.

Ms. Roth – Sprawl is larger lots, longer roads to be maintained with longer utility lines. If you have a house every 3 acres on a road, it is the linear feet of road...

Mr. Aulen – So you are saying that Town is creating sprawl.

Ms. Roth – When you have 2 acre lots, yes that is what happens. It is more expensive for the Fire Dept., the maintenance of the roads and the DPW, the trucking routes are longer, routes for School buses are longer and so it becomes more expensive to live here because you have fewer houses per acre. When you have more houses per acre and people can take advantage of shared infrastructure like the roads.

Mr. Aulen – More houses per acre would mean that the houses should cost less.

Ms. Roth – Yes. I don't know what the price point would for the 28 lot but...

Mr. Aulen – Apparently they are the same size houses or pretty close to it.

Ms. Roth – You could not sell it for the same price point because to develop the infrastructure for the 28 lot is more expensive than the infrastructure to develop this.

Mr. Myrow – People will pay more for a house on a 2 acre lot than on a .5 acre lot.

Mr. Rother – The reason we are here tonight is that the Board has made it abundantly clear that affordable housing is something that you are concerned about and the diversity of lots sizes is something you are concerned about and we have discussed it on our end and the applicant is struggling with how he can accommodate it.

Mr. Aulen – I will not disagree with what was said in Mr. Myrow's letter, I said the same thing at the last meeting. However, the concept and the Comprehensive Plan are looking for workforce housing so teachers, etc....

Mr. Rother – But they are not the folks that your Code define as affordable. A teacher can make \$100,000 per year.

Mr. Aulen – I don't think the Code defines a person per se.

Ms. Roth – No, it defines Affordable Housing by the income of the entire house.

Mr. Myrow – We looked at it and we can debate it but I think we are reasonably convinced that taking any of this housing stock and trying to sell it pursuant to your affordable regs is a loss. He will lose money on those lots and I don't think your affordable regs were put in there to force a developer to lose money in the course of his construction. You can accommodate affordable housing with different housing types that may at least give the builder a reasonable chance of making some money on it but I don't think a regulation that forces somebody to sell at a loss is reasonable.

Mr. Aulen – I don't think the regulations defines the houses as 4 bedroom houses either which is what I was told were going to be built.

Mr. Myrow – That still doesn't mean that we can build anything as a single family home and sell it other than at a loss if we use your affordable housing formula. That is the problem.

Ms. Roth – The average cost of your single family house in the Village of Warwick is probably around \$300,000.

Mr. Myrow – A new house sale price.

Mr. Olsen – There are older homes that are not worth that.

Ms. Roth – Right, and that is where you're affordable housing comes in because when you build new houses you take the pressure off of the sales of the older houses because you have more housing stock and the prices stabilize and drop for everyone. It is just a matter of demand, price versus demand, if you have more demand, the prices go up and with less demand the prices go lower. As a more established resident wants to buy a new house here, they sell their older one to a family that needs a better price on a house.

Mr. Aulen – There is a flaw in that discussion but keep trying because you are not convincing me of anything with that one.

Mr. Patterson – Did you get an opportunity to speak with the Village Board about the lot fee?

Mr. Rother – It is yet to be determined. Mr. Myrow checks in with the Village attorney on a regular basis. The last we heard they had referred it to County Planning.

Mr. Myrow – The County Planning is not giving any input.

Mr. Patterson – We also had a discussion on whether those 5 houses could be treated differently as far as that fee was concerned and if that was indeed taken into account it would make a significant difference in the loss...

Mr. Rother – The catch now is that we do not know what the fee is.

Mr. Aulen – And I agree with you we don't know what that is or if that small piece of property is going to annexed from the Town, we don't know if you will get permission from the Town to build a road over it if they don't annex it and who would maintain it. There are a lot of ifs ands or buts in this application that really makes it difficult to move forward on both sides.

Mr. Rother – I have expressed to the applicant, Mr. Myrow and Ms. Roth that the lot size and the affordable is an important thing for me from the engineering prospective of laying this out.

Mr. Aulen – I understand that and the affordable housing is something of great interest to not only this Board but the Trustees and that was the concept of why they put in the new zoning for Cluster so they could get some workforce housing, although that section is not written that way, but that was part of the idea of decreasing the size of the lots so you could build a house for the workforce.

Mr. Myrow – The only problem with that is that it is not reflected in your Code. So we are shooting in the dark.

Mr. Rother – It is having the affect that the overall cost of each one of these lots is lower because the infrastructure cost is roughly the same but we are spreading it out over 45 lots instead of 28 lots.

Mr. Olsen – How large of a house do you plan on building?

Mr. Silber – Between 2,200 and 2,400 sq. ft., roughly.

Mr. Olsen – Could you build a 2 bedroom?

Mr. Silber – The problem is the infrastructure, not so much the house, we have water, sewer, roads, it is quite a bit of money.

Ms. Roth – Then once you have this house that is smaller on that lot what is to stop someone else from coming in and buying it on prospect and renovating that house so it is no longer affordable and selling it.

Mr. Dickover – The lots are identified on the map as being affordable housing so that opportunity is not going to exist because they will have to come in and qualify for the affordable housing construction on that lot.

Mr. Myrow – You can't build them and sell them other than at a loss.

Mr. Rother – Mr. Myrow talked about another style of house, either apts. or townhouse. There is another plan that was presented to the Village Board...

Mr. Aulen – I saw the plan but it never reached this Board.

Mr. Rother – No, it has not been before this Board. It was an overall point of development for the 100 acres that the applicant owns in the Town and Village. It was one parcel of land and we have small lots, big lots, Warwick Grove style elements, a couple of multi-family townhouses and the feed back we received was that in this location it is not a good fit. So, we scratched that plan.

Mr. Aulen – This piece of property is a very difficult piece to build on.

Mr. Rother – It is a difficult piece of property to build on except for large structures because of the slopes.

Mr. Aulen – And the roadways are more than likely expensive to put in there.

Ms. Roth – What is the feasibility to converting 3 of the lots into townhouse lots, instead of single family?

Mr. Rother – Are you talking about one big building?

Mr. Myrow – How many units? Is there a limitation on the number?

Ms. Roth – It would be zero lot lines because that is permitted in the Cluster zone. The buildings would be adjoining. The lot line runs down the party wall.

Mr. Myrow – I am assuming that if you are building that type of building you would be cutting the infrastructure cost.

Mr. Aulen – I had mentioned that it was something that could be discussed.

Ms. Roth – The only difference with that type of building would be when you sell the deed to the house you would have to create an HOA between the property owners.

Mr. Scheible – That would not have to be different than the HOA that is already going in.

Ms. Roth – Right, and it's a duplex which is permitted in your Code and it can also on a 5,000 sqft. lot.

Mr. Aulen – But it is in the Cluster.

Mr. Getz – Multiply residences are allowed in the zone by Special Permit.

Mr. Dickover – You would have to design the exterior so that it is not obviously an affordable housing unit. It is a requirement that they cannot stick out.

Mr. Myrow – That should not be an issue.

Mr. Olsen – What would multiple be?

Mr. Dickover – I believe it is 6 units per building.

Mr. Getz – read the definition for multiple residences.

Mr. Myrow – It will also give some diversity to the neighborhood.

Mr. Aulen – This would also have to go before the ARB.

Mr. Rother – The best place to put any type of a larger structure would be where it is the flattest. So, on this plan I would need 6 smaller lots.

Mr. Getz – In doing that, do you increase your lot count to over 45?

Mr. Rother – This plan is 48 but the roads are identical, there is no infrastructure change and the lots are smaller.

Mr. Myrow – But they are anticipated to be single family...

Mr. Rother – The way I have them drawn now, they would be single family. I did not see in the Code where the Board has the flexibility to drop the lot size on their 10,000 sq.ft. for a single family.

Ms. Roth – It doesn't but it does give 5,000 sq. ft. for multi-family, you would have more dwelling units but you would have a few affordables.

Mr. Olsen – And spread out, not all in one place.

Mr. Getz – Yes, the Code recommends that they are not all in one place.

Ms. Roth – Can we agree on the number? I need it for the DEIS.

Mr. Rother – You mean for the number dwelling units?

Ms. Roth – Yes.

Mr. Myrow – We don't know yet but the variable is what the Village Board is going to come up with on the price per lot and whether or not we can talk with them about possibly giving us a break on any lots for the affordable housing on. Once we have those numbers then he can figure out whether this will work and there is no way we can really come up with a plan until we get those numbers.

Ms. Roth – I think in some ways the idea of a townhouse is actually a really good product because there is more of a market for those types of houses than a single family.

Mr. Myrow – If we are going to debate this but we are relatively certain this is going to be the layout can we proceed with the DEIS?

Mr. Dickover – You will have to address the affordable housing and the present count may fluctuate so but I don't really think it will affect the DEIS.

Ms. Roth – If we go ahead and add the affordable housing component into an alternative in the DEIS in the front but will fully describe it in the Alternative section so it could be an option for the Board to pursue. It frees them up to consider it and after the public hearing we can finalize it in the FEIS.

Mr. Myrow – If you put the alternatives in the DEIS and it passes muster with the Board and it can be accepted by the Board to be put out for public comment whatever is in there are his options without having to go back and review and revisit the whole thing.

Mr. Aulen – My best recommendation for you right now is go to the Village Board and find out what they are going to do about the cost per additional lots.

Ms. Roth – But we can still go forward with this.

Mr. Aulen – Yes but...

Ms. Roth – That would be a decision that they could make between the start of the public comment period and the Finding Statement. That would not necessarily affect the SEQR review of the DEIS.

Mr. Dickover – Yes you should prepare it as an alternative in the DEIS and I think you should take the Chairman's comment seriously and see if can't finalize your lot cost because without that your client can't make a decision whether he can afford any of it.

Mr. Aulen – And you also have the problem of trying to get the Village and the Town to agree to an annexation.

Mr. Myrow – Is that fee set forth in the Zoning Code?

Mr. Aulen – Yes.

Mr. Myrow – Did they make a referral to you for a comment on that?

Mr. Aulen – The only thing I recall is when we initially put it in when the Town and the Village did the annexation.

Ms. Roth – It is in the Fee Schedule.

Mr. Myrow – So if it is not in the language in the Code then that would not happen but I believe you should have a say in it anyway.

Mr. Aulen – When they request comments they generally get them in writing.

Mr. Rother - Our goal right now is to have the Board feel comfortable with the DEIS so that you can deem it complete and we can send it out to everyone else.

Mr. Getz – One of the physical impacts the project will have on infrastructure is on the Robin Brae pump station. The part of the Village where the project is, drains into that area and it is a pump station under stress already. We are, as the Village engineers looking at an option that might be a possibility to reduce the load on that pump station by serving more homes by gravity sewer. I don't have an answer on that yet but that is something that is going on in the background, if the Village were to make some physical changes, put in some new manholes, they might be able to reduce the flow to the pump station.

Mr. Aulen – That is not the situation where we were a couple of years ago where we had no sewer capacity and most of those problems have been corrected.

Mr. Rother – Your average capacity is about 200,000 gallons a day. Mr. Getz and I spoke about this and if that gravity option was able to bear fruit it would capture this subdivision also which would no longer go to Robin Brae, it would go gravity.

Mr. Getz – That is right and we should have an answer in a few weeks.

Mr. Aulen – In the original approval the applicant was going to assist in rebuilding the pumps down there but that has already been done.

Mr. Scheible – But it still needs a larger well, which is where the problem is.

Mr. Rother – We are fully aware that the pump station needs to be improved and I believe Mr. Getz said that it is not as easy as just making it a deeper well.

Mr. Getz – Going deeper is not feasible with ground water and other constraints.

Mr. Olsen – On the calculations on the amount of wastewater, what are the calculations for the amount of water per person per day?

Mr. Getz – Typically, it is done per bedroom. The OCHD uses 110 gallons per bedroom, the DEC has slightly different numbers, but those are design flows, actual flows are less based on my experience. I would like to circle back to the objective of the Cluster and the objectives of the Cluster open space, etc. Before we direct them to continue I just want to make sure the Board is comfortable with the amount of open space with the bigger picture issues. In my mind they meet the Code and exceed the minimum requirements so I can't from a technical point of view say it is not meeting what the Code requires.

Mr. Olsen – If they could preserve the springs...

Mr. Rother – I located the spring, put it on the map and I changed the plan. I have a JD letter from the Corp of Engineers dated February of this year and they say the wetlands are where the wetlands are.

Mr. Aulen – They went out to the site?

Mr. Rother – Yes.

Mr. Scheible – As far as the spring goes it is not addressed in the DEIS. Also, I have read the previous minutes to a meeting where I was not at and I know that the sidewalks were addressed and discussed on whether to have one side or two sides and in the DEIS it is just addressed as sidewalks...

Ms. Roth – I can change the description.

Mr. Scheible – I would still like to make the note that having sidewalks on both sides is my preference.

Ms. Roth – Then you increase the amount of disturbance and impervious surface.

Mr. Scheible – I looked at that and obviously you do but relative to the impervious area you have 5.5 acres of impervious in the calculations and so what we are looking at is about one-quarter of an acre.

Mr. Rother – We polled the Board and got the consensus whether they are on one side or both and we actually had shown sidewalks on both sides and the Board didn't want it on both.

Mr. Aulen – We were looking at the impervious surface and that was one way the Board decided to reduce it and that was the same with the roadways.

Mr. Scheible – I understand but I just think that it is a minimal decrease of the impervious area, it is one-quarter acre versus 5.5 acres.

Mr. Aulen – There is a lot of run-off and everything goes downhill.

Mr. Scheible – I just look at sidewalks as we are trying to encourage the Village environment or what Village living is supposed to be and I also look at it from a safety standpoint, we are clustering a lot in a small area and having one side without a sidewalk to me is a safety issue and I will leave it at that.

Mr. Rother – We put the sidewalk on the side with houses on the other side there are places or gaps where there are no houses at all.

Mr. Scheible – In my opinion it enhances the livability of the project.

VILLAGE VIEW

EXT. OF PRELIMINARY
SUBDIVISION APPROVAL

VILLAGE VIEW

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to extend the preliminary approval of the 28 lot subdivision until August 17, 2018. (5 Ayes)

A MOTION was made by Karl Scheible, seconded by Jim Patterson and carried to adjourn the meeting. (5 Ayes)

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary