

CHAIRMAN: GEORGE AULEN
MEMBERS: JAMES PATTERSON, WILLIAM OLSEN, JESSE GALLO & KARL SCHEIBLE
Alternate: KERRY BOLAND

VILLAGE OF WARWICK
PLANNING BOARD MEETING
JUNE 21, 2018

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, June 21, 2018. Present were: James Patterson, William Olsen, Jesse Gallo, Karl Scheible, Kerry Boland, Village Engineer, David Getz and Planning Board attorney, Robert Dickover. Others present were: Jay Myrow, Kirk Rother, Susan Roth, Robert Silber, Beau Kennedy, Jason McGovern, Ron Charlton, Ross Winglovitz, Michael and Laura Giardino, Adam Powers, Lisa Weisbord, Robert Krahulik, Lilibet McLean, Michael Bertolini, Josh Roth, Brandon Strothers, Kyle Hanzas, Adria Stiller and others.

A MOTION was made by Bill Olsen, seconded by Karl Scheible and carried to accept the minutes of the May 17, 2018 minutes. (4 Ayes) {1 Abstention – Jesse Gallo}

WARWICK COMMONS EXT. OF SITE PLAN APPROVAL STERLING BANK

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to extend the site plan approval until September 21, 2018. (5 Ayes)

Mr. Myrow – We believe we have made all of the changes discussed at the last meeting to the DEIS.

Mr. Patterson – We were under the impression that you would be going to the Village Board to speak with them regarding some type of fees.

Mr. Myrow – I have inquired since last August and I still have not received a reply. We are not waiting on that, we can't wait on that. They will act, when they want to act and they are not acting. That will have to resolve itself but we cannot wait on that as a time table for getting this moving.

Mr. Patterson – I also got the impression that you would be addressing the sliver in the front for the annexation.

Mr. Myrow – We can't act on that either until the SEQR is done. We can't get approval on anything from the Town Board until SEQR is completed, we can't get anything from any involved agency until SEQR is completed. That is why this is so urgent.

Mr. Dickover – I am not exactly sure that, that is an accurate representation. You can apply to them for your annexation to see where it leads you.

Mr. Myrow – It is a Type 2, I can apply but I can't get any action.

Mr. Dickover – It is not holding up your annexation application.

Mr. Myrow – We can't proceed with an annexation with this project if this Board is going to complete SEQR. That would require an Uncoordinated Review.

Mr. Dickover – This decision is not subject to SEQR.

Mr. Myrow – It is an Unlisted Action, it is subject to SEQR. It is not a Type 2, it would require a SEQR Finding.

Mr. Dickover – They have to make a determination who is going to be Lead Agency on that application.

Ms. Roth – They have already acquiesced, because we sent...

Mr. Dickover – On this project but the annexation is a separate proceeding.

Ms. Roth – But it is listed in the Table of Actions that went with the documents.

Mr. Myrow – The annexation only applies for this particular application, it is a related action and requires a SEQR finding. The Town Board can't go making SEQR findings if it is a coordinated review.

Mr. Rother – It was included in the Scoping Document. It was actually a comment from this Board to add it to the Scoping Document.

Mr. Dickover – Put in the application, they will make a determination whether or not they want to be Lead Agency or this Board will and they will make that decision.

Mr. Myrow – Is this a Coordinated Review?

Ms. Roth – Yes.

Mr. Myrow – Were they given Notice?

Mr. Dickover – Presumably they were.

Mr. Myrow – Then they can't act. If they did not ask to be Lead Agency, then they acquiesced this Board to be Lead Agency.

Mr. Dickover – On the site plan and subdivision, but not on the annexation.

Mr. Myrow – On all related actions. The DEC has applications in front of them and they can't until SEQR is done. It is the same thing.

Mr. Dickover – That is an interesting position but I think on this application when the determination was first made, this Board was not aware that there was going to be an annexation. That came along later.

Mr. Myrow – If they were not listed as an involved agency, then they probably could do an Uncoordinated review but if they are listed, any agency that is listed as an involved agency can not act until this Board finalizes SEQR.

Mr. Patterson – I thought the annexation was a separate application.

Mr. Rother – Is your position that the annexation has to be complete before we go to the next step?

Mr. Patterson – That was my understanding. Am I mistaken in that?

Mr. Dickover – I don't know that the Board took a position on it one way or the other. The applicant might want to speak to whether or not the annexation is a critical component of their application because I think the time has come to decide to do it or not to do it. Maybe it is not a critical piece. I don't think it is an alternative plan anymore, is it?

Mr. Rother – We did include it as an alternative. The prior plan had a second stream crossing and we didn't cross through this sliver.

Mr. Myrow – I believe I sent a letter to the Mayor last week and this week I inquired the Mayor and the Supervisor as to whether the Intermunicipal agreement for annexation between the Village and the Town that was last renewed in 2008 for a 5 yr. term has in fact been extended in 2013? I received a response from the Supervisor, “no”, he asked the Mayor in that e-mail what his pleasure was and I have heard nothing.

Mr. Rother – What we are asking is for the Board to deem this DEIS complete in so far as we have addressed the items brought up in the Scoping document so that we can now send that document to everyone else to comment on, including the Village Board, Town Board, and everyone else who has an interest in this and that is normally when all of these other items like the annexation and the permits we might need shake out. Then we need to address all of that in the FEIS which is a whole other process. It is not like deeming this complete and it is the last bite of the apple.

Mr. Myrow – I thought we had worked through all of the remaining issues at the last meeting.

Mr. Rother – Except Affordable Housing, that was the only thing left.

Mr. Myrow – We have the Affordable Housing component as an alternate and I thought we had identified everything that you guys wanted to accept it so we can get this out for review. I did not think there was any confusion at all as to what was going to happen if we got all of those things done. If the Board expected me to put an application in for an annexation between last month and this month and get action on it, that is going to be a 6 month process. We are not waiting 6 months to get the DEIS.

Mr. Dickover – The applicant is asking you to take action to adopt this document as your own and if you feel comfortable with all of the statements that are contained in it as it goes out under your signature, they prepare it for you but it is your document and you need to be comfortable with the statements that are in it and if you are not, then review the document and highlight for the applicant those areas that you want to address or corrected and proceed. If you are comfortable with it, you adopt it and send it out for comment.

Ms. Roth – I just want to point out two minor changes to the document 1) Mr. Dickover’s last comments which are already incorporated into your comments but this is actually a letter that I would have put into the correspondence section of the DEIS, it is dated Wednesday, June 6, 2018.

Mr. Rother – She had enough time to address those comments, so they are already in the DEIS.

Ms. Roth – After the document was accepted, Mr. Getz and I talked and he pointed out that I omitted one of his comments so I made a change to one sentence on one page.

Mr. Getz – When I gave you that comment I did not intend to mean that my review was 100% complete, it was something I picked up on and it was a quick thing to fix so I relayed that to you and you addressed it right away. But we do have review comments on the DEIS. The applicant has added an alternative plan showing the Affordable Housing where they converted 3 single family lots shown in an earlier version to 6 townhouse lots, the number of buildings stays at 45 but the number of lots and the number of dwelling units increases to 48. It is an alternative in the DEIS, it is not called the preferred alternative but it might be that the Board wants to deem it the preferred alternative based on how you feel. The Fiscal Analysis on page 82 says that the properties are currently exempt from Village taxes and we believe that is not accurate. That would require updating some of the Fiscal Tables in the document.

Ms. Roth – Yes, I believe it is accurate but I will look at it again. On the taxes that were paid...

Mr. Myrow – Why would they be exempt?

Ms. Roth – They are exempt because it is vacant land.

Mr. Myrow – No one is exempt from taxation.

Mr. Dickover – Are you making a distinction between general fund...

Ms. Roth – I mean the general fund.

Mr. Dickover – You are talking about exempt from general fund which is a line item on the Village tax roll.

Ms. Roth – Exactly.

Mr. Getz – So you are saying that your other numbers are accurate?

Ms. Roth – Yes, it is just the general fund they do not pay.

Mr. Dickover – So in that table you showed a fiscal impact with the build-out?

Ms. Roth – Yes.

Mr. Dickover – For the general fund?

Ms. Roth – Yes.

Mr. Dickover – For the various numbers of units?

Ms. Roth – Yes and I can clarify that with the general fund.

Mr. Getz – We request that the applicant highlight within the document the requirement that at any given time the maximum amount of disturbance on this property will be 5 acres. They do mention it in some places but we recommend it be mentioned in some other locations as well.

Ms. Roth – You will have to give me the exact locations and the project descriptions.

Mr. Getz – In the DEIS the Traffic section mentions some data that was included in Appendix G2 but we believe that the data is not included. We are not questioning the conclusions or the results of the study but are looking for the additional information. We also would like some additional information about water pressures and impacts to the wastewater pump station on Robin Brae Dr. There are some technical comments on the SWPPP. I don’t have any doubts that

the applicant will be able to address them but there are some items that need to be cleared up. There are also some minor inaccuracies and typographical errors that should be cleaned up. We also have some comments on the plan set that was submitted and in general they refer to some stormwater issues and other information that will be needed as the plans progress, landscaping, lighting, surveyor's information, additional easements, etc.

Mr. Rother – Mr. Getz and I spoke regarding at what point is there enough detail for the purposes of the DEIS, knowing that this might not even be the ultimate plan. I think as far as the SWPPP comments and those types of things, I think he is comfortable with the level of detail that we presented at this stage as far as the DEIS...

Mr. Getz – That is true. What this project has that is a little bit unusual is they have the ability to utilize land on an adjacent parcel owned by the same owner so that if he has to increase the size of a stormwater basin he has the ability to do that outside the boundary of the Village lot.

Mr. Rother – I don't think we will have to do that, as far as our numbers, it's there.

Mr. Getz – Maybe.

Mr. Rother – What would happen if the Board accepted a DEIS and then the annexation did not move forward. Would we have to come back?

Mr. Myrow – Yes, you would have to modify the plan and the DEIS. So I am guessing that we are not going to get our Findings and the Conclusion to SEQR until we have some indication.

Mr. Rother – So I don't understand why the acceptance of the DEIS is contingent on the annexation?

Mr. Dickover – I don't know whether it is contingent but I don't know if the Board is there.

Ms. Roth – I would think that this wouldn't be an issue; the applicant is proceeding at his own risk. If they don't approve the annexation then the plan has to change.

Mr. Rother – So if the Board is not there, then we are somewhere in between.

Mr. Myrow – Was the annexation the preferred way to go?

Mr. Dickover – It is part of the preferred plan, your client's preferred plan, the Board has not said one way or the other. Your DEIS says it is the preferred plan.

Mr. Myrow – In general has it been favored?

Mr. Dickover – I don't know that the Board has made a decision yet as to what their preferred plan is. The Affordable housing issue came in....

Mr. Myrow – I mean the annexation, what is the total acreage of the annexation?

Mr. Rother – It is less than .5 acres and we are putting .25 of that into open space.

Mr. Myrow – So, we are not creating an additional building lot so there is no reason why the annexation is not going to go through.

Mr. Rother – The purpose of it is because the clustering. The primary conservation area is the stream so by going this route with our road we are avoiding a stream crossing.

Mr. Myrow - You don't want to say anything is a slam dunk but what would be the reason not to do the annexation.

Mr. Dickover – Have you gone to the Town with that question of whether or not they would allow the development?

Mr. Rother – On the 28 lots we went for a Special Use Permit to Town for the ponds and the cul-de-sac.

Mr. Dickover – They were receptive?

Mr. Rother – Yes. All we are asking is to go to the next step if the Board is comfortable with all of the material.

Mr. Patterson – As they have pointed out, we are not trapping ourselves in anyway.

Mr. Dickover – It is just another step in the process. Depending what the comments are from other interested agencies, they may end up revising the Final EIS...

Ms. Roth – But you don't know until it gets out there.

Mr. Dickover – During that period of time perhaps the applicant will investigate the annexation because they are doing this at their own risk, if they don't get the annexation the plan is going to perhaps change unless they get an easement through the Town parcel for the road as it is. But you need to be comfortable with the statements that are in because it is your document and if you have had a chance to go through it and you are comfortable with it you can adopt it this evening.

Ms. Boland – Where is the Affordable Housing?

Mr. Rother – We reconfigured the intersection, the streets are the same but we reconfigured the lots and took 3 lots and turned them into 6 but it would be the same number of structures because these are Townhouse buildings.

Ms. Boland – And they are all Affordable?

Mr. Rother – Yes, he is willing to do that and he is not making any money on those 6 units.

Mr. Patterson – Will there have to be a separate agreement between this and those units.

Ms. Roth – There are procedures already in the Code and we will just follow what the Code requires.

Ms. Boland – How is it determined who gets the housing?

Ms. Roth – There is a procedure in your Code, they will just follow the Code.

Ms. Boland – It is for teachers and employees...

Ms. Roth – It is really flexible the way they define it but it really is defined by the Village not the applicant.

Mr. Rother – There is a hierarchy and I guess it would be administered by the Village in some capacity.

Ms. Roth – Right, and to make sure they could not be sold at a higher value.

Mr. Rother – Those units are deed restrictive so it is not like the first buyer can cash out.

Mr. Olsen – The Affordable units will be built in a style so they look like the other houses.

Mr. Silber - We are having them designed so that they blend in with the other homes. We are working very hard on it and have some very nice sketches.

Mr. Patterson polled the Board for comments.

Mr. Patterson – Has everyone had a chance to read the DEIS?

The Board indicated that they have read the DEIS.

Ms. Roth – We have to add today's comment that was given to me verbally and it is a straight replacement of page 48.

Mr. Patterson – Have you looked at this?

Mr. Getz – Yes, it has to do with the fact that if there is bat habitat or other sensitive habitats the DEC will limit the time of year for tree clearing.

Mr. Scheible – You have a spring that you basically created an open space for it, where is it going to go?

Mr. Rother – It naturally runs right through the topography.

Mr. Getz – And the grading plans do show that, the contours lead into the other open space.

Mr. Rother – It will basically continue its natural course.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to accept the DEIS. (4 Ayes) {1 Abstention – Kerry Boland}

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to authorize the applicant to release and distribute the DEIS. (4 Ayes) {1 Abstention – Kerry Boland}

Mr. Dickover – I will not be available to attend the meeting on July 19, 2018 but I do not necessarily need to be here because it is for the public to hear.

A MOTION was made by Karl Scheible, seconded by Bill Olsen and carried to schedule a public hearing on July 19, 2018. (5 Ayes)

FORESTER AVE.

SITE PLAN APPROVAL

ROBERT KENNEDY

Mr. Winglovitz – At our initial meeting we showed one building with 36 apts. We met with the Village Board and the Village Architectural & Historic Review Board. Based on those meetings the applicant hired architects who specialize in traditional neighborhood development. The building is about 10ft. from the front setback line and we will need a variance for front yard setback. The site will have circulation entirely around the building with a center courtyard, the density has slightly increased from 36 units to 40 units with the current concept.

Mr. Gardino – We have created a single U shaped building with frontage on Forester Ave. The whole concept is to create a feeling of street scape on Forester and to give something very attractive to look at that blocks the existing building in the rear. We have also tried to create a garden courtyard area for the residents that will be living in the apt. community we are proposing. The circulation is one way in and there may be a two way street but that has not been determined but there are parking spaces under the building on both flanking sides so there is direct access from some people into the building including the accessible parking space. We have parking on either side of the drive aisles and overflow parking that we probably not be necessary for the people living here. Part of our thinking also accommodates truck movements back into the existing factory building and there is some potential for a connection to the ad-joiner to get some parking for them. But that will be discussed as we move forward. The overall plan has townhouse architecture at the street frontage stepping down the hill and an arched opening that would connect from the street into the semi-private gardens for the facility. There are a series of apts. that are organized around single stairs and the way they were designed is they are accessible from the courtyard garden space or from the parking side. There are a series of typically four apts. per floor except on the northern end we have just 4 apts. flanking the parking spaces on the southern end the parking is underneath 4 apts. There is a mix of 2 bedroom apts. which are shown in the brownish color and 1 bedroom apts. which are the blue.

Ms. Gardino – There had been a single building fronting on Forester Ave. with all the on-grade parking to the rear. There is a considerable grade change from one side to the other which could have been problematic for parking. The engineer got us spot elevations and if you see we have the overall building configuration and then sectionalized AA BB CC DD & EE and what refers to is the specific locations on the building configuration where we actually cut a section a section through the building so we could generate building heights and we did this in according with the way the Building Code demonstrates building height and as it was pointed out there are some portions of the building that are 3 story and some that are 2 story in height. The two facing each other in the courtyard are 2 story in height and this particular building is 3 story in height because it has a garage under it and 2 stories of residential above. The piece facing the American Legion building also is 3 story in height with a garage and 2 story of residential above. Section AA, there is a garage element on the far right with 2 levels of residential facing the Courtyard and then an additional story up above so we basically have 2 levels of residential offset from each other. The overall building heights are measured to the mid-point of the roof and we did that from grade at the Courtyard side of the building and grade at the parking side of the building and then took the average between them. I understand that there is a building height maximum of 35' and our average comes out to 34'. We did that at BB and you will see that the designs are identical but the grade is different so we are actually going to be stepping the building so the entire building when you walk around the site is constantly dropping to match the grade. So we took the building section and the elevations which are slightly different but you can see that the height of the building measured at those points are still 34'.

Mr. Patterson – So on the east and west elevations it steps once, correct?

Ms. Gardino – Yes.

Mr. Patterson – And anywhere that we see 3 floors on the section the bottom floor is garage.

Ms. Gardino – Correct.

Mr. Gardino – On sections A and B, yes.

Ms. Gardino – On BB and EE, that is exactly the same and in this case the garage would be equivalent to a basement level. The 2 story version is facing the Courtyard and the 3 story version is facing the American Legion Hall. There is actually a 12ft. grade differential between the edge of this townhouse and the edge of this townhouse so each of the townhouses drops 2ft. in order to take up the grade so it we have taken up 12 ft. from one end of the building to the other but if I am standing in front of the building, measuring to the mid-point of the roof it is exactly the same dimension, so we have measured each townhouse separately.

Mr. Patterson – You have 24ft. in the back and you only have a 10' setback in the front.

Mr. Olsen – With the sidewalk it looks like it is 16ft.

Mr. Winglovitz – It depends on where you measure it from. There is no real definition of frontline when our property line goes from the center of the road.

Mr. Patterson – You do have a line here for your 40 ft. . . .

Mr. Winglovitz – That was based on the setback from the edge of the sidewalk, so we are 16 ft. from the sidewalk and 10' from an assumed right of way line if there was a 25ft. right of way. This is a Village street and it could be a 33ft. right of way. I don't know if there has been any interpretation on that issue but that is how we put it out there.

Mr. Getz – In my table I included setback from that sidewalk just to be consistent because the building is pushed 6ft. further back than the previous building.

Mr. Olsen – Is there room for landscaping and trees?

Mr. Gardino – There are some very handsome trees along the street already, one or two are not in very good shape so our thought is to reinforce that and add some more trees where they need to go.

Mr. Getz – In this plan they provide more than the required parking and there is no parking in the front of the building. The applicant mentioned that they went before the ARB, can you tell us what kind of feedback you received.

Secretary – The ARB likes the direction this is going but they need to come back with their final submission for review.

Mr. Getz – With the connecting piece between the 2 buildings is it anyway considered under Building Codes as one building?

Mr. Gardino – It is considered one building with fire walls between the modules of the building.

Mr. Dickover – You talk about each section having its own building height. I we need to take a look on what the definition and how you define building height when you do that.

Mr. Gardino - That is a methodology that the ARB suggested that we approach it because the grade and the buildings are moving all over the place so it becomes an interesting task to decide how you calculate the building height. We could do average grade around the entire building and average roof around the entire building.

Mr. Dickover – It may work out the same way...

Mr. Gardino – It probably will.

Mr. Getz – I think so too.

Mr. Dickover – But it may be a question that you want to get some clarification from the ZBA on since you are going there anyway.

Mr. Winglovitz – Or the Code Enforcement Officer.

Mr. Dickover – That is up to you but at some point I will have to comment on it.

Mr. Winglovitz – The first thing we asked was how do we measure it and we told by the secretary in accordance with the NYS Building Code which is average grade around the building to the average between even peak.

Mr. Dickover – Did you run those numbers?

Mr. Winglovitz – Basically they did that.

Mr. Dickover – And it comes out where?

Mr. Gardino – We can do a very detailed calculation of the continuous grade around the building and averaging all of the roofs and show you the calculation.

Mr. Getz – It appears variances will be required for development coverage, floor area ratio, front yard front setback and I wrote building height but based on tonight's conversation maybe not and there is some information that needs to be added to the Bulk Table. Historically this area has been available for use for the American Legion building and it sounds like you are working with that owner to do the best you can, is that accurate?

Mr. Kennedy – Yes, we have met with him several months ago and we should be meeting again and we are discussing how to appease that situation, ultimately they are separate lots but we have more parking than required for this project so that helps them with spillover. We have to figure out the best strategy is and what is feasible.

Mr. Olsen – People that drive in on the right side will lose that entrance?

Mr. Kennedy – Yes, for the most part.

Mr. Giardino – There is a potential link to get into the rear yard.

Mr. Scheible – Will there still be sufficient parking for Mechanical Rubber?

Mr. Winglovitz – There is a large parking area on the east side of the building.

Mr. Getz – Access agreements will be needed to allow Mechanical Rubber to cross through the site in the front and there is a small piece of the Mechanical Rubber building that is located on this site and I will defer that to the attorney about what if anything should be done about that.

Mr. Winglovitz – There is a 5ft. encroachment.

Mr. Dickover – I will review that.

Mr. Patterson – I would like to comment on the fact that the first proposal showed 3 stories in the front and our thoughts were that it was just too extreme to be that close, so we do appreciate that you have dropped the front level down to 2 stories and moved it back 6ft.

Mr. Winglovits – Yes, we think that is an improvement too. Procedurally we would like to get to the ZBA to discuss the setback issue because that is paramount to developing the site in a way has been proposed. So we would like to get a referral to them from this Board and hopefully with the recommendation that this is kind of consistent with your Traditional Neighborhood Design goals that is outlined in the Master Plan and in your Zoning.

Mr. Patterson – Do we make referrals to the ZBA?

Mr. Dickover – You can but on this I don't think they need us to do that. I think a proposed site plan that does not meet zoning that you can go on your own. But if the Board wants to it can.

Mr. Patterson – If we have the original application should we then declares ourselves Lead Agency?

Mr. Dickover – We did that back in February with a coordinated review and circulated Intention to be Lead Agency to the Village Board and the ZBA. The plan for ownership is rental apartments?

Mr. Winglovitz – Yes. If the Board feels that a referral is appropriate we can go to the ZBA and if there are any positive comments we would appreciate them too.

Mr. Patterson – Any comments regarding this plan?

Mr. Olsen – Much better.

Mr. Scheible – Do have an agreement with Mechanical Rubber, have you talked to them, because in a sense you are putting something in front of them with the idea that this is mostly vacant now. After this building is done they may become industrial building again and then you would have truck traffic coming into where?

Mr. Winglovitz – It would have a cross-easement agreement to allow them to come in to use the dock and exit out of the site. This is owned by them now but we are the contract purchasers for the property so they are well aware of what is going on.

Mr. Olsen – There is enough turning radius for some good size trucks to get in and out of there?

Mr. Winglovitz – Yes.

Mr. Getz – Do trucks go around the side and the back of Mechanical Rubber also?

Mr. Winglovitz – There are a few docks there but I don't know if they are used at all. When I was there stuff piled in front of them.

Mr. Kennedy – According to Mr. Glasper the only loading dock currently being used is in the front where we do have turning radius for. The old docks particularly in the back I believe is encroaching onto Village property behind the DPW so I don't think he can technically take a truck around there and if you go back there it is not really passable. I would think a large truck may sink or have a difficult time getting around. So as far as we know the best working dock is the one out front.

Mr. Gallo – Where are you thinking of putting the trash and recycling?

Ms. Giardino – There is actually room where the garage spaces are. That envelope is actually 30' deep and a parking space is 18' or 20' so that gives us ample room for storage and an opportunity to put a trash room there.

Mr. Giardino – It will be private pick-up.

Mr. Dickover – So, no exterior dumpsters?

Mr. Giardino – We don't see the need for it at the moment but if we do we would certainly screen them.

Mr. Dickover – Going back to the ZBA, you might want to get some more detail on this plan before you go just to make sure you don't have to go to the ZBA twice.

Mr. Winglovitz – We think we have enough wiggle room if need be in the footprint. I know my client does not want to spend the money on more detail until he knows that the ZBA is comfortable with this setback.

Mr. Winglovitz – We will submit the height analysis done by the Giardinos to the Building Inspector and get his confirmation that it applies or if he is looking for additional information we can provide that to him.

Mr. Getz – One of the other variances I believe they might need is Development Coverage and the amount of parking would affect that but I think they have shown the most you could possibly fit, if you got the necessary variance for this amount of coverage I can't imagine you exceeding that, is that true?

Mr. Winglovitz – Correct.

Mr. Giardino – We could possibly bank some of the parking as well.

Mr. Dickover – Where are they at currently with coverage? Is that the information you wanted in the Bulk Table?

Mr. Getz – Yes. 35% is the maximum allowed.

Mr. Winglovitz – How is that defined?

Mr. Getz – It includes all impervious, I believe.

Mr. Winglovitz – Because there is a significant amount of impervious. When talking about stormwater we are actually providing some more green space. We will verify. We may be very close to a wash.

Mr. Getz – So you will be over 35% but perhaps not more than existing?

Mr. Winglovitz – Yes.

Mr. Dickover – Where will the stormwater systems go?

Mr. Winglovitz – They will have to go under pavement. This will be a re-development project under the DEC'S regulations and we get the benefit of the existing impervious but it will depend on the net calculations and anything that we are looking at will be probably be in the lower parking lot.

Mr. Getz – The Board had previously approved the tavern use in the historic Barid’s Tavern. The applicant is back before you for approval of a meat smoking operation including a lean-to wooden structure and a patio area. When the previous application was proposed the Board waived many of the typical requirements for site plan review such as, drainage studies, traffic studies, topography, etc. and because of the limited scope of what is proposed and I think it is appropriate that we waive those same requirements. The Chairman and I met at the site and what is drawn on the site plan is a 10’w x 40’L area that is centered on the historic building behind and what is clear from being at the site that something is not drawn accurately...

Mr. Powers – It is smaller, it is 35’ shorter in distance.

Mr. Getz – You mean the patio is smaller.

Mr. Powers – Yes.

Mr. Getz – The lean-to is shown as 10’x10’ but it is actually larger.

Mr. Powers – It is 14’x10’.

Mr. Getz – I am also concerned about its location...

Mr. Powers – It is 25’ off the KeyBank parking lot which is 16’ over the allotted amount. We are 65’ from Baird’s Tavern, 30’ from the Carriage House. I have had the Fire Chief and Fire Capt. on site.

Mr. Getz – We need to know the setbacks from the property line...

Mr. Powers – 25’.

Mr. Getz – If that is true then this drawing is very inaccurate.

Mr. Powers – The Historical Society gave me permission to build the patio, the lean-to and to place a smoker on site. I never thought I needed to do any of this because I have Mobile Food permits for all of my vehicles. The smoker is there two days, it is not going to live there, it is not going to be operational other than Sat. and Sun. afternoons. So at no point did I think this was ever a real drawing. This was done for overkill. Then it was brought to my attention that it might need to go for approvals. I got a Building Permit from the Building Dept. to build the lean-to and patio. The Building Inspector has been to the site 30 times, I have met with OCDH, we have tapped into the water and electric to the lean-to, we have a 3 compartment sink in the building. Everything we use is disposable, other than smoking that is the only thing that happens. Smokers make smoke when you light them and then there is blue smoke, clear smoke, it is less exhaust. Warwick Thai and Taco Hombre give off more. This is a \$10,000 competition grade smoker, it is a far better smoker than at Double S smokehouse and Friday before Memorial Day weekend at 5:20pm is when I was told I can not open for Memorial Day weekend. Up until then no one told me I had to come before the Planning Board. So Joe Irace scrambled to get this in front of the Board and there was another drawing that was delivered in the beginning of May and it missed the deadline for submittal so it took two months to get here. Someone could have asked me at any given time any questions. I don’t do anything but to Code and it is beyond me that I am sitting here. We have the same number of parking spots, there are no more tables then were on the patio to begin with for the past 15 years. There is no drinking, or seating or music speaker

wise in any way down here. I am not in any way the Wine Bar. The Health Dept. agreed to give us a Health permit and Baird's Tavern Health permit covers it. Anything that is wrong with the drawing will certainly be re-drawn by Joe Irace. I know that I said I would not put a kitchen in Baird's Tavern and that was because it is a 250 yr. old building. I did not want that responsibility, I never said no food. I always planned to put one of my legal food trucks on my own property and instead of giving the business to Westtown or Minisink. I have to go to do any business because my own town chases me away.

Mr. Patterson – We appreciate everything that you have said but this is the first time that this plan is before this Board so we need to go through this.

Mr. Getz – What is drawn on the plan is different than what appears in the field. It is standard of this Board and any Planning Board that the plan should be accurate. I noted some changes between what this plan shows and what the approved plan showed...

Mr. Powers – I don't know why he shows 16 spaces when there are still only 12 spaces. The dumpster was moved because it fell down where it was and now it does not automatically impact you on the left do we found a better spot for it, I can't get the garbage truck down this driveway so it sits catty-corner on the landing.

Mr. Getz – It is a standard in the Village that dumpsters like that be enclosed.

Mr. Powers – I have no problem enclosing the dumpster.

Mr. Getz – The waterline and washing sink, how are they...

Mr. Powers – They are going to go to a catch basin and be disposed of in my already built-in 3 compartment sink. It is strictly hand wash sink, which is all of the water.

Mr. Getz – Where does the drain water go?

Mr. Powers – We are going to use the catch basin from the sink and dump it inside. The only people that will be using this is myself and my father-in-law. It is not open to the public, it is on the back half of the lean-to, it has hot & cold running water and it all to code.

Mr. Gallo – Just to be clear it is just for sanitizing and hand-washing.

Mr. Powers – That's it. Everything is disposable so there is no dishware. The smoker is self-cleaning, it is rinsed and that goes into a bucket as well and that gets disposed of off-site at Fetch.

Mr. Gallo – The grease and stuff like that...

Mr. Powers – Everything gets removed and it goes to Fetch.

Mr. Getz – I spoke with the OCHD and they said that their Dept. has issued any approvals that Mr. Powers needs and that he does not need anything further.

Mr. Dickover – There are Performance Standards that will apply to this and the applicant needs to address them: 1) Smoke 2) Heat – There shall be no emission of heat which would cause a temperature increase in excess of one degree Fahrenheit along any adjoining lot line.

Mr. Powers – It is 25' away so it won't.

Mr. Dickover – I hear you say 25' but then the map we are looking at shows the patio or the overhang is 10' away from the property line. So we have a sideyard issue there for variance purposes.

Mr. Powers – There is another 15' that this drawing doesn't show because it is not my site.

Mr. Dickover – I am not talking about the parking lot, we are talking about the property line. So you may be able to address it. You have 2 Performance Standards that should be of concern to the Board and to you.

Mr. Powers – We are just talking about the smoker right?

Mr. Dickover – Yes, just the smoker.

Mr. Powers – Well it is on wheels so I can move it.

Mr. Dickover – Was the No Left Turn sign installed?

Mr. Getz – Yes.

Mr. Dickover – This is an amended site plan so the Board has the option to waive the public hearing.

Mr. Patterson – I notice on the EAF and the application that it talks about outside dining, is that your intention?

Mr. Powers – It is take away. I can not control where they eat the food but I am not setting it up with table service. You come to the counter and it is cash and carry. So you are either by a sandwich or a pound and going home. It is not my plan to have them eat outside on the patio.

Mr. Scheible – Are you still bringing in the Truck?

Mr. Powers – As of this summer no.

Mr. Olsen – Is the smoker going to be there all of the time?

Mr. Powers – It is the Historic Society's property and if they have no objection of me leaving it there but it will be only operational Saturdays and Sundays.

Ms. Boland – If the operation hours are Saturday...

Mr. Powers – I will be on the property in the morning lighting it up but as far as a customer is concerned...

Ms. Boland – How much smoke...

Mr. Powers – For the first 20 minutes you are building a fire so it is like a campfire or fireplace it is the same amount of smoke. We use regular oak, no propane no gas, it is all wood. So the first 20 minutes you will have white smoke and then it goes to blue smoke which is perfectly clear and almost odorless. I am certainly less odorless than any exhaust system of a restaurant.

Ms. Boland – When the meat is cooking there is odor from that.

Mr. Powers – But it is not an exhaust fume so it literally lingers at the smoker but yes if you are in the parking lot of Keybank you might smell it but you won't smell it by Fetch.

Mr. Scheible – And you are not supplying any table service.

Mr. Powers – There will be no waiters, counter service only with a maximum of 3 people behind the counter.

Mr. Patterson – The counter is under the canopy?

Mr. Powers – Yes. The lean-to is 100% by code

Ms. Boland – There seems to be trees right near the smoker...

Mr. Powers – They are far enough away. I had the Fire Chief come over and the can I have to dispose of the ash is up to code and there is no violation in anyway and I burn about 20 pieces of wood per use and it does not give off heat like a normal barbeque does.

Mr. Olsen – I would like a letter from the Fire Chief.

Ms. Weisboard submitted a letter of support from the Historical Society.

Mr. Olsen – What about screening?

Mr. Powers – There is forsythias there now.

The Board reviewed the Long EAF.

A MOTION was made by Karl Scheible, seconded by Bill Olsen and carried to declare Negative Declaration with no significant adverse effect. (4 Ayes) {1 Abstention – Kerry Boland}

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to approve the amended site plan conditional upon a revised site plan to show the actual sizes and location of the patio, lean-to and smoker and dumpster and that they conform to the side-yard setbacks. (4 Ayes) {1 Abstention – Kerry Boland}

93 MAIN STREET

SITE PLAN WAIVER

CRAFT BEER

The Board reviewed a site plan waiver application for the existing Craft Beer to install a bar and high top tables with approximately 30 seats to serve and sell packaged goods.

Mr. Gallo – You will not be preparing any foods.

Mr. Roth – No but we will have pre-prepared package goods, meats, pretzels and small foods that do not require a kitchen and can be pulled from the cooler.

Mr. Patterson – I see that this requires a license but I don't your serial number on the application.

Mr. Roth – Our license is pending.

The Board granted a site plan waiver conditional upon receiving a copy of the SLA license and the OCHD.

56 MAIN STREET

CHANGE OF USE/
SITE PLAN WAIVER

ADRIA STILLER

The Board reviewed a site plan waiver application to change the use of the second floor from a law office using 1,402 sq. ft. to a one person salon with 3 chairs and eyelash station using 642 sq. ft. opened on Monday, Wednesday and Friday from approximately 9am-8pm.

The Board granted a Change of Use/Site Plan Waiver to Adria Stiller for a one person salon on the second floor at 56 Main St.

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

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary

