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VILLAGE OF WARWICK
INCORPORATED 1867

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

VILLAGE OF WARWICK
PLANNING BOARD MEETING
SEPTEMBER 20, 2018

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, September 20, 2018. The meeting was held in Town Hall. Present were: George Aulen, Jim Patterson, Bill Olsen, Jesse Gallo, Kerry Boland, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: Kirk Rother, Robert Silber, Jay Myrow, Susan Roth, Ross Winglovitz, Beau Kennedy, Jason McGovern, Ron Charlton, Robert Schmick, Steven Gross, Betty Lundy, Guy Kipp, Thomas Cassano, Russell Fragale, Joanne Daly, Mary Ann Buckley, John Gruen, Harold Malloy, Ray Maher and others.

Mr. Aulen instructed the audience that the doors automatically lock at 9pm.

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to accept the minutes of the August 23, 2018 Planning Board meeting. (5 Ayes)

Mr. Aulen instructed the audience on the rules and regulation of conducting a public hearing.

Mr. Rother submitted the mailing receipts.

Mr. Aulen stated that the Planning Board office has received letters and that they would be reviewed as part of the public hearing.

VILLAGE VIEW

CLUSTER SUBDIVISION

VILLAGE VIEW

Mr. Aulen read the public hearing notice.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to open the public hearing. (5 Ayes)

George Aulen: At this point in time, let me call to order. This is a general order. The planning board meeting for September 20th, 2018. There's an agenda over on that table [inaudible 00:00:20], and there's also the Sign-In sheet on that table. If someone wants to speak, that's probably [inaudible 00:00:26]. Okay, the first item on the agenda, the acceptance of the August 23rd of 2018 meeting minutes. Any comments, corrections, additions?

Bill Olsen: No.

George Aulen: Okay, Do I have a motion to accept the minutes?

Jesse Gallo: I'll make that motion.

George Aulen: Second? Okay. All in favor?

Bill Olsen: Second

Jim Patterson: Aye.

Kerry Boland: Aye.

George Aulen: Okay. Now the next item on the agenda is the public hearing for Village View, the cluster subdivision approval. At this time, you're going to ... You're setting everything up now, Kirk? Okay. The board has received a number of letters from the public, and each will be made a part of the board's record on this application. At this point, I would like to read the public hearing notice. It's rather lengthy. Village of Warwick Planning Board, notice for public hearing for September 20th, 2018. Please take notice that the planning board of the Village of Warwick, New York, will hold a public hearing at [inaudible 00:01:56] New York, on the 20th day of September 2018 at 7:30 or assuming thereafter as a matter to be heard. We considered the comments of the public on the following: the application of Village View Estates LLC for a preliminary subdivision of lands generally located at the intersection of Locust and Woodside Drive are the same located within [inaudible 00:02:28] were show generally on the [inaudible 00:02:33] map as section block and lots 201-1-1.1, 1.2, 1.3 and 2, all for the layout of the roads and other improvements for a project referred to as Village View and for each ... For such other purposes as may lawfully come before the board. The public herein also address both the subdivision plans and the draft's environmental impact statement on file with the village. A copy of the plan is available for further inspection at the office of the planning board during business hours. A copy of the DEIS is available for public examination at [inaudible 00:03:19] and the Albert Wisner Library. The DEIS is also posted on the Internet at the Village of Warwick website, villageofwarwick.org. At this hearing, citizens and persons interested will have an opportunity to be heard. The meeting is open to the public.

George Aulen: The names of the project, the village cluster subdivision, description of action. The applicant proposed the creation of 48 single-family residential building lots on 20.3 clustered acres of vacant land within the residential zoning district, westerly of the intersection of Locust and Woodside Drive as [inaudible 00:04:01] are shown generally on [inaudible 00:04:06] maps as sections block and lots 201-1-1.1, 1.2, 1.3 and 2. The project is proposed to be serviced by the municipal water and sewer. Project location, Woodside and Locust Drive, [inaudible 00:04:23] county of Orange. The planning board will accept any comments. We're all interested members of the public, concerning the proposed subdivision and the direct environmental impact statement. The public hearing may be closed or continued at the planning board's discretion. Written comments regarding the DEIS will be saved until 10 days after the close of the public hearing. [inaudible 00:04:52] Warwick, New York, August 23rd, 2018, [inaudible 00:04:55]. I'd like to, at this point, just call for a motion to open the public hearing.

Jim Patterson: I so move.

George Aulen: A second?

Jesse Gallo: Second.

George Aulen: All in favor?

Members: Aye.

George Aulen: Okay. Before we begin, let me try to [inaudible 00:05:19] all those present to the purpose of this public hearing, what it is about and, importantly, what it is not about. Tonight's hearing concerns the subdivision proposal for a clustered residential subdivision [inaudible 00:05:34] of Woodside and Locust Street. The subdivision plan before this board is a specific proposal for the project [inaudible 00:05:42] plan which provides for affordable housing. The location of the building is [inaudible 00:05:49] and the various necessary infrastructure elements that make up the proposal. This hearing is also a joint hearing during which we will continue the public hearing on the draft environmental impact statement for this project. This hearing is designed to hear your comments on these specifics. We invite any comments we're suggesting that you have, regarding the [inaudible 00:06:16] for the project. The board wants your comments [inaudible 00:06:19]. We receive your comment and we will listen carefully. However, there should be, and there will be [inaudible 00:06:25] and order throughout the proceedings. The moment the applicant themselves will describe and outline the project, it's not possible to explain every nuance of what is proposed. The plan has been and remains available for the public information at the office of the Building and Planning Department in Village Hall. When the applicant has concluded their presentation, we will then turn to you for comments. Just as it's not possible to explain every nuance of the project, it is not possible to answer every question you may have, or at least not

to any great extent. If we spend all night answering questions, we may never get to the task again. The task is to learn from you what the board or what the consultants might not yet have considered. Therefore, we ask you not to ask questions but rather raise issues. Your issue will not likely be answered tonight, but we will consider all your comments and questions and consider all of this as issues to be raised into our future proceedings. The board will continue to seek written comments for a period of 10 days at the close of the public hearing. We are a large crowd. I'm sure many of you wish to speak. In order to hear from [inaudible 00:07:41] for this portion of the meeting. Everyone wishing to speak must sign in. There is a sign-in sheet over there. Before making a comment, you must identify yourself. Give your address, and we ask that you spell your name slowly for our letters. The comment of each person is limited to three minutes. If time permits, we may hear from you a second time. The time of each person belongs to that person, and it is not signed or transferred to any public record. The board is interested in issues, but it is not interested in the number of people who share interest in the issue. Therefore please, if the issue has already been raised, the point has already been made, do not raise it again or make it again. We will deal with issues brought forward to us after the hearing is closed, within the normal course of the board's proceedings. Now, Kirk, will you describe the project?

Kirk Rother:

Good evening, everybody. My name is Kirk Rother. I'm a civil engineer for the project. If you all can hear me, I know you see microphones up here but I don't think they actually add any volume to us. It's just so that this gets recorded on the cameras. With me tonight also is Jay [Marrow 00:09:09], the attorney for the project, as well as Susan Roth who is the planner who prepared the draft environmental impact statement. The property in question is approximately 21 acres of land situated on the corner of Woodside Drive and Locust Street. It's the yellow [inaudible 00:09:24] on this map. This map represents a roughly two-mile radius around the site. The pink line which you see would be the municipal boundary between the Village of Warwick and the Town of Warwick. This blue line is State Route 94 going into Main Street, Locust Street turning into Sleepy Valley, and Woodside Drive turning into Crescent Street. This application has been owned by my client, or the property rather, for 17 years. It's an application made to the Village of Warwick Planning Board for a 28-lot subdivision, which is this plan which you see here. This plan currently has ... It went through a draft environmental impact statement, a final environmental impact statement. It currently has preliminary approval from the village board, planning board, and has DEC approvals for the screen process permits. Given the recession, this plan was never brought to fruition. You will see on this plan, 28 single-family homes. Down here is Locust Street, Woodside Drive. There's two proposed stream crossings on the property. There's roughly 3,000 square feet of road on this layout, and there is around 17 unchanged acres of disturbance on the 21-acre site, give or take.

Kirk Rother:

The Village of Warwick Planning Board adopted some new zoning regulations, I'm going to say approximately two years ago, that allowed cluster subdivisions. We took a look at this particular property to see how those cluster subdivisions might apply. The first step in that process is to identify what are called primary and secondary conservation areas on the property. On this particular site, there is really only two, actually three primary conservation areas, being the stream which is a blue line identified here and its associated wetlands. Also the steep slopes, which are slopes greater than 15%, which are shown ... Or 20%, I apologize, which are shown as the grey patches on this particular map. There is also a stream on this property. The stream is on this area here that we identified as an area that we try to preserve. With these existing resources planned, as well as the prior approved plan which was used as what's called the yield plan, which is the plan that's used as the basis to determine how many lots you can put on the property, we developed the cluster subdivision plan, which is the plan that is currently before the planning board this evening. The cluster subdivision regulations allow for lot sizes of 10,000 square feet, whereas the underlying zoning requires 20,000 square feet. We are required to provide at least 20% open space. This particular plan proposes approximately 30% open space. To give the audience some sense of scale, some of these lots ... For example, these lots here are roughly 90 feet wide on 115 feet deep. Some lots on this area you will see they are around 75 feet wide, 145 feet deep. These lots over here are similar, approximately 70 to 75 by 140, 150 feet deep. Around 6.2 acres of this property is open space. Everything that you see in the green, the dark green steeple hatch, is all proposed as open space that will most likely be put in the homeowners' association, which will be run by the owners of these particular ... Or the buyers of the property. You can see with this plan as compared to the other plan, we have now minimized the stream crossing the wetland impacts, from the two that were shown on the park end to just one on this. This results in roughly 500 square feet of wetland impact, which is significantly less than the prior approved plan. There's actually less roadway on this plan, the 45 lots. There's about 2,900 linear feet of roadway, as compared to over 3,000 on the other plan. The total area in disturbance on this, including for the [inaudible 00:13:47] management areas and such, is around 14 acres as compared to the other 17 acres on the previously approved plan. Proposed houses. We've tried to design these as a cottage-style home with garages in the back, so it holds more of a village-type streetscape. Three- and four-bedroomed homes, varying roughly in size from 2,300 to 2,500 square feet. These homes are going to be listed with the Green Team in the Village of Warwick. They're for sale to anybody in the general public. To a couple of other quick things I'd like to mention. There is also, as a part of this application, a request to annex a piece of land from the town to the village. This property in this corner here is very irregularly shaped. I'm sorry I didn't bring a pointer with me. There is a finger here that juts into the village land that's actually Town of Warwick land. We're proposing to annex around six-tenths of an acre from the town to the village. A portion of that will be the street, a portion of it will be one home, and the majority of it would actually be open space.

Kirk Rother: In addition to that, we have five storm water management areas. This project would be served by the village's sewer and water. We're aware that there will be some improvements needs to provide water pressure and also some improvements to the sewer system as the village, I'm sure more folks in the village are aware of. As far as the environmental impact statement, we look at the wetlands, endangered species, storm water, sewer and water like I just discussed, impact on schools, impact on taxes and impacts on traffic. There were six intersections analyzed, as well as the intersection of our site with Woodside and Locust. That's on the draft environmental impact statement. I won't bore you with the details. Storm water management, our benchmark is that our floor rates off the site have to be 10% below what they are right now, and we've achieved that. I'll leave it at that, because I know there's a lot of people here that want to speak.

George Aulen: Are you finished?

Kirk Rother: Yes.

George Aulen: Okay. Dave [inaudible 00:16:16].

Kirk Rother: Mr. Chairman, I didn't touch on one thing I wanted to mention. I'm sorry. Mr. Chairman ... The chairman mentioned affordable housing. I know that was something that was brought up as a concern in the past. Our application was for 45 single-family home sites. The Orange County Department of Planning, as well as some of the other involved agencies, had asked us to look into affordable housing. There is an alternative plan. Both plans have been fully designed. It's up to the board as to which one they want to perfect. The other plan takes three lots on this corner and subdivides them in half, and there would be three two-family townhouses that would meet the village's affordable housing criteria. I'm finished.

George Aulen: You're finished now, for sure?

Kirk Rother: Yes. Yes, sir.

George Aulen: Thank you. Mr. Getz, do you have any comments?

David Getz: Yes, sir. [inaudible 00:17:07] comments. Would you like me to give them?

George Aulen: Sure.

David Getz: Okay. [inaudible 00:17:13] review letter dated September 12th. The first comment summarizes what Mr. Rother just mentioned about the two plans that were submitted. One is a 45-lot plan that has been [inaudible 00:17:29] for several months now. There's also the 48-lot alternative plan that includes the three townhouse units that he mentioned too.

Number two is about street trees and street lighting. We need some additional information on the trees, but we also recommended the size of the trees be kept to two to two-and-a-half inches DEH because it's expected that smaller trees will actually have a better survival rate, and after a few years actually will be larger than bigger trees. We also recommend that red oaks be included in the proposed mix of trees, and that locust trees be deleted from that mix. Comment number three. Additional information is needed on the proposed evergreen screening that's proposed along the road entrance near Woodside Drive. The species mix, size and spacing should be provided on the plans. The same information is needed for the proposed potential [inaudible 00:18:36]. Comment four. Rain [barns 0:18:42] have been added on Lots 9, 10 and 11 to provide treatment runoff for those lots. They could also be provided on [inaudible 00:18:50]. Comment five. The layout of the easement [inaudible 00:18:55] retention area in Area 2 should be adjusted to match the revised grading. In this class, the re-submission that you increase the size of the [inaudible 00:19:05] the size of the easement. That easement should also be added for Area 3. Comment six. The fire department should be contacted to review proposed hydrant locations. The detailed design of the proposed water booster station will be used to tie in the final submission plans [inaudible 00:19:26]. Our last comment this time, number seven. Additional utility profiles should be provided in the final subdivision plans.

George Aulen: Okay. [inaudible 00:19:39].

Speaker : Is your voice system working? Your sound system?

Speaker : Very hard to hear you. Very hard to hear you.

George Aulen: I have no idea how this works. This is the town's. I was told it was working.

Speaker : [inaudible 00:20:05].

George Aulen: I do not know the electronics engineering part of it. Is it working?

Speaker : It seems to be.

Speaker : Maybe just lean a bit closer to the mic.

George Aulen: Okay. All right, [inaudible 00:20:28] comments on that. Now, does any of the board members have any further comments?

Board members: Not at this time. No comment.

George Aulen: Okay. At this time, I would like to call the individual [inaudible 00:20:44]. Betty Lundy.

Betty Lundy: That would be me. We'll soon find out.

George Aulen: Huh?

Betty Lundy: I've been called a loud mouth all my life. Can you hear me?

Group: Yes.

Betty Lundy: My name is Betty Lundy. I live in 18 Locust Street. I have lived there for 30 years. My concern about this proposal is the traffic, the width of the streets in the area, the lack of sidewalks, the lack of sidewalks all the way from the hospital out to our end of the village, which forces us to have to walk on the highway with no shoulder, if we want to walk from Locust Street into the village. I personally have a disabled daughter who does not walk at all, who is confined to a wheelchair, who in the past I have tried to wheel her up the highway. I can't go Woodside, there's a hill, and I can't push her. Not only is that a concern for me as the mother of a disabled child. She lacks access to our village. I can't even take her out on Locust Street for a walk. The roads are too narrow, and there are no sidewalks. This not only impacts me. It impacts other mothers with children in carriages, bicyclers, people who walk for just exercise, people who walk their dogs. I have spoken to a number of my neighbors in the last few weeks when I first became aware of this, and they all have the same concern. Is there any plan to widen Locust Street, to add sidewalks to Locust Street, to widen Woodside and add sidewalks? Thank you.

George Aulen: Rosemarie Peluso.

Rosemarie Peluso: My questions were answered.

George Aulen: Your questions were answered?

Rosemarie Peluso: Yes.

George Aulen: Susan Charity.

Susan Charity: Yes. My name is Susan Charity. I live at 33 [Overwood 00:23:03] Drive, and own property at 47 Woodstock Drive. I have a question regarding the area for the storm water management dry pond 1A. On the subdivision map, I thought it said that the access easement was 2.9 plus or minus acres. Then on the erosion control plan map, it has that same area as 4.5 plus or minus acres, so I was concerned which it is. Then I also have concerns that the water when it's being drained, is being drained into a culvert and swells, which are being maintained by the association. If they are not maintained by the association, are they maintained by the village since this piece of property looks to have been town property and then into the association property. Those are my questions.

George Aulen: Okay.

Susan Charity: Thank you.

George Aulen: [inaudible 00:24:30]. Guy and Donna Kipp. K-I-P-P.

Guy Kipp: Okay, we have just a few concerns. We live at 25 Locust Street. It's the second one from Woodside down. It's one of the original lot she said, or the question over there, that might have problems. Anyway, just that we're concerned about traffic. Obviously, that's a big timeline. Forty-five houses, we're talking perhaps 90 cars, and flow into the traffic right now is horrible on Locust Street. When I moved here in '85, that's 32 years we have been here, my kids were young. They could ride their bikes on Locust Street with no problem. They would ride down to Elizabeth Street at the bottom, and go to their friend's house with no concerns at all. Today, it's crazy. Just to give you an instance, if we put a camera up on my kitchen window out there, then you would be amazed at the number of people that run the stop sign. Tonight, just in a short walk, we took our two little dogs out and walked from our house to the corner. Two cars ran the stop sign, non-stop. No lie. God's honest truth. You'd be amazed at the number of people that run that stop sign. Not only that, the speed at which the cars travel is nowhere near the speed limit. My grandson that lives across the street, I have great concerns. My kids, like I said, could travel Locust Street and were safe. Today, it's not. That's a large concern. The other one that we have is the water flow, because I have a stream right in the back of the culvert that lies in the back of my yard. I'm one of the few houses that are on the other side of the creek. Well, the flow down that creek, after the snowfall in the winter and things like that, is significant. There are houses that get flooded down from us. The stream goes underground. I don't know if you know about that one or not, but at a point it goes underground and floods houses down on Main Street. I haven't had a problem. I've been building my banks up. I've been doing that for years with my flipping [inaudible 00:27:44]. I just kept putting them on and putting them on, and they built my banks up, so I'm not really concerned but I know that the flow with 45 houses going in, the runoff from that mountain down is going to be significant. I don't know if you've done tests on that, or anything that you could determine what the flow might be like, because that's a major concern. That's going to be a roaring brook after the winter, and even on a good rainfall like you saw in the Carolinas this past weekend. A major storm could be a real big thing for that culvert that's there. Those are largely the two that I have, major concerns. The water flow, and the traffic.

George Aulen: Thank you.

Guy Kipp: Thank you.

George Aulen: [inaudible 00:28:45] Grover.

Pat McDory: My issues have been addressed.

George Aulen: Okay. Kim Starks.

Kim Starks: My issue has been addressed as well.

George Aulen: [inaudible 00:29:02]. June Cosgrove Hayes.

June C. Hayes: Same. My issues have been addressed. Thank you.

George Aulen: [inaudible 00:29:14]. Donna and Bill Ethel.

Bill Ethel: Yeah. Ours has been addressed.

George Aulen: Darren and Karen ... Okay, I didn't get that in.

Devon Cassano: It's what?

George Aulen: I'm not very good at deciphering names.

Devon Cassano: It's all good. It's all good. Thank you. Devon Cassano. My wife and I, Karen, just moved to 6 Crescent about seven months ago, for the historic, I guess you could say, area, right? Warwick, that's why we loved it moving here. This is taking away from that, the way I look at it.

Devon Cassano: The civil engineer stood up here and he talked about how you guys might have done a calculation for water. The average home use is about 100 gallons per day, 80 to 100. Forty-five hundred ... Sorry, 45 houses, it's 4,500 gallons per day. What I'm curious is how you guys can do a calculation to show how your sewer lines are going to degrade over time. The current lines right now they are, for the current houses, in the village. That's fine, but adding 45 additional houses, how is that going to impact them? It's going to increase them, right? It's going to accelerate the degradation of those lines, so who's going to pay for them? Us. That's going to impact our taxes. I just hope that when you guys do your analysis, you're taking those accounts into effect. Not what it's going to cost to put it in but what it's going to cost to fix it, because now you're adding all these extra homes. That's all. Thank you.

George Aulen: Thank you. Russell Fragale.

Russell Fragale: My name is Russell Fragale, R-U-S-S-E-L-L. Last name, F-R-A-G-A-L-E. I live at 42 Sleepy Valley Road. As it's proposed right now, there is an access road which comes into this new development, and it is pretty much directly across from where my driveway is. One of the issues that I've noticed over the four years that I've been living at the address is Sleepy Valley Road is probably only about 20 feet wide in that location. Sleepy Valley Road has some pretty sharp bends as you're going in a northerly direction, and sight lines of visibility is distorted. By having this access road where they are proposing it, I could just see grounds for a catastrophe. Just in living here for the four years, I've already seen a couple of accidents occur, property damage to 44 Sleepy Valley. Their mailbox was taken out, and the vehicle ended up in their driveway. I just want to know how that's going to be mitigated.

Russell Fragale: Also, there's talks of building a bridge in order to cross the stream there. Who is going to maintain the bridge? Thank you.

George Aulen: Thomas [Cassano 00:33:10].

Thomas Cassano: My name is Thomas Cassano. I live at 6 Locust Street, at the corner of [inaudible 00:33:26]. My biggest concern is also the traffic. I don't think there's going to be anything less than 150 cars for 48 houses. All those cars are going to come down Locust Street. There is no reason for them to go across to Woodside. That's my biggest concern. Also, the road is slanted so when people accelerate you hear their cars, so it's the quality of [inaudible 00:33:51]. Thank you.

George Aulen: Chris and Joan Daly.

Joanne Daly: Hi. My name is Joan Daly, D-A-L-Y. I live at 118 Sleepy Valley Road, on the other [inaudible 00:34:28]. I have lived there for 31 years. The gentleman that got up and spoke about Sleepy Valley Road being very narrow, 100% true. You can't get two cars pass by going either way during a big snowfall and the snow is on the river ... Excuse me. The other thing is school buses. The proposed one entrance when you start to come up the hill, in the winter you have to hit your gas to get up that hill. It's always ... The village does a great job, but there is always ice and snow. A lot of times you will butt right up to the back of the school bus, because it's a bad turn. That's one. Going at the other end of Sleepy Valley Road, a lot of bad turns. You cannot see coming around bends. It's a main thoroughfare because that's Beverly Drive. That's another development. There is also Sleepy Valley Inn, which also has cars, traveling events. You have the Emmerich Tree Farm in the winter time has cars double-parked on Sleepy Valley Road. You can't get your cars to pass it as it is, and now you've got 30 to 40 cars double-parked on bad turns. It's all just a good catastrophe waiting to happen. I have had cars roll over into my front yard ... Excuse me. Again, that's the other end of the traffic. Thank you.

George Aulen: Maryanne Buckley.

Maryanne Buckley: Maryanne Buckley. I live at 2 Valley View. I have lived there since 1973. I'm the house on the corner of Locust Street and Valley View. I just want to state I have a clear view of that field when the leaves are off the trees in the spring. For maybe five or six weeks, you could just see rivulets of water coming down that hill towards the stream. I have witnessed that for years. The other question I have is the existing water pressure on Valley View Circle, which I could only speak at where I live. When I have the water running in the kitchen and someone turns it on in the bathroom, I notice a reduction in my pressure. The other question I have is we have seen developments. I pass one in [inaudible 00:37:17] all the time where it looks like they couldn't finish the development for whatever reason. I wonder how they are protected if that happens. That's it. Thank you.

George Aulen: Stephen Gross.

Stephen Gross: Hi, guys. If you know me, I'm Stephen Gross, 71 Colonial Avenue. Last name is Gross, spelled the same as in disgusting. I have only been brought in to review this very recently. As a matter of fact, I just started looking at it for the first time on Monday night. I'm going to have many, many more comments for you for the written portion that I will submit at a later date. For now though, there are several major issues that jumped out at me, such that the acceptance of this EIS for circulation was very premature. I'm a little surprised at the professionals that they let this out. The major, biggest glaring issue to start with is the fact that beyond the 21 acres of this property, the property owner has 78.75 acres I believe that go into the town or they're adjacent. It's all part of the same ownership. There are several statements in the EIS that indicate that yes, he intends to develop it. This is the first phase, and then he is going to look to the town to develop it. That makes this a segmented review, an improper segmented review. I know that Bill Olsen brought up the neighboring property one time, and I saw the minutes of one of the meetings. The project sponsor said that we're looking at something like 28 units, and then he would put that in the EIS. They did not. It's not in the EIS. It's not mentioned. There is no number. There is no analysis. You as the lead agency are responsible for not only the approvals looking at all the issues for the approvals that you have to give, but for all the other agencies for the total project. The total project in this case would include the entire town portion. This is already an improper review of the speaker, which is definitely legally challengeable. The second issue, another major glaring error, is that in the very checklist of things that were supposed to be submitted to the planning board, is a map that includes, among other things, slopes in excess of 15%. It's part of the checklist. What you got was slopes in excess of 25% because that's critical to the clustering calculation for the lot count, but you're missing the slopes in excess of 15%. It's rather glaring in fact that in the EIS there is a map that purports to give soils in slopes. The soils are indeed all mapped out, but there are no slopes mapped out. Not even the 25% slopes. There's an arrow pointing to some general areas where 25% slopes exist, but there is no slope classifications [inaudible 00:40:58] that. It shows the two-foot contours. That's not [inaudible 00:41:02]. This is an issue in large part because when you look at the topography of this property, and you see how close those two-foot contour lines are, where they come really close together is where the 25% slopes are. But I fully believe that once this is all calculated that the majority of almost all of the properties is coming in excess of 15%. I suspect that the project sponsor didn't want to show that, did not want to depict that, because it really makes this property look bad. This is going to be a very hard property to develop, a very expensive property to develop, and it's going to create a lot of impact. When you look at the individual lots, and I just was looking at [inaudible 00:41:52] before I came to the meeting, I'm seeing elevational differences from one end to the other on a single lot, and these are small lots, that range from 16 feet to 22 feet. Basically the height from one side of the lot to the other, it goes up about the height of a two-story building. That's pretty incredible. When you look at just going up this road here, just from the

bend in the road up to this end, from this lot up to here, there's about a 90-foot elevational difference. How can you, as a lead agency, have taken a hard look at the impacts of this development with not even having what's required as part of the submission of 15% slope map? I fully expect that with this kind of slopes on this property that the grading is going to go way beyond the property boundaries, the lot boundaries, certainly for this proposed road here that is going right up to 25% slopes. The grading has got to extend far beyond. I'm sure it's going to go into the areas or [inaudible 00:43:13] that is being preserved for open space. What you're going to end up having then is the grading extends to open spaces that I'm sure these were listed there. The very purpose of preserving that land in the natural state will be obviated by the fact that the grading is [inaudible 00:43:31] there. You also have other areas, many of the areas that are indicated as open space that are going to be supporting the storm water retention facilities [inaudible 00:43:42] all of their trees and degrade them. I also don't understand how this board is entertaining a lot count of 45. There was a statement made in the EIS that the number of lots per cluster are based on the maximum number of units that will fit on a parcel, while maintaining [all set packs 00:44:12] required herein and maintaining the minimum lot area of 10,000 square feet. That is not true. That is a false statement. The number of lots is based on the yield plan. Nothing more. It's based on the yield plan, and that's 28. What the zoning board does say where that quote is taken from is that the number may, emphasis on the word may, the number may be increased to the maximum number of units with the rest of that statement. The number, the lot count for the cluster subdivision is not based on that calculation, but that's something that you as the planning board have the flexibility to do. If you decide that the property is such that it can accommodate more lots, if you think it's a public purpose to accommodate more lots, more than 28, the zoning code gives you the discretion to increase that lot count, but that's your discretion. It is not based on that. The number of lots here that's allowed is 28. I would submit to you that there is absolutely no basis whatsoever to increase the lot count above that number. That's in large part because of what I just showed you. This is a property that is highly encumbered by varying steep slopes. Now I'm not arguing the property shouldn't be developed. It's got an approval for 28 lots. I think it could nominate that, although I think even that number with the slopes that are in it is probably pushing it, but 45 is crazy. Now, the calculation that they did to arrive at 45 is also improperly done. This is from your zoning code. I'm sure you're familiar with it, because I'm sure you've read the zoning code [inaudible 00:46:25]. You've memorized it, but this is how the conservation areas and how the lot count is supposed to be counted for a cluster subdivision. This shows that when you map out the area of steep slopes and wetlands that these are the primary conservation areas, and the second step is the secondary which we wanted to get into. The primary conservation areas on here are the slopes over 25%, and the wetlands and the stream. After that, the zoning code gives an example of delineating out the development areas. In the example given in the zoning code, that line goes like this and it completely avoids any area encumbered by 25% slopes or the [inaudible 00:47:15]. It completely avoids it, because that's the

primary conservation area. This example in the zoning code also avoids some of the secondary, but again this property is pretty much encumbered by the ... For the purposes of doing the lot count, we'll say the 25% slopes and the wetland. If I was to take this map in the EIS that shows 25% slopes and the wetlands, which by the way doesn't look as bad as the one that was just presented tonight, if I could find that map, I found that very interesting ... Is it over here? I could use some ...

Stephen Gross: If you don't mind.

Stephen Gross: Yeah. I'm borrowing a map.

George Aulen: Steve, I appreciate your efforts but could you wrap it up?

Stephen Gross: Okay. Well, this is very important stuff here. This map shows a lot more 25% slopes than the one in the EIS. I don't know why that is. I don't know why this is the one I have to work with, and this is apparently showing some truth here. If I was to take this map and the instructions in the zoning code, the line should be drawn all around all of these 25% slopes here, all around here, and all around the wetland and the stream course over here. All of this would be the primary conservation area. But when you look at what they've actually done, you can see they have lots going right on top of the 25% slopes here, over here, over here. That's supposed to be according to your own zoning code. Primary conservation area, the purpose of your clustering provisions, is to completely avoid that. The fact that this is ... The resulting plan is showing lots on top of them is an improper calculation of the zoning code. One thing I would like to point out too is that this one lot over here, the whole lot is 25% slopes. I can guarantee you that when they did the original analysis of what was the primary conservation area, that lot was part of it. The reason I know that is that these two lots over here, on either side of the green space, are number 36 and 38. That lot was removed because of disturbing the spring. They removed that lot because it's still called number 37, over here on top of the 25% slopes. That area was not originally proposed for a lot. One got put there because they had to take it away from where the spring was. That lot is ridiculous. I'll also submit to you that, again following the instructions in your zoning code, it says that all the house sites should be located 100 feet away from primary conservation areas. Not only shouldn't that lot not exist, but neither should any of these with the 25% slopes, and neither should be any of them that are right on top of the 25 or adjacent to the 25% slopes, because the house site will be within 100 feet. In the EIS, they challenge the fact that they are putting house 30 to 60 feet away. They say 30 to 60 in one place, 30 to 80 feet in another place, so I'm confused why that is. They're putting on 30 to 60 or 80 feet away from the wetland boundaries, but your code says put it 100 feet away. Even what they are touting as being a benefit is a violation of the way the calculation was supposed to be done in their own code.

Stephen Gross: When I submit my letter, I list 14 lots that I think are in direct violation of your zoning code instructions. That would bring the number down to 31, which is still three over the 28. It's still a benefit to the project sponsor of clustering together the lot count, although like I said with 15% slopes they don't even think that's justifiable. When I also submit my letter, I will submit other things that I'm finding. I'm still finding more, but some of the other things ... One of the other things is just something as simple as the population projection. You know that in the EIS for the 28-lot subdivision, they are showing a higher population projection from the 45-lot subdivision? The reason is that the population projection was done correctly for the 28-lot subdivision, and it was done woefully incorrectly for this. They use demographic multipliers that are set by the industry. In the original EIS, that was done by Garland Associates. This one, it's something where they took the population of Warwick divided by the number of housing units, which includes some specific units and everything else, and applied it, and that's completely improper. The actual population for instance for schoolchildren, which is listed in this EIS as being 21 for ... I saw four-bedroomed units in the EIS. I heard something different tonight, but using the four-bedroomed unit, the number of schoolchildren would be 52, 52 to 21. They touted how that would be a tax benefit to the school district. No, it comes out to being a deficit of over \$900,000 when you use the proper demographic multipliers. There's lots of errors you have, but there are a lot of things going on that are improper. It's an improper statement to review. You have an improper calculation of the lot count. You have an improper submission because you don't have the 15% slopes indicated on the map. This EIS should never have been released. It was not completed. I really think that either you need to leave this whole process open until it's rectified, or you need to close this, send it back to be done correctly, and start all over again.

George Aulen: Harold Malloy.

Harold Malloy: Tough act to follow. I'm Harold Malloy. I live in 14 Pinecrest, which is a dead-end end off of 94. I'm at the very bottom of that hill. That hill starts ... The creek runs along Locust, so when that creek fills up with ... We're just talking the spring with the runoff, the snow melting, there is an underground spring that also pops up, down between Locust and Dunning. That creates a river that flows down between my house and my neighbor's house, and floods my basement. It's happened. I'm there 26 years. It's happened probably 25 times, 24 times. I want to know, as everybody else spoke about the water point and how it goes into that stream. Are there storm sewers? Where are they going to outlet all this water that's going to come off that hill? That's my concern. My [inaudible 00:55:56] pumps come on, and I just look up and I look and I see that the spring is ... The creek has overflowed and it's coming out of the ground, out of the ground [inaudible 00:56:05]. So, not pretty. Thank you.

George Aulen: Thank you. The last person who signed in. Is there anyone else?

John Gruen: I'm the last person who signed in.

George Aulen: You are?

John Gruen: Yes, I am.

George Aulen: Are you Harold Malloy?

John Gruen: No. I'm John Gruen, and I signed in.

George Aulen: I was asking for additional people that [inaudible 00:56:34] you can't speak. You're not on my list.

John Gruen: Oh.

Speaker 18: To answer your question, sir, I would like to speak when the opportunity rises.

George Aulen: Okay. If you're next, go ahead.

John Gruen: Okay.

George Aulen: There's another sheet here.

John Gruen: I passed this around the crowd, hoping you could read. I made it up very hastily. It's got my basic idea in it, so if you're read it, good. This is [inaudible 00:57:09] I created today. Read the words in the black balloons just quickly. The black balloon words are the ones that I'm going to talk about. There's not much [inaudible 00:57:25] on that. My handwriting is not great but it's the best I could do on a short order. [inaudible 00:58:02] to the form-

Speaker 19: Could you please put your name and your address [inaudible 00:58:06]?

John Gruen: John Gruen. G-R-U-E-N. 43 Woodside Drive. These words are pointing at which driver first gains visibility of the road into a compound. We're talking about Locust Street. That's the one that I talk about ... No, Valley View Road is what I'm going to talk about. Locust turns into the Valley View Road.

Speaker 19: Sleepy Valley.

George Aulen: Sleepy Valley Road.

John Gruen: Sleepy Valley Road. I'm sorry, I'm very tired. Sleepy Valley Road. The top arrow is this point here. This is 42 Sleepy Valley Road, right? It was today for one hour. This is Sleepy Valley Road on the map. This here is Sleepy Valley Road. Going up ... No, that's a stream. This is Sleepy Valley Road. This is the driveway into the compound, so everybody knows what I'm talking about. I drew a red line at this point of Locust Street, maybe shortly after you go into maybe 25 feet or so. I ended the red line here, where you're still up a metal barrier. If anyone of you stands there and you look up Locust Street, you will see nothing because there's

a bend in the road which a lot of people have put themselves in the place of a driver going up that street and 15-degree grade which goes like this too. It's not easy. It's 22 feet when you start. When you get up to 42 Sleepy Valley Road, it's 20 feet. It's a tough drive. What happens is if you stand at 42 Sleepy Valley Road, you will discover that automobiles coming into the purview of the road going into the compound appear out of a bush and out of a corner. You see that the view of this compound, of this street, doesn't take place until they're 65 feet away from it. I invite everybody to walk up there and verify what I just said for himself. Just stand at 42 ... Mr. Russell here allowed me to do that today. He and I looked at the cars coming up at about 40 miles an hour, 35 miles an hour. They don't see this huge road leading into the compound until just coming around the corner. It's blind to them. I request the planning board members respectfully to look at that themselves, on a day that's convenient to them, and check whether I'm blowing smoke because I don't think I am. I want to get back to this first observation is that a driver on this particular Locust part of this road is going on a 15-degree grade. He's got 22 feet from there to there, maybe 23. This street converges as he drives further north, further up Locust. When he reaches 42 Sleepy Valley Road, this road is 19 feet wide. Plus, he has got to ... Or she has got to maintain concentration driving up a grade. While he or she is trying to maintain concentration, suddenly this element appears out of nowhere in his experience. Again, anybody in this room can respectfully verify what I'm saying. I just learned it today when I was at this gentleman's house and he allowed me to stay there. I'm frankly perturbed, and I don't want to get upset because this is a planning commission that I've never been before. I'm just trying to share my observation with everybody here and hope that people can verify it with their own eyes and [inaudible 01:02:29] if we can correct it or not. This is completely ... It's on us. We're going to leave that with the board. That's it.

George Aulen: Is there anyone else that would like to speak?

Gerard Kearns: Here.

George Aulen: Yes, sir.

Gerard Kearns: My name is Gerard Kearns. K-E-A-R-N-S. I live at 102 Sleepy Valley Road. One of my concerns I have with this project, [inaudible 01:03:07] to Mr. Gross's point about that this additional 80 acres that the developer would like to develop and add to the build. What you're looking at here is he wants to put in 40-something-odd houses here, multiply that for 20 acres. If you allow me to annex 80 acres into the village from the town, do the math. You're talking about over 200 cluster homes in an area of 80 to 100 acres that are all wet, that are highly sloped. I'd like to review what Mr. Gross said. You have to look into the totality of the 28 presentation here, which was approved for 28. There's a reason why you people approved only 28 way back when, because you probably took a lot more into consideration. You have to take into totality the whole project of what they are looking to do down the road. My main concern is this: what is to

prevent them from taking their 20 acres, getting this approved from the village here, putting with Green Realty as they said they were going to do, but not have an ulterior motive? Hold on before they do it, get the approval for the 80 acres, and then turn this 100-acre lot that has 200 homes approved and turn it off to a closed community. Like Ridderhof, like [inaudible 01:04:34] Joe, is that being allowed in the Village of Warwick? Thank you.

George Aulen: Is there anyone else who would like to discuss any of the issues?

Raymond Maher: My name is Raymond Maher. M-A-H-E-R. I live in 52 Woodside Drive, and I've been here approximately 32 years. In the original plan for the 28 homes, there was a serious concern about water. All the homes that were built there, all their down spouts and gutters were supposed to drain into a system to prevent runoff. Now with 45 homes, there's a lot more roof surface, area surface. These are allowed just to run off to groundwater. Even though the surface area has increased, the prevention method has decreased. That's all I have to say about it. I talked to the board. I saw the pictures that we took in the flooding on Woodside in July, and going over the guard rail. That was in July. We weren't even around for August when the real rain came. Thank you.

George Aulen: Thank you. Is there anyone else? Yes, [inaudible 01:06:02].

Wendy Donohue: Thank you. My name is Wendy Donohue, 73 Maple Avenue. I don't know if all of us are aware that the water treatment plant needs a major renovation. I was reading about it a little bit more that was in an article that was written. Apparently, sorry, it's going to be very costly, probably the biggest that our community has had ... Will have to do. Please read about it, because I don't think a lot of us are aware of it. They are looking at ways to do this. My question is, has there been discussions with Mr. Silver on financially contributing with the cost of this major renovation? I'm trying to figure out why this plan would be approved. Thank you.

George Aulen: Anyone else?

Stephen Gross: Can I add?

George Aulen: You have three minutes.

Group: No.

Speaker 21: No, come one.

George Aulen: You already had 15.

Speaker 18: Sir, there were a lot of people that turned down the [inaudible 01:07:30] time because people had already answered the questions. I think you should let him speak.

Wendy Donohue: Thank you.

George Aulen: We can move on.

Stephen Gross: I appreciate the fact that you gave me answering time before, George. I really do. Someone else brought up something that I just wanted to support. There was a speaker earlier that mentioned looking across at the hill and seeing the water run down in the spring time. If I go back to this topographic map, this is the location of where there was a spring noted, and they put a box around that to preserve it. If you look at the topography, however, you could see that that drain has got to drain somewhere. Well, the topography is indicating a channel that's going right down here through the back of the proposed lots. The water may be originating over here, but it's going to be flowing down through the proposed lots. In addition to that, the topography is also indicating a very deep channel over here. There's obviously enough water running off of this hill that it's been cutting channels that are showing up on the topographic map. This one is very deep, so that indicates there's a lot of water that is going down here right along the orientation of the proposed road, and then coming out and then going in this direction. Then from this spring, there is a drainage that goes this way and joins in with this drainage and then eventually into ... The anecdotal observation that was made by this neighbor is fully supported by what I'm seeing on this topographic map. This whole hillside here obviously is filled with seeps, and the water is running down there. As opposed to the storm water runoff that you can divert easily, you are not going to be able to divert this kind of groundwater very easily. Another thing that's pointed out in the EIS is how you have a juncture of a fracture trait and the ... I'm trying to remember what the other thing was. A boundary between a geological formation site where that intersection is, which is right on this property. There is a potential for a lot of groundwater, and that's probably why those seeps are here. I think one of the things that probably should be considered in deliberating about this property is that once this property is developed, this property that happens to be within the village boundary, it forecloses any potential opportunity that this property may present for water supply for this village. It's obvious that from everything that was in the EIS that this property contains a high, high potential for producing water supply. That's probably something that should be considered in the EIS as well, since that opportunity will be foreclosed forever. That's it. Did I stay within my three minutes?

Stephen Gross: Thank you, George.

George Aulen: Anyone else that wanted to speak? Okay. At this point, do the board members have any questions? Okay. At this point, I would call for a motion to close the public hearing.

Bill Olsen: Can we keep the public hearing open until maybe next ... So there's enough time to comment in [inaudible 01:11:07]. I'm going vote to keep it open.

Jim Patterson: I think that we've got a lot of comments, and I think most of those comments have been mentioned. However, I have no objection to keeping that open if somebody else feels that they can bring up something else.

George Aulen: That is to what purpose? What other thing do you feel that may be brought up, though?

Bill Olsen: I don't know. I don't know.

George Aulen: I think we've had an extremely ...

Bill Olsen: We have a lot of input.

George Aulen: A lot of information today.

Bill Olsen: A lot of input, but I know this is a different matter of interest. There may be something we haven't heard about yet, so we can have it open until [inaudible 01:11:58] close.

Stephen Gross: I'll say I just started my review. I'm sure we'll find more. [crosstalk 01:12:14].

George Aulen: The public hearing is still open to written comments for 10 days. This is [inaudible 01:12:38]. I allow the motion from the board to keep it open, then?

Bill Olsen: I so move.

George Aulen: A second?

Jesse Gallo: I'll second.

George Aulen: All in favor?

Board members: Aye.

Audience member: I have a question.

George Aulen: Okay. All right, the public hearing will be kept open until our next meeting. Thank you very much.

Audience member: When will our questions be answered?

Audience member: Yes.

Audience member: In what format will we hear that?

George Aulen: I'm sorry. I can't hear you.

Audience member: When will our questions be answered, and in what format will we be able to hear that?

Susan Roth: They will be formally answered in an FEIS.

Kirk Rother: I can answer. Once this public hearing is closed, then we can start the process of an FEIS. Every comment received will be responded to in writing. The comment will be stated. The answer will be written. We cannot even begin that until we close the public hearing that's now been open for three months, for 90 days. Then even if the board voted to close it tonight, there still will be 10 more days, at which time the public would have the opportunity to write written comments.

Audience member: The written comments that were written, have those ...?

Kirk Rother: We are not going to start responding to any comments until we're done receiving them all from the public.

Audience member: We'll support that.

Audience member: Plus on the website, how do you get ... Hypothetically when you're ready to respond and it eventually gets closed ...

Kirk Rother: There will be another one of these, which will be the FEIS. It gets submitted to this board. Again, they deem it complete. It gets circulated to all agencies, and it's posted on the village's website, just like this study. That's correct.

Audience member: It will not be discussed in another meeting, if the questions were not answered to our liking?

Kirk Rother: Well, it's to the board's liking.

Audience member: Okay.

Kirk Rother: Folks, I just want to say one thing. I know because I live in Warwick. I grew up here, and I know that there's concern about plans for the 80 acres around us. It's in the town of Warwick. It's zoned one unit per four acres, so we're talking about roughly best case, 24 homes, 22 homes. There was a sketch done of that. I suspect Mr. Gross saw that in the DEIS for phase one, because I know it was included in that DEIS.

Stephen Gross: Can I have permission to respond to what you just said? I saw no such ...

Kirk Rother: Now in full disclosure, we have talked with the village and the town about annexing the land in the town into the village, and doing something we call the Warwick Grove for Young Families. The response we got back was no, so there is no plan to annex this. There is no grand scheme. There is no ulterior motive. There's not even an application for the town plan.

Audience member: In the future, you may have one.

Audience member: You want to have [crosstalk 01:15:40].

Stephen Gross: We have that in writing?

Kirk Rother: My client has owned that for 17 years. He has paid taxes on it for 17 years. He has paid into the sewer district for 17 years. This is all that's before the planning board at this time.

Audience member: He could have built those 20 acres 19 years ago.

Audience member: Here is another [inaudible 01:15:56].

George Aulen: Okay. Thanks for [crosstalk 01:16:00] extending the public hearing until the next month. Now I would like to move on with the rest of my meeting. Thank you.

A MOTION was made by Bill Olsen, seconded by Jesse and carried to keep the public hearing open until the October 18, 2018 meeting. (5 Ayes)

FORESTER AVE.

SITE PLAN APPROVAL

KENNEDY COMPANIES

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to declare the Village of Warwick Planning Board Lead Agency under the SEQR process. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to declare this an Unlisted Action under the SEQR process. (5 Ayes)

Mr. Aulen – Although this is an Unlisted Action I would still like to see a Long EAF.

Mr. Winglovitz – An Unlisted Action requires a Short EAF which is what we submitted.

Mr. Aulen – Yes, but I think with this project the Board would like to see a Long EAF.

116 SOUTH ST. EXT.

SUBDIVISION APPROVAL

JAMES TOMASELLI

Mr. Getz – The DEC issued a permit to build, that note should be added to the subdivision plan along with the permit number and expiration date. The floodway should be shown on the map along with the details of the existing and proposed utility connections, a graphic scale and the Zoning districts around the parcel should be added. Iron pins should be placed at the new property corners and portions of the previously submitted EAF are incomplete.

Mr. Aulen – We received a letter from the DPW Supervisor indicating that the drainage pipe will be abandoned when the new Fire House is completed. But until then shouldn't the Village have an easement? We don't know when the Fire House will be completed.

Mr. Schmick – That pipe is collapsed, it serves no purpose.

Mr. Dickover – If it serves no purpose...

Mr. Aulen – If it serves no purpose then we should get a letter from the DPW Supervisor advising the Board that they have no intention of repairing or replacing that drain pipe.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to declare the Village of Warwick Planning Board Lead Agency under the SEQR process. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to declare this an Unlisted Action under the SEQR process. (5 Ayes)

The Board reviewed a letter submitted by Sterling Bank representative Larry Wolinsky, Esq. requesting a 90 day extension on the site plan approval for Warwick Commons.

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

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

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary