

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
NOVEMBER 5, 2018
AGENDA**

**Call to Order
Pledge of Allegiance
Roll Call**

1. Introduction by Mayor Newhard.
2. Approval of Minutes: October 15, 2018.
3. Authorization to pay all approved and audited bills in the amount of \$_____.

Presentation

1. Verizon

Correspondence

1. Declaration of Covenants and Restrictions – Warwick Commercial Properties LLC
2. Letter from Albert Wisner Public Library thanking the Village for their support regarding the Warwick Children's Book Festival.
3. Letter from Court Clerk, Karen Vermillion regarding Online Payments to the Justice Court.
4. Letter from Cristina Hohmann, Applefest 2018 Coordinator thanking the Mayor, Board members, Village DPW and employees for their support.
5. Letter from Law Office of Elizabeth K. Cassidy regarding Village View Subdivision Public Comment.
6. Letter from Hudson Highlands Environmental Consulting regarding Valley View Cluster Subdivision.

Privilege of the Floor

(Please limit your comments to **five (5)** minutes. Please note all remarks must be addressed to the Board as a body and not to individual Board members. Please state your name clearly before Speaking). These rules are taken from the Handbook for Village Officials – New York State Conference of Mayors and Municipal Officials.

Motions:

Trustee Cheney's Motions:

1. **MOTION** to grant permission to James Quackenbush to carry over two vacation days.
2. **MOTION** to accept the proposal from Edmunds & Associates Credit Card Program for Water/Sewer Utility Payments at an annual maintenance fee of \$600, a one-time licensing fee of \$600, and a one-time fee of \$90 for the purchase of a credit card swipe machine per the recommendation of the Village of Warwick Treasurer.

Trustee Patterson's Motions:

3. **MOTION** to grant permission to the Warwick Valley Gardeners to hold their annual Garden Tour in Railroad Green on Saturday, July 13, 2019 between the hours of 8:30 a.m. and 4 p.m. with a rain date of July 14, 2019. Completed park permit, security deposit and proof of proper insurance have been received.
4. **MOTION** to grant permission to the Warwick Valley Gardeners to use Railroad Green on Friday, July 12, 2019 from 4 p.m. to 5 p.m. for Pre-Tour ticket sales for the Garden Tour. Completed park permit, security deposit and proof of proper insurance have been received.
5. **MOTION** to grant permission to allow the traditional horse & buggy rides to take place by the same fully insured company (Sean Geary) as last year during the holidays in the Village of Warwick. The rides will be offered during the following dates: November 18th, December 1, 2, 8, 9, 15 and 16, 2018. The times for the ride will be approximately 11 a.m. until 4 p.m. The route will be the same as last year, starting on Railroad Avenue and continuing to Main Street, then onto South Street, ending back at Railroad Avenue. Proof of proper insurance has been received from all participants.
6. **MOTION** that free parking be put in place for the period between November 18, 2018 and January 1, 2019. The policy has been much appreciated by our Village merchants in the past and the Chamber is happy to support it. The Warwick Valley Chamber of Commerce would also like to decorate the parking meters as in the past and will coordinate with the DPW if necessary.
7. **MOTION** to grant permission to have Santa visit the sleigh in Railroad Green on Saturday, December 8, 2018 with a rain date of December 9, 2018 between the hours of 12 p.m. to 2 p.m. The Village to install the sleigh on Railroad Green again this year. Completed park permit, security deposit and proof of proper insurance have been received.
8. **MOTION** to grant permission to the Warwick Valley Chamber of Commerce to have Non-Profits such as the Warwick Valley School District organizations, Warwick Historical Society, Playground Dreams, etc. to sell items such as hot chocolate, warm cider and snacks on Railroad Green on the following days: December 1, 2, 8, 9, 15 & 16, 2018. Proof of proper insurance has been received.
9. **MOTION** to grant permission to the Warwick Valley Chamber of Commerce to hold the Warwick Valley Farmers' Market at the South Street parking lot from May 12 through November 17, 2019 except for Applefest Sunday. Proof of proper insurance has been received.

Trustee McManus' Motions:

10. **MOTION** to grant permission to the Warwick Lions Club to ring bells for the Salvation Army at the business locations of 33-37 Main Street on the following dates and times: December 8th and 9th between the hours of 10 a.m. and 4 p.m. and December 15th and 16th between the hours of 10 a.m. and 4 p.m. Proof of proper insurance has been received.

DPW Supervisor's Report

Final Comments from the Board

Executive Session, if applicable

Adjournment

DECLARATION OF COVENANTS and RESTRICTIONS

DECLARATION made as of this 11 day of October, 2018, by WARWICK COMMERCIAL PROPERTIES LLC, with offices located at 1512 St. Hwy 17A, Warwick, New York 10990, hereinafter referred to as "WARWICK COMMERCIAL".

W I T N E S S E T H:

WHEREAS, WARWICK COMMERCIAL PROPERTIES LLC is the owner of the real property located in the Village of Warwick, Town of Warwick, Orange County, New York known as Section 214, Block 10, Lot 4.1, being more commonly known as 4 Overlook Drive, Warwick, New York, which WARWICK COMMERCIAL desires to develop for the construction of "rental office space"; and

WHEREAS, the Village of Warwick has required that WARWICK COMMERCIAL satisfy certain conditions prior to the approval of such use and the issuance of building permits and a certificate of occupancy by the Village of Warwick Building Department.

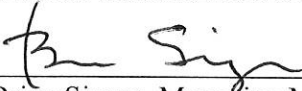
NOW THEREFORE, WARWICK COMMERCIAL PROPERTIES LLC for itself, its successors and assigns, declares that the real property located in the Village of Warwick, Town of Warwick, Orange County, New York known as Section 214, Block 10, Lot 4.1, being more commonly known as 4 Overlook Drive, Warwick, New York, shall be held, transferred, sold, conveyed and occupied subject to the restrictions hereinafter set forth.

RESTRICTIONS

1. The real property located in the Village of Warwick, Town of Warwick, Orange County, New York known as Section 214, Block 10, Lot 4.1, being more commonly known as 4 Overlook Drive, Warwick, New York shall be held, transferred sold and conveyed for the use of offices only. The use of said premises for residential apartments is restricted and prohibited.

The covenants and restrictions of this Declaration shall run with, and bind the land, and shall be binding upon the successors and assigns of WARWICK COMMERCIAL PROPERTIES LLC.

WARWICK COMMERCIAL PROPERTIES LLC

By: 
Brian Singer, Managing Member

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
(Within New York State)

State of New York)
 ss:
County of Orange)

On the 11 day of October in the year 2018 before me, the undersigned, personally appeared Brian Singer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

RAINA M ABRAMSON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01AB6365303
Qualified in Orange County
My Commission Expires 10-02-2021

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OCT 11 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE



ALBERT WISNER
PUBLIC LIBRARY

October 9, 2018

Village of Warwick
P.O. Box 369
77 Main Street
Warwick, NY 10990

Attn: Hon. Mayor Michael Newhard
Village Board of Trustees

Dear Mayor Newhard and Village Trustees,

On behalf of the Warwick Children's Book Festival – and by extension, Albert Wisner Public Library – I'd like to thank you very much for the Village's generous sponsorship of the Festival. The Festival generated new records in turnout and revenue, which is gratifying -- but more important is the magic that occurs when a child connects with a book. And by all accounts, there was magic in the air on Railroad Avenue last Saturday!

Let me also extend great appreciation to the Village DPW, a gracious and can-do team if ever there was one. Once again they efficiently accommodated every request we had, providing for all of our logistical needs without a hitch. The Village is blessed to have such a terrific DPW, and we are grateful to have had their support as well.

Sincerely,

Lisa Laico
Festival Co-Coordinator
Albert Wisner Public Library

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OCT 12 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE



Justice Court Village of Warwick

77 MAIN STREET P.O. BOX 369
WARWICK, NEW YORK 10990
(845) 986-2031 FAX (845) 986-2870

Village Justice
JEANINE GARRITANO WADESON

Court Clerk
KAREN

October 26, 2018

Memo

Re: Village of Warwick Justice Court Online Payments

Dear Mayor Michael Newhard and The Board of Trustees,

This memo is to inform you, that the court is in the process of acquiring an electronic payment program through a government agency called nCourt. There is no cost to the municipality, or the court, for the implementation or operation of the program. There will be resources available to assist the court with any questions.

We hope to have this up and running in approximately sixty to ninety days, after paper work is completed and training is done.

I am implementing this program to make paying court fees more convenient to our defendants:

Sincerely,

Karen Vermillion,
Clerk of the Court



Warwick Applefest

October 26, 2018

Mayor Michael Newhard
Warwick Village Hall
P.O. Box 369
Warwick, New York 10990

Dear Mayor Newhard and the Village Board,:

On behalf of the **Applefest 2018 Committee**, I'd like to express our appreciation for your support of this year's 30th annual festival.

We recognize that a festival of this size and complexity can run smoothly only with the help of many in our Village and Town.

Our thanks go to Mayor Newhard, Board members, Village Department of Public Works, and Village employees who all helped make Applefest a success.

Thanks again for your support.

Sincerely,

Cristina Hohmann

Applefest 2018 Coordinator

LAW OFFICE OF ELIZABETH K. CASSIDY, PLLC
7 GRAND STREET
WARWICK, NEW YORK 10990
P: 845.987.7223 | F: 888.549.3886
WWW.EKCASSIDYLAW.COM

October 18, 2018

Via Hand Delivery
Village of Warwick Planning Board
Village of Warwick
77 Main Street
Warwick, NY 10990

Re: Village View Subdivision Public Comment
Our File: 307-001

Dear Chairman Aulen and Members of the Planning Board:

I represent Lugene and Raymond Maher. Mr. and Mrs. Maher live directly across the street from the proposed access on Woodside Drive. I have reviewed the application materials on their behalf and offer the following comments for the Planning Board's consideration:

In considering the application before you, the Planning Board is required to follow both the Village's Code and Village Law § 7-738 ("Approval of a cluster development shall be subject to the conditions set forth in this section and in such local law."). Both authorities clearly spell out the purpose and intent of clustering a proposed subdivision. Specifically, New York Village Law 7-738 states, "The purpose of a cluster development shall be to enable and encourage flexibility of design and development of land in such a manner as to preserve the natural and scenic qualities of open lands." Likewise, the Village of Warwick Village Code § 145-2 lays out nine purposes of cluster development which generally speaking revolve around preservation of open space, more compact infrastructure and to mitigate environmental impacts.

The application presently before you fails to meet both the intent and the requirements for cluster subdivision as set forth in both Village and State Law. I will address each in turn:

1. Village Law 7-738(b) states, "A cluster development shall result in a permitted number of building lots or dwelling units which **shall in no case exceed** the number which could be permitted, in the planning board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law applicable to the district or districts in which such land is situated and conforming to all other applicable requirements." (Emphasis added) Although the Village Code authorizes additional lots upon the payment of a fee, the local law (LL 14 of 2015) that authorizes clustering does not contain any language superseding state law. As such the Planning Board must apply 7-738 and the applicant is limited to 28 lots under state law.

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OCT 30 2018

2. Even if this Board has legal authority to approve additional lots, the current plan does not meet the conditions of § 145-29.

- a. Village Code requires dwelling units to be located at least 100 feet from primary conservation areas and 50 feet from secondary conservation areas (see 145-29(E)) and further states that "house lots shall not encroach upon Primary Conservation Areas," (145-29(H)) there are no fewer than six lots shown on the proposed cluster diagram with dwelling units located directly on top of slopes in excess of 25 percent, a primary conservation area.
- b. The plan fails to identify slopes over 15 percent as required.
- c. The plan fails to show the existing tree line as required.

3. In addition to the legal infirmities of the present application, the application all but ignores the stated intent of clustering found in both state and local law. Under a true clustering scheme, this project would take 28 units and centralize them on smaller lots resulting in less infrastructure, and greater open space. Unlike a true clustering scheme, it appears that the applicant has used clustering as a tool to cram as many units onto the site as possible rather than as a tool to avoid environmentally sensitive areas. Indeed, the additional units require off site infrastructure that was not necessary under the former 28 lot plan. Moreover, if the intent of the Village leaders is to have 10,000 square foot lots, then the Village should change its base zoning rather than giving a density bonus under the guise of clustering.

With respect to the Board's environmental review pursuant to the State Environmental Quality Review Act (SEQR), I would like to raise two points.

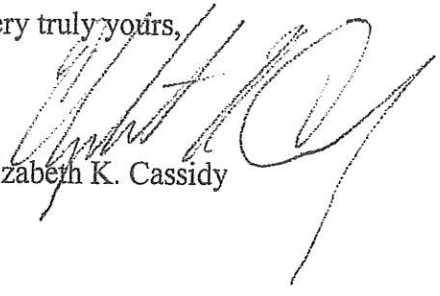
1. This project is undergoing a coordinated SEQR review. Once this Board renders its SEQR findings statements, all other agencies are bound by those findings and we are unlikely to be able to revisit SEQR if something arises in the future. It is essential that this Planning Board take the requisite "hard look" at all of the impacts.

2. The DEIS together with the layout of the proposed subdivision suggests that the applicant may be segmenting review. Under the SEQR regulations, the Planning Board must consider the entire set of activities or steps must be considered. Considering only a part or segment of an action is contrary to SEQR. 6 NYCRR § 617.3(g). Here, the DEIS contains references to future development and calls for stormwater infrastructure uphill from the proposed site and further calls for road connectivity for future development.

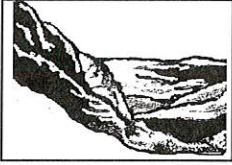
See DEIS pages 61, 62. The applicant owns significant additional acreage adjoining the site.

In conclusion, I ask the Board to continue its thoughtful review of this project and to call upon the Applicant to adjust the proposed subdivision so that it is in keeping with both the spirit and the letter of the law.

Very truly yours,


Elizabeth K. Cassidy

EKC/kc
Enclosure



**Hudson Highlands
Environmental
Consulting**

71 Colonial Avenue
Warwick, N.Y. 10990
www.HudsonHighlandsEnviro.com

(845) 986-5350
FAX (845) 986-9492
E-mail highlands144@gmail.com

October 27, 2018

Village of Warwick Planning Board
77 Main Street
Warwick, N.Y. 10990

Re: DEIS Review
Valley View Cluster Subdivision

Dear Honorable Members of the Planning Board:

I have been requested by the residents of the Woodside Drive/Locust Avenue/Sleepy Valley Road neighborhood to review the Draft Environmental Impact Statement (DEIS) for the proposed Valley View Cluster Subdivision. Please accept the following comments for your consideration.

Section II: Description of the Proposed Action

A. Introduction

Comment 1: Page 13, Paragraph 2: The DEIS notes, *"An internal road network...would be offered for dedication as public roads to the Village of Warwick."* It then further notes, *"Likewise, drainage infrastructure to accommodate stormwater needs would also be dedicated to the public to insure maintenance."* In the case of the roads, the Village of Warwick is specifically identified as the recipient of the road network. In contrast, the stormwater drainage infrastructure is proposed to be dedicated generically "to the public." As stated in the description, *"the proposed drainage improvements that are proposed as part of the site development in the Town of Warwick extend onto parcels within the municipal boundaries of Town of Warwick."*

Is the applicant proposing that the drainage improvements within the Town of Warwick be dedicated to the Village of Warwick for maintenance, or to the Town of Warwick? Can the Village accept improvements outside its municipal boundaries? Would it make logistical sense for the Town of Warwick to accept the improvements? The specific recipient of these improvements needs to be identified by the applicant, as well as identifying any issues that are created by improvements for a Village development project being located on property within the Town.

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VILLAGE CLERKS OFFICE

Comment 2: Page 16, Paragraph 3 reads, *"The intent of SEQRA is to provide better information through the coordinated environmental review to the permitting agencies prior to approvals. This coordination helps to avoid irrevocable decisions that could occur during the permitting phases that could potentially cause unintended or lasting harm to our communities."* This is a true statement, but as required under SEQRA, the coordinated review *must* consider the "whole action," which necessarily includes all the development that the project sponsor is contemplating to occur on the adjacent parcels within the Town of Warwick, and which would be dependent on infrastructure now proposed for the Village View project. In this case, the Town of Warwick Planning Board would be another agency included in the coordinated review. Quoting from the SEQR Handbook, *"Reviewing the 'whole action' is an important principal in SEQR; interrelated or phased decisions should not be made without consideration of their consequences for the whole action, even if several agencies are involved in such decisions. Each agency should consider the environmental impacts of the entire action before approving, funding or undertaking any specific element of the action [see subdivision 617.3(g)]"*

Specifically, the project sponsor is proposing the development of 20.3 acres within the Village of Warwick, but owns an additional 78.75 acres of adjoining land within the Town of Warwick. Some of this land is actually being developed for roadway and stormwater management purposes, but the DEIS fails to provide acreage estimates for this portion of the land, which should be considered part of this proposal. It is clear from the subdivision layout, which has the primary road terminating in a cul-de-sac placed on the adjacent sponsor-controlled land within the Town of Warwick, as well as multiple statements contained within the DEIS, that the project sponsor intends to develop his holdings within the Town at some future point in time, either in accordance with Town of Warwick zoning, or via a renewed annexation request, in accordance with Village of Warwick zoning. The future development of these holdings by the project sponsor is in fact acknowledged as a "growth inducing impact" of the current proposal on page 92 of the DEIS.

The segmentation of the development of adjacent portions of land under the control of the same owner into separate reviews is completely contrary to the intent of the State Environmental Quality Review Act (SEQR), and is prohibited except under limited circumstances. As defined in SEQR and in the DEC's SEQR Handbook, segmentation is defined as *"the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR."* The SEQR Handbook in fact specifically cites as an example a situation similar to the proposed project before the Planning Board. "There are two types of situations where segmentation typically occurs. One is where a project sponsor attempts to avoid a thorough environmental review (often an EIS) of a whole action by splitting a project into two or more smaller projects." Given the obvious intent of the project sponsor to develop this land, and the fact that the proposed layout currently being considered will actually enhance and encourage the developability of the Town lands, this

Planning Board, as lead agency, must consider the impacts from the total potential development of the project sponsor's holdings, even though the approval authority will rest within another agency.

The consideration of this DEIS at this point, without any analysis of the potential development of the adjacent properties, is therefore premature and flawed. This SEQRA review should therefore be held open until this segmentation issue is rectified. Again, quoting from the SEQR Handbook:

"Segmentation is contrary to the intent of SEQR...The decision to segment a review must be supported by documentation that justifies the decision and must demonstrate that such a review will be no less protective of the environment...However, the 'separate' actions that a project sponsor may cite as being independent, unrelated activities needing individual determinations of significance, more often than not are linked either through application or proximity and therefore...subject to legal challenge if a segmented review was to proceed."

Comment 3: Page 18, Paragraph 4: While admittedly a less important point, the statement, *"Valley View Estates is a recently developed subdivision, and accordingly this area is more open and does not contain mature trees along its road"* is not accurate. Homes built as part of Valley View Estates date as far back as 1955, and no later than 1999. It is therefore not a recently developed subdivision, and is old enough to support mature trees.

Comment 4: Page 19: Figure II-B-2 "Existing Resources Map" depicts an extent of the area slopes in excess of 25% that differs from a graphic presented by the project engineer at the September 20th public hearing. The area of these slopes shown on that graphic is greater than what is depicted in the DEIS. In accordance with the Village of Warwick Zoning Code, Paragraph 145-29(3)(a) "Step 1: Delineation of Open Space Lands", the area of the site determined to be occupied by slopes in excess of 25% is a critical factor in delineating the Primary Conservation Area for a cluster subdivision. The discrepancy between the map presented in the DEIS and the map presented at the public hearing needs to be explained, especially as it pertains to the proposed cluster subdivision layout.

C. Project Description

1. Current Proposal

Comment 5: Page 24, Paragraph 2: *"The proposed 45 lots are to be used for the construction of single family detached dwellings, projected to have 4 bedrooms. Consistent with the latest census data, the project would generate approximately 2.29 persons per home, or 103 new residents, of which 21 would be school-aged children."*

The population projections are grossly underestimated. The DEIS incorrectly uses census data, rather than using demographic multipliers that are based on surveys conducted at specific

housing developments of similar types and bedroom counts. Residential Demographic Multipliers developed by Rutgers University, Center for Urban Policy Research, for the State of New York (published 2006) project a 4-bedroom single family detached dwelling will generate 3.67 persons per home, or 165 new residents for the 45 proposed homes. Of these, 47 would be school-aged children (1.05 per home), more than double what the DEIS projects.

Comment 6: Interestingly, in comparing the current proposal to the approved 28-lot subdivision, the DEIS reports the population projection for the approved project as 57 new residents and 12 school-aged children, despite the fact that the original DEIS for that project, using more accurate multipliers, estimated 113 new residents and 25 school-aged children.

This error then in turn negates the impact assessments for any other calculations that are dependent on a reasonable population projection, such as fiscal impacts.

Comment 7: Page 24, Paragraph 3: The estimated construction period is estimated to be 60 months, or five years. This is an extremely lengthy period of time, and the sheer duration of construction activities will create an adverse impact on neighboring landowners and neighbors. This impact needs to be identified and analyzed. Will the same construction hours be maintained throughout the life of the construction? Is any phasing being considered, or will the lots be developed in a more haphazard fashion?

3. Prior Alternatives

Comment 8: Page 27: *"This property has received subdivision approval for 28 single family lots. This approval included a plan to improve a section of Locust Street along the site's frontage, which would have involved widening the road from 2 to 4 additional feet, relocating utility poles and the guardrail, and clearing in the vicinity of the Locust Street/Woodside Drive intersection. The cost estimates for this improvement were deemed not to be feasible...The widening of Locust Street is no longer proposed with this application."*

This statement appears to indicate that the widening of Locust Street was required as a condition of approval for the 28-lot subdivision. Locust Street/Sleepy Valley Road in the vicinity of the project site has documented deficiencies, and given the approved subdivision would add vehicles from 28 new homes, the condition to require widening on the part of the applicant was reasonable and justified. With that number now being increased by 17 units to 45, such a condition attached to any approval would be even more justified. Any approval for a cluster subdivision should include a requirement for widening in this area.

II.E. Summary of Beneficial and Potential Adverse Impacts

Comment 9: Page 28, Paragraph 4: The DEIS states, *"The implementation of the proposed action, or the construction of the proposed 45-lot single family subdivision as proposed, would be like other single-family subdivisions in the area."* This statement is certainly not true of the immediate neighborhood surrounding the proposed project. The 21 closest homes lining Woodside Avenue are on lots that average 49,941 square feet, or 1.15 acres. This is nearly

five times the size of the lots proposed for the Village View Subdivision. Single family homes on Locust Street sit on lots averaging 0.89 acres, nearly four times the proposed lot sizes. Even lot sizes on Valley View Circle, which are considerably smaller than most others in the neighborhood, are generally 0.34 acre or above. This is close to 1.5 times the proposed lot sizes. It is therefore unclear by what measure the proposed subdivision was compared to "other single-family subdivisions in the area." The compatibility of the proposed subdivision should be judged within the context of homes within the neighborhood of the proposed project.

Comment 10: Page 28, Paragraph 5: The DEIS describes the creation of a "wide buffer" as a beneficial impact protecting the tributary to Wawayanda Creek. This is disingenuous. In fact, the proposed conversion of forest to developed land with impervious surfaces and landscaping represents an adverse impact on the creek, not a beneficial impact. While no scale is provided on the subdivision plan in the DEIS, it appears that the distance of a proposed roadway from the edge of the wetland bordering the stream may be as little as 15 feet, and as little as 5 feet from a proposed lot line. This would in fact appear to violate both the provisions and the spirit of the clustering requirements in the Zoning Code, which state that dwelling units should not be located within 100 feet of primary conservation areas, which include wetlands. Where wetlands are protected by State and local laws, regulatory buffers are typically also 100 feet. It is therefore difficult to understand how the proposed extent of protected land bounding this tributary and wetland can be characterized as a "wide buffer."

Comment 11: Page 28, Paragraph 5: The DEIS touts as a benefit that the project will keep the price of homes in Warwick low by providing additional housing stock. Specifically, it argues, *"New homes also help to control the cost of living in popular communities like the Village of Warwick, by providing for a housing demand that could eventually put upward pressure on all housing costs as new residents seek homes. Increased demand on available housing results in making homes less affordable for everyone and pricing out more price sensitive members of their community, such as the young adults that grew up in Warwick, and now would like to establish home in this community."* According to Zillow.com, accessed 10/11/18, the "market temperature" in the 10990 zip code is characterized as "cold" and is a buyer's market. The website further reports the median home value in 10990 to be \$314,900. The DEIS estimates the new homes would sell at approximately \$400,000, or 27% higher than the current median value of a home in Warwick. Especially considering that these homes would be on small 10,000 square foot lots (which should have lowered the estimated value), it is difficult to understand how there is a basis to claim that the proposed project will aid in providing housing that is more affordable to "more price sensitive members" of the community.

Comment 12: Page 29, Paragraph 5: The DEIS states that both the water and sewerage systems operated by the Village have sufficient capacity to handle the additional 19,800 GPD of new projected demand from the proposed project. The veracity of this statement is, however, called into question by Village Mayor Michael Newhard. In regard to the sewerage system, Mayor Newhard notes in an August 8, 2018, letter, *"The Village Wastewater Treatment Plant is in poor condition and the Village is in the process at this time, structuring a redevelopment plan. The cost of this project is estimated to be twelve to fifteen million dollars. Systemwide the*

weakest link is the Robin Brae Pump Station which has major ongoing issues and would be the receiving pump station for the sewage from this development. I have been told by the system operator that this pump station cannot accept much more material than it does now."

Comment 13: In regard to the Village water supply system, Mayor Newhard wrote, *"The Village water tanks are aging, and many are in need of replacement. There is also concern of the impact of forty-eight units on the storage capacity at the Village (s.i.c. – Valley) View water tank."*

The conclusions on page 29 in the DEIS are in direct contradiction to the assessment provided by the Village's top official. It is noted that more detailed assessments of these systems is provided later on pages 39-41 of the DEIS, but even these paint a more favorable picture than does the mayor. Obviously, this discrepancy needs to be resolved and any potential adverse impacts addressed.

III.A. Soils, Topography and Geology

Comment 14: Page 32, Paragraph 2: Among the required information to be submitted for the cluster subdivision design, Section 145-29, E. of the Zoning Code (quoted on page 69 of the DEIS) is *"Topographical and physical features, including existing structures, wooded areas, hedgerows and other significant vegetation, steep slopes (over 15%), soil types, ponds, streams within two hundred (200) feet of the tract, and existing rights-of-way and easements."* While mapping has been provided showing slopes in excess of 25%, nothing has been provided to depict slopes over 15%, as is required. Figure III-A-1, entitled "EXISTING SOILS AND SLOPES MAP" on page 33 does depict soils onsite, but other than having an arrow pointing to certain areas of the site that contain 25% slopes, does nothing to show slopes on the site, and certainly not the 15% slopes as required by statute. Rather, the map depicts topographic contours, not slope. An attempt was made to obtain the required map from the files in the Planning Department, but Planning Board Secretary Maureen Evans indicated that there was no such map in the file.

Comment 15: I have prepared a graphic depicting slopes on the project site in excess of 15%. This exhibit, included on the next page, depicts steep slopes from 15 to 25% in orange, and very steep slopes in excess of 25% in red. As seen in the graphic, these steep and very steep slopes are found throughout the entire parcel, covering a significant portion of the property.



THE SEAL OF THE UNITED STATES OF AMERICA THIS PLANT WHICH BRIEF SHALL		N.A. N.A. PROJECT Q4170 CLUS 18	N.A. N.A. SOLE Q4170.0 AS SHOWN	11 OF 16
NORM BATHING, P.L.		N.Y.S. G.C. NO. 23903		DATE

LEGEND

EXISTING PROPERTY LINE	
EXISTING BY CONTOUR LINE	
PROMISED CONTAINER LEAK	
PROMISED CONTAINER LEAK	
PROMISED CONTAINER LEAK	
PROMISED DOOR OF AVIATION	
PROMISED DOOR OF AVIATION	
PROMISED BELT FENCE	
PROMISED BELT FENCE	
CATCH BASIN	
PROPOSED STONE CRACK DAM	
PROPOSED EVERGREEN SWALE	
PROPOSED SOIL STOCKPILE	
PROPOSED STABILIZED CONSTRUCTION ENTRANCE	
PROPOSED TEMPORARY RAMP GUTTER SEDIMENT TRAP	

Comment 16: Page 34, Paragraph 2: The DEIS states, *"The soil test logs are contained in Appendix D confirming the characterization of the site to be Mardin soils and that that are suitable for the proposed residential development."* However, the test logs contained in Appendix D provide no comment whatsoever on whether the soils tested are correctly characterized as Mardin, nor whether they are suitable for the proposed development. In fact, it is clear from examining the preceding Figure III-A-1 that portions of the project site are indeed mischaracterized. The map shows the upland portions of the property to be underlain by MdB and MdC, Mardin soils with slope classifications of 3-8% and 8-15%, respectively. Yet, much of the site has been identified as containing slopes in excess of 25%, which then should be characterized as MNE, Mardin soils, steep (in excess of 25%). Even more of the property should be characterized as MdD, Mardin soils, 15-25% slopes. The significance of these two additional classifications is that both MdD and MnE soils are listed in the Orange County Soil Survey as presenting "Severe" limitations to development to **all categories** of building site development due to slope and wetness, which is not the case with MdB and MdC soils. This is directly contrary to the representation in the DEIS that these soils *"are suitable for the proposed residential development."*

Comment 17: Page 34, Paragraphs 3-5: Given the steepness of the slopes on the property, it is incredulous that the discussion of "Anticipated Impacts" fails to address the issue of development on steep slopes in its entirety. The development of roadways and homes on the steep slopes of the project site presents the greatest potential for adverse impacts that may result from this proposed project.

Comment 18: As the property is encumbered to such a large degree by slopes in excess of 15%, the proposed project will likely require a significant amount of grading, especially for the section of road coming in from Locust Street and then climbing over slopes that in places exceed 25%, but also for the other portions of the roadway, as well as driveways and house sites. In some cases, grading may extend well into the proposed "Open Space Land", which would require the removal of trees and other vegetative cover in the area being set aside to presumably preserve land in a natural state. Given the potential for a severe impact due to grading, the DEIS should not only provide the required mapping of 15% slopes that is curiously missing, but also a written assessment of the required grading and the potential adverse impact from it. Given the topographic conditions present, the absence of such an analysis is a major deficiency in the DEIS.

Comment 19: Page 34, Paragraph 6, etc.: Likewise, the extent of mitigation needed cannot be known until the full extent of grading impacts are understood. The mitigation as described may not be, and likely is not, sufficient. For example, the DEIS states that retaining walls would not be needed, but retaining walls may, in fact, be needed as a way of minimizing excessive grading from extending into areas to be preserved. In fact, numerous proposed lots will have a topographic differential of 18 to 20 feet within the 10,000 square feet of lot area. This differential is equivalent to the height of a two-story building. It is difficult to envision that retaining walls would not be utilized in the preparation and development of individual lots.

III.B. Ground and Surface Water Resources

Comment 20: Page 38, Paragraph 2: The onsite wetland is described as being 0.85 acre in size. The February 14, 2018, US Army Corps Wetland Jurisdictional Determination Letter (Appendix E) indicates the size of the wetland as 1.07 acres. Is the full extent of the wetland as determined by the Army Corps correctly depicted on the project plans?

Comment 21: Page 38, Last Paragraph: The DEIS fails to discuss impacts from the conversion of the natural watershed to one that will have a significant amount of impervious surfaces and far less vegetated surfaces, which could adversely impact the ecology of the onsite stream and wetlands. This includes temperature impacts and contaminants carried by runoff.

Comment 22: Page 39, Paragraph 2: The DEIS cites wetland buffers as a benefit of the cluster plan, stating that it *"places housing no closer than 60 feet of the edge of the wetlands, and 30 feet from the edge of a wetland and a residential lot boundary."* However, as will be explained in more detail later, Section 145-29 of the Zoning Code states that a cluster subdivision is to preserve "Primary Conservation Areas" that *"shall be delineated comprising floodplains, wetlands and slopes over twenty-five percent (25%)." Further on, Section 145-29 states that dwelling units "be located not closer than 100 feet from Primary Conservation Areas,"* which then means that the 30 and 60 foot distances cited are actually insufficient to satisfy the requirements of the Village of Warwick Zoning Code for a cluster subdivision.

Comment 23: Moreover, the assessment of impacts on the wetland and wetland buffer fails to acknowledge that a large portion of the natural wetland buffer will be converted to stormwater detention ponds. This will require the complete removal of all the vegetation from these areas of the buffer, plus involve massive regrading including the construction of berms along the delineated edge of the wetland, reducing the width of the natural buffer to zero. It would be naïve to believe that some material from the berm would not find its way into the wetland both during and following construction. While the detention ponds would replicate some wetland buffer functions like stormwater treatment, other functions would be eliminated, like important wetland/upland edge wildlife habitat.

III.G. Traffic

Comment 24: Page 62, Paragraph 1: The total acreage owned by the project sponsor is incorrectly reported as approximately 27 acres rather than 92 acres. The discussion in the paragraph, however, further confirms that the proposed road network is designed to allow further development on the adjacent parcels, and the impact of those parcels therefore needs to be assessed as part of an unsegmented review along with the current proposal.

III.H. Land Use and Zoning

b. Compatibility with Provisions of Section 145-29 Residential Cluster

Comment 25: Page 64, Paragraph 3: This section of the DEIS is intended to show how the proposed subdivision is compatible with the provisions of Section 145-29 of the Zoning Code. In my professional opinion, the proposed project is not at all compatible with these provisions, and the purported compatibility as expressed in the DEIS is contrived. To make the case for compatibility, the DEIS compares the project to the purposes for cluster subdivision as enumerated in the Zoning Code.

Comment 26: Page 64, Paragraph 4: *"1 To provide greater economy, efficiency and convenience in the siting of services and infrastructure, including the opportunity to reduce road lengths, utility runs, and the amount of paving required."* The DEIS cites a reduction in road length of 200 feet as showing compatibility with this purpose. The actual length of roadway proposed, as provided on DEIS page #12, is 2950 feet. The length of roadway approved for the 28-lot subdivision is 3120 feet. The reduction of roadway is therefore 170 feet, not 200 feet. The difference of 170 feet represents a very minor 5.8% reduction in road length. In exchange, the project sponsor is seeking approval for 17 additional units, a gain of 60.7%. This lopsided gain for the project sponsor in exchange for such a minor reduction in road length is not consistent with the stated purpose.

Comment 27: Page 64, Paragraph 5: *"2. To conserve important unique and sensitive natural features such as steep slopes, floodplains, stream corridors, and wetlands by permanently setting them aside from development."* As was stated earlier, Section 145-29 of the Zoning Code requires that a cluster subdivision is to preserve "Primary Conservation Areas" that *"shall be delineated comprising floodplains, wetlands and slopes over twenty-five percent (25%)."* Of these, wetlands were already avoided in the 28-lot subdivision per federal regulations protecting them, and floodplains are absent from the project site. The benefit of clustering in protecting these resources, therefore, would be largely limited to the avoidance of steep slopes. The extent of slopes in excess of 25%, as delineated by the project sponsor, is depicted in "Figure III-H-3: Step 1 - Primary and Secondary Conservation Areas" on page 72. To be compatible with Section 145-29, all of these delineated slopes (absent the small individual outliers) should be included within the Primary Conservation Area. However, as seen in "Figure III-H-4: Step 2 Potential Development Areas" on page 73, this is not the case. In fact, as seen in "Figure III-H-6: Step 4 Potential Lot Lines" on page 75, one home is proposed directly on the prohibited slopes, in flagrant disregard of the provisions of Section 145-29, and several other homes also encroach directly on prohibited slopes.

Comment 28: In regard to Purpose #2, the DEIS also claims compatibility by stating, *"The area being preserved is the stream, wetlands, and forested setting around the wetlands with a buffer that ranges from 30 to 80 feet, as measured from the edge of the individual home lots."* As noted earlier, Section 145-29 states that dwelling units should *"be located not closer than*

100 feet from Primary Conservation Areas,” which then means that the 30 and 80 foot distances cited are insufficient to satisfy the requirements of the Village of Warwick Zoning Code for a cluster subdivision. It is also incorrect for the DEIS to state that the buffers preserve the “forested setting around the wetlands.” As also noted earlier, a significant portion of the “preserved buffer” will not be preserved in its “forested” state. Much of the natural vegetation in the buffer will be completely removed in order to regrade and build up berms right up to the edge of the wetland for the construction of two large stormwater detention ponds. Much of what should be a preserved natural buffer as per the requirements of the Zoning Code will also be occupied by pavement and the fill slope of the subdivision road, encroaching as close as 20 feet from the wetland edge. In fact, almost all of the encroachment on the wetland is from the roadway or the detention ponds, which is eliminating the majority of the required 100-foot natural buffer. Only two houses would encroach directly on the wetland. Rather than the homes being in a range from 30 to 80 feet from the wetland, the truth is that one home is about 30 feet away, and the other is about 80 feet away. The areas occupied by the detention ponds provide zero forested buffer, and as little of 20 feet of forested buffer would exist between the subdivision road and the wetland.

Comment 29: The statement that the proposed cluster subdivision “*places homes and lots further away from the stream and wetlands than what was previously approved in the 28-lot subdivision*” is misleading in implying that the current proposal provides better protection to the wetland resource onsite. In comparison to the approved 28-lot subdivision, little, if anything, is gained. In fact, in many places, the 28-lot subdivision provides greater protection to the wetlands than does the cluster proposal. Where, adjoining Woodside Drive, the cluster proposal shows a detention pond completely eliminating the wetland buffer up to the wetland edge, the 28-lot subdivision instead shows a residential lot with a house situated approximately 90 feet from the wetland edge. North of this lot, with the exception of the riprap outlet, the bermed edge of a stormwater detention pond in the 28-lot subdivision is about 50 feet from the wetland edge. In the same area where the cluster proposal shows the subdivision roadway 20 feet from the wetland edge, the 28-lot subdivision instead proposes a residence situated at the edge of a 50-foot buffer, and a protective post-and-rail fence proposed at around 40 feet from the wetland edge. Two other detention ponds further north are situated away from the wetland edge, with the closer of the two about 20 feet from the wetland, except again for the riprap outlet. The detention ponds shown in the cluster proposal are situated 0 feet from the wetland edge. While the 28-lot subdivision is more impactful on the wetlands in other areas, such as resulting in more wetland fill due to two road crossings rather than one, based on these comparisons, it is clear that the cluster subdivision proposal utterly fails to satisfy the stated goal to provide superior protection to the wetland resource over the conventional subdivision.

Comment 30: Page 65, Paragraph 2: “3. To provide multiple options for landowners to minimize impacts on environmental resources and natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings and sites, and fieldstone walls.” In showing compliance with this goal, the DEIS cites an increase of preserved open space from 2.8 acres to 6.8 acres, but much of what is being set aside as a “preserved

open space” is not being preserved, but rather is being cleared, graded, and utilized for stormwater management.

Comment 31: As just discussed above, the statement, *“The previous design had more encroachment on the wetlands and stream, thereby increasing the potential of disturbance and inappropriate use by residents,”* is misleading.

Comment 32: The next statement, *“The advantage of the open space cluster design over the previous plan is that it allows for areas that are more developable to be used for smaller home sites, in trade for a plan that better preserves the natural beauty of the stream habitat, which is the most in need of protection”* is also incorrect in that, as discussed, the “natural beauty of the stream habitat” is not being preserved.

Comment 33: Additionally, as the cluster subdivision proposes home sites within areas with slopes in excess of 25%, it is disingenuous to refer to these as *“areas that are more developable.”*

Comment 34: Page 65, Paragraph 3: *“4. To create neighborhoods with a traditional Village character as discussed in the Village’s Comprehensive Plan.”* A “walkable community” is more suitably designed on level land than the steeply sloping conditions of the project site. While the project sponsor is trying to design this project to comply with this goal, the slopes that will necessarily be associated with the subdivision roadway will likely diminish the walkability of the neighborhood. Likewise, the 3-mile round trip distance to downtown and back will likely discourage making this trip by foot in most cases.

Comment 35: Page 66, Paragraph 3: *“6. To implement policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Village Comprehensive Plan, including provisions to create a greenway trail system and other areas for active or passive recreational use for the benefit of present and future residents.”* The failure of the cluster subdivision proposal to offer any real increased protection of the stream corridor and wetlands has been discussed previously, as has the failure of the proposed layout to avoid the disturbance of very steep slopes. An amount of land is proposed for preservation in the center of the site, but the configuration of this land provides no possible connection to adjacent offsite properties (already owned by the project sponsor) to allow for a greenway trail system. This is largely due to the fact that the project sponsor is attempting to use the cluster provisions to achieve a windfall increase in the number of dwelling units rather than to actually avoid sensitive lands and preserve more open space as intended by these provisions. Foregoing an increased lot count in order to keep more land open in a natural state, and possibly provide for a greenway trail system to continue offsite, would be far more consistent with this particular goal than would the project as currently proposed.

Comment 36: Page 66, Paragraph 4: *“7. To conserve scenic views.”* The DEIS cites the *“Views from Locust Street into the stream and wetland habitat be continued to be enjoyed by*

travelers of the street and residents of this subdivision" as compliance with this goal. However, as has now been repeatedly pointed out, the proposed 45-lot cluster subdivision will greatly impact this natural stream and wetland habitat, and provides no real advantages in this regard over the approved 28-lot conventional subdivision.

Comment 37: Page 66, Paragraph 5: *"8. To promote development in harmony with the goals and objectives of the Village Comprehensive Plan."* As has been stated several ways above, the proposed cluster plan fails to achieve the stated goals and objectives of the cluster provisions, and by extension, those of the Village Comprehensive Plan.

145.29, D. Density

Comment 38: Page 67, Paragraph 4, etc.: The lot count for a cluster subdivision is based on a yield plan that determines how many dwelling units could be achieved via a conventional subdivision. In this case, that purpose is served by the approved subdivision for 28 lots. As provided for density calculations for cluster subdivisions, however, this number *"may (emphasis added) be increased to the maximum number of units that will fit on a parcel while maintaining all setbacks required herein and maintaining a minimum lot area of 10,000 square feet."* The DEIS incorrectly states that the number of lots *"are based on"* this maximum, but left out the phrase *"may be increased to the"* preceding *"maximum number"*. The DEIS is therefore very misleading, and implies that increasing the lot count in this manner is a requirement of clustering. This is far from the truth. Rather, any increase in lot count over that determined by the yield plan is at the total discretion of the Planning Board, which in the alternative, may also determine that an increase in the number of lots would be contrary to the purposes of clustering, especially as it pertains to preserving sensitive environmental features.

Comment 39: Section 145-29 of the Zoning Code lays out a four-step procedure to follow in laying out the design for a cluster subdivision. Although these steps are laid out in the DEIS, it is apparent that the steps were not followed faithfully as intended in the Zoning Code. The four steps start with identifying "Primary Conservation Areas" that "shall be delineated comprising floodplains, wetlands and slopes over twenty-five percent (25%)." The Code goes on to describe Secondary Conservation Areas that could be included in the proposed Open Space Lands, but it is clear that the Code intended for wetlands and slopes in excess of 25% to be included in the Primary Conservation Areas to be avoided and preserved.

Comment 40: Indeed, the proposed layout does place all of the wetlands and the unnamed stream within the proposed Open Space Lands, but with the exception of that portion which needed to be disturbed to provide site access, all of the same wetlands and the stream were preserved with the approved 28-lot subdivision as well. However, while all the slopes in excess of 25% were identified in DEIS Exhibit III-H-3 as Primary Conservation Areas, contrary to the instructions contained in the Zoning Code, only a portion are proposed to be avoided and placed within the proposed Open Space Area. Proposed lot #37, in fact, is comprised almost entirely of slopes in excess of 25%.

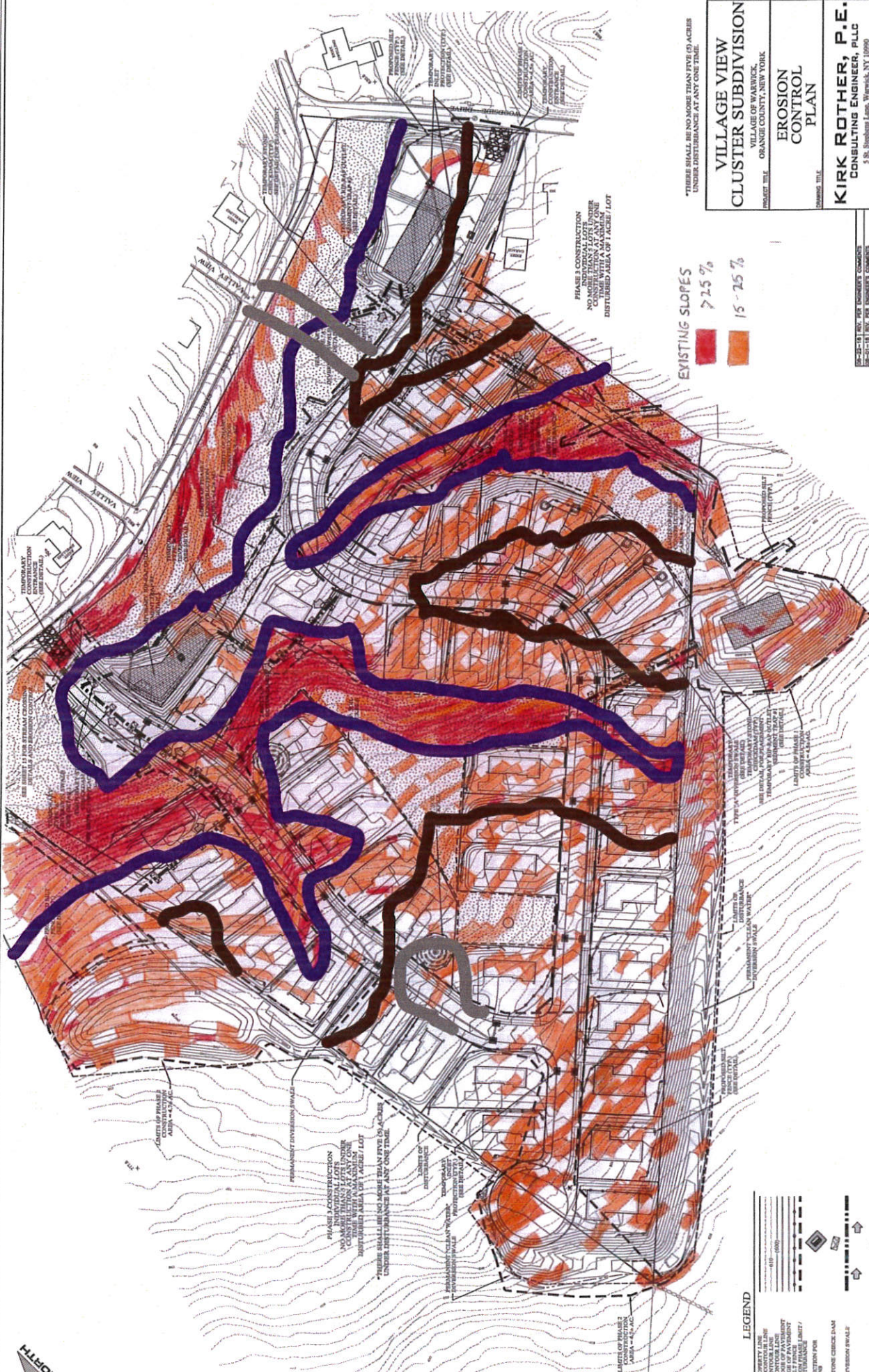
Comment 41: In an attempt to follow the instructions outlined for the four-step procedure in Section 145-29, the map on the following page draws an approximate boundary (in purple) around the very steep slopes (in excess of 25%) and wetlands. This would be the area required by the clustering provisions to be included in the Primary Conservation Area and preserved as Open Space. The delineated area on this map differs significantly from what has been shown by the project sponsor.

Comment 42: In locating house sites, Step 2 advises, "Dwelling units should generally be located not closer than 100 feet from Primary Conservation Areas." Therefore, not only should houses not be proposed on slopes greater than 25% such as within the aforementioned lot #37, they should also be located 100 feet distant from them, as well as from wetlands. The DEIS notes as a benefit of the proposed plan that structures will be located at least 30 to 80 feet from the edge of wetlands, but this distance is not in compliance with the guidance in the Zoning Code that this distance be 100 feet.

Comment 43: The brown line drawn on the map on the following page shows the approximate (as drawn free-hand on a computer graphics program) location of the 100-foot setback from the purple boundary around the very steep slopes and wetlands that should have comprised the Primary Conservation Area. While Step 2 advises that dwelling units should not "generally" be located within 100 feet of very steep slopes and wetlands, this graphic clearly illustrates that proposed dwelling units have been located without any regard to the 100-foot advisory, with some units actually within the purple boundary.

Comment 44: As one of the primary purposes of the Zoning Code's clustering provisions is the avoidance and preservation of these specified sensitive environmental features, there is no compelling justification for the Planning Board to approve 17 units, and possibly even 20 units, above and beyond the yield plan lot count of 28. Based on the guidance in the Zoning Code, it appears that, at a minimum, the following lots should be eliminated: lots #5, 14, 26, 27, 28, 29, 30, 31, 32, 33, 37, 40, 44, and 45. Other lots might also be considered to be removed for their proximity to steep slopes and wetlands. The elimination of these 14 lots would reduce the proposed lot count to 31 lots, which will still give the applicant bonus density for clustering.

Comment 45: Along with the removal of lots, the section of the proposed roadway that crosses slopes in excess of 25%, just uphill of the Locust Street entrance, should also be removed. As there is a requirement for two points of access for the subdivision, it is recommended that the entrance from Locust Street be shifted to the other entrance point approved for the 28-lot subdivision, which is directly across from the southern Valley View/Locust Street intersection (shown on the next page with gray lines). This placement will create a four-way intersection with Locust and Valley View Roads, provide better sight distance than the currently proposed entrance point, cross the wetland at one of its narrowest points, and avoid construction on slopes in excess of 25%. The original access road can be converted to a cul-de-sac extending eastward from the subdivision's main road (shown on the next page as a gray circle). This will also greatly reduce the length of roadway required when compared to both the approved 28-lot subdivision and the current proposal. Combined with the elimination of at least 14 lots, the area



EXISTING SLOPES

72.5%
15 - 25%

*THERE SHALL BE NO MORE THAN FIVE (5) ACRES UNDER DISTURBANCE AT ANY ONE TIME.

**VILLAGE VIEW
CLUSTER SUBDIVISION**
VILLAGE OF WARWICK,
ORANGE COUNTY, NEW YORK

**EROSION
CONTROL
PLAN**

KIRK ROTHER, P.E.
CONSULTING ENGINEER, PLLC
5 St. Augustine Lane, Warwick, NY 10990
(845) 982-5020

DATE	REVISIONS	BY	CHKD.	DATE
05-22-18	REV. FOR SUBMITTAL COMMENTS			
05-21-18	REV. FOR SUBMITTAL COMMENTS			
05-16-18	ADDITIONAL DESIGN			
05-11-18	FINAL PREPARATION			



- LEGEND**
- EXISTING PROPERTY LINE
 - EXISTING EROSION CONTROL LINE
 - PROPOSED EROSION CONTROL LINE
 - PROPOSED TEMPORARY EROSION CONTROL LINE
 - PROPOSED PERMANENT EROSION CONTROL LINE
 - PROPOSED STONE CHECK DAM
 - PROPOSED DIVERSION SWALE
 - PROPOSED SLOPE PROTECTION
 - PROPOSED BY AREA LIMIT
 - PROPOSED TEMPORARY EROSION CONTROL
 - PROPOSED TEMPORARY EROSION CONTROL

of disturbance and impervious surfaces will also be significantly reduced, all while still allowing the applicant an increased number of dwelling units than originally approved.

III.I. School Services

Comment 46: Page 81, Paragraph 2: As noted above, the methodology employed to project population is unacceptable within the industry. Population projections cannot be based on the overall population of Warwick divided by the number of housing units, as was done in the DEIS. Doing so does not take into account a myriad of factors, such as the fact that Warwick contains multiple neighborhoods comprised in part or entirely of senior citizen housing, which will have a high percentage of single occupancy units and no school-aged children. Even if the senior citizen housing was ignored, it is also clear that the 4-bedroom homes would be larger and would generate more school children than the average home currently in the Village. Using industry accepted demographic multipliers that were developed by surveying actual communities in New York State that are comprised of four-bedroom single family detached homes, the number of school children for the 45 proposed homes can be projected to be 52, approximately 150% greater than the 21 students estimated in the DEIS.

Comment 47: Assuming the cost estimate of \$25,022 per student in the DEIS is accurate, the actual fiscal impact of 47 new students on the school system would be approximately \$1,176,034, or about 2.23 times the \$525,462 estimated in the DEIS. Assuming the estimate in the DEIS of \$384,535 in school taxes to be generated by the built project is correct, the project would be expected to adversely impact the school district with a deficit of about -\$791,499. The DEIS also provides another figure; the amount actually to be raised by property taxes of \$16,445 per student. Assuming this figure is accurate, the projected number of students would generate a demand on school property tax revenues of \$772,915, which would still result in a deficit of -\$388,380.

Comment 48: The DEIS also calculates the available capacity of the school district by adding in the capacity of the Pine Island and Kings Elementary Schools, both of which are closed and therefore this capacity is not available. The DEIS then does go on to state that the current excess capacity without these schools is about 400 students, but leaves open a clear critical question by then using the phrase, "with less available capacity in the elementary school grades." Accordingly, it is unclear whether the capacity of the elementary schools really is sufficient to handle the increased number of elementary school students that would be generated from the proposed project. In short, the analysis of the impact on the school district contained in the DEIS was incorrectly performed and is completely inadequate.

III.J. Fiscal Impacts

Comment 49: Page 83, Last Paragraph: In accordance with Comment 5, the analysis of impact on county services should be rerun using a projected project population of 165.

Comment 50: Page 84, Paragraph 4: In accordance with Comment 5, the analysis of impact on Village services should be rerun using a projected project population of 165.

Comment 51: Page 84, Paragraph 6: In accordance with Comment 5, the analysis of impact on Town services should be rerun using a projected project population of 165.

Comment 52: Page 85, Paragraph 1: As illustrated in Comment 47, the fiscal impact on the school district from the proposed project will result in a deficit, not a surplus.

Comment 53: Page 85, Last Paragraph: With at least school services, the additional population will exacerbate the already adverse impact discussed in Comment 47.

Section IV: Adverse Impacts That Could Not Be Avoided

Comment 54: Page 88, Paragraph 1: This analysis is simply incorrect. The project will clearly have adverse impacts that cannot be avoided. Any development of a naturally vegetated property will. These include the removal of forest and other vegetation, disturbance of steep slopes, filling in wetland, and more. This paragraph needs to be entirely rewritten.

Section V: Alternatives

Comment 55: Page 88, Paragraph 4: The description of the impact of the 28-lot conventional subdivision is exaggerated, with part of it greatly exaggerated. The DEIS states *"This project approval included two crossings over the wetlands, and permanent loss of about a half-acre of wetland overall."* This statement exaggerates the wetland impact by more than 5x. In truth, the 2006 DEIS calculates the wetland disturbance to be only 4342 square feet (just under 0.1 acre), but only 3592 square feet (.08 acre) would be permanent. This is *far* less than a half-acre, which would be 21,780 square feet. The DEIS also states that *"homes were closer to the wetland areas,"* but as detailed in Comment 29, this is a half-truth at best, and doesn't take into account the detention ponds that would remove all the existing vegetation within the preserved "open space" where they would be placed, with berms constructed with zero buffer at the wetlands edge. Finally, it is not likely that *"the cost of the homes would be higher, since the cost of the infrastructure on the site would be spread over fewer homeowners."* Rather, the price of the homes would be set by market value, with any higher cost of infrastructure simply reducing the profit margin for the project sponsor.

Comment 56: Page 89, Paragraph 2: As has been detailed in the preceding pages, there is much in the summary of the potential impacts of the preferred alternative that should be changed, starting with the characterization of what is a highly constrained property with severe limitations to development as a "highly developable property."

Page 17

Comment 57: Page 90, Paragraphs 1-2: The number of residents would increase from a projected 165 to about 172, and the number of school children would increase from 47 to about 51. The assessment provided should be reconsidered with these numbers in mind.

Section VII: Growth Inducing Impacts

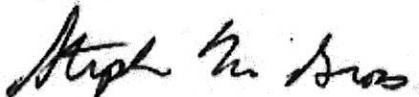
Comment 58: Page 92, Paragraph 1: Once again, this paragraph should be rewritten utilizing a population projection of 165 new residents. This paragraph also understates the potential development of the additional 78.75 acres, which the project sponsor has admitted is his intention to develop following receiving approval for the current proposal. As stated earlier, the development of these parcels should legally have been considered within this DEIS.

Conclusion

The DEIS is highly deficient, and does not meet the standards required by SEQRA. The largest deficiency is that the SEQRA review is segmented, considering only the first phase of the project sponsor's intended overall development plans. The proposal itself is also flawed in that it fails to follow the instructions in the Village of Warwick Zoning Code for both determining a lot count and designing a layout that actually preserves the elements that the Code requires be placed into a Primary Conservation Area, and further to place residences 100 feet away from these preserved elements. Most importantly, no justification has been provided to the Planning Board as to why any number of units at all should be approved beyond the established base number of 28 units. Methods of analysis, such as in projecting population and assessing fiscal impacts, are also flawed, and fail to provide an accurate projection of potential impact. Rather than proceeding to a Final Environmental Impact Statement, the project sponsor should be required to bring the DEIS into compliance. This can probably be best accomplished within the framework of SEQRA by requiring the preparation of a Supplemental Environmental Impact Statement (SEIS).

If you have any questions regarding anything discussed in this review, please do not hesitate to contact me.

Respectfully submitted,



Stephen M. Gross
Principal
Hudson Highlands Environmental Consulting

cc: L. & R. Maher
J. & F. Gruen
E. Cassidy, Esq.

Office of the Mayor
Board of Trustees
Village Clerk
Treasurer
Telephone: 845-986-2031
Fax: 845-986-6884



Village Justice
Telephone: 845-986-7044
Fax: 845-986-2870

Building, Planning, Zoning
and Historical District
Review Board
Telephone: 845-986-9888
Fax: 845-987-1215

Public Works Supervisor
Telephone: 845-986-2081
Fax: 845-987-1215

OFFICE OF THE CORPORATION
MEETINGS HELD 1ST & 3RD MONDAY OF EACH MONTH

Village of Warwick

77 MAIN STREET
P.O. BOX 369
ORANGE COUNTY

Warwick, NY 10990

VACATION CARRY OVER

I James Quackinbush request to carry-over 2 vacation days.
(Name of employee) (Amount)

The reason time accrued or vacation was not used: Hiring anniversary is Nov 29th -
two days to be used on Nov 29th + Nov 30th.

under article X sec.2(B) of the Village of Warwick Department of Public Works Collective Bargaining Agreement and the Employee Handbook.

James Quackinbush
(Signature of employee)

10/29/18
(Date)

Mr. Moser
(Signature of Department Head)

10/29/18
(Date)

VILLAGE USE ONLY

___ Approved by Village Board

___ Denied by Village Board

25 days 11 days 11/29/90
(Time Accrued) (Time Used) (Anniversary Date)

Comments: _____

(Board Signature)

(Date)

WIPP - WEB INQUIRY PAYMENT PORTAL

Edmunds & Associates Credit Card Program for Water/Sewer Utility Payments

What is it?

- ▶ The Web Inquiry Payment Portal (WIPP) allows customers to pay water/sewer utility bills online by credit card, debit card, or e-check.
- ▶ The WIPP link will be conveniently located on the Village's website home page.
- ▶ Specific account information will be available for residents to look up their bill on the portal to pay and print it out.
- ▶ Secured payments are processed through FIS Global. When a payment is made, it is directly imported into our Edmunds utility system daily and a notification will be sent each time a payment is processed.
- ▶ Users will be charged a convenience fee of 2.95% per transaction for credit and debit card payments, and \$1.05 per e-check.
- ▶ The credit card transactions are deposited into a designated bank account (same as we currently have with Official Payments).
- ▶ Installation, implementation and training for portal to be up and running is approximately 6-8 weeks upon Edmunds receipt of our purchase order.
- ▶ In addition to the online WIPP, a credit card swipe machine can be purchased from Edmunds for residents to pay their water/sewer bill by credit card at Village Hall.

What is the cost?

- ▶ The WIPP license fee is \$600 and includes 2 hours of training on-site or remotely and one year of unlimited technical support.
- ▶ The WIPP annual maintenance fee is \$600 per year - which includes all federal and state mandated changes, annual upgrades and enhancements, unlimited phone and email support, and user group membership. All software applications are warranted for one year from the date of installation.
- ▶ The credit card swipe machine is a one time charge of \$90. The installation and training for this device is included in the WIPP license/maintenance fee.



7/25/2018

Prepared for: **Warwick Village, NY**

Prepared by: **John Wray**

Application	Training Hours	List Price	Extended Price
WIPP Utility (On-line Inquiry and Payments)	2	\$1,200.00	\$600.00
WIPP Virtual Terminal	0	\$0.00	\$0.00
Sub Total:			<u>\$600.00</u>

Services & Other Applications	Cost
Installation - Remote	\$0.00
Sub Total:	<u>\$0.00</u>

Conversion Services	Cost
Sub Total:	<u>\$0.00</u>

Summary Conversions – Unless otherwise stated, summary conversions include all standard information plus three years of summarized history, including opening and closing balances on accounts.

Detailed Conversions - Unless otherwise stated, detail conversions include all standard information plus three years of detailed history, including opening and closing balances with transactions.

Total Proposal (excluding optional hardware):	<u>\$600.00</u>
--	------------------------



7/25/2018

Prepared for: **Warwick Village, NY**

Prepared by: **John Wray**

Maintenance (Year 1 Maintenance is included, fees listed are for Year 2)		Fees
WIPP Utility (On-line Inquiry and Payments)		\$600.00
Total:		<u>\$600.00</u>

Initial training, implementation, and travel costs are included with the license fees. Additional training hours and product development are billed at \$150.00 per hour. Training is a combination of on-site and remote sessions. If more hours are desired for a specific application, the hours from another may be allocated to additional training in that area. The project manager must be made aware of these requirements prior to the development of the project plan.

The first year of support and maintenance are included with the license fees. The fees listed are for year two support and maintenance. The annual maintenance fees include all federal and state mandated changes, annual upgrades and enhancements, unlimited phone, email, and web based support, and user group membership. All software applications are warranted for one year from the date of installation. A purchase order must be sent prior to initiating a work order for installation and training to be scheduled.

Optional Hardware	Quantity	Unit Price	Cost
Credit Card Swipe Device	1	\$90.00	\$90.00
Sub Total:			<u>\$90.00</u>

Edmunds & Associates, Inc. is a reseller of the hardware components listed, the cost of these items are **NOT** included in the proposal total. Please include the quantity of each item desired with the cost on the purchase order to ensure accurate purchasing.

Please forward all Purchase Orders to:

Edmunds & Associates, Inc.
c/o Jessica Jensen
301 Tilton Road | Northfield, NJ 08225
P: 888.336.6999 | F: 609.645.3111
Email: JessicaJ@EdmundsAssoc.com
www.EdmundsAssoc.com

Proposal Notes:

Here is the quote you requested.

Warwick Valley Gardeners

October 21, 2018

Mayor Michael Newhard

Warwick Village Hall

77 Main Street

Warwick, NY 10990

Dear Mayor Newhard and Village Trustees,

The **Warwick Valley Gardeners** is conducting its 26th Annual Garden Tour on Saturday July 13th, 2019 (rain date July 14). We are requesting permission to hold the event between the hours of 8:30 am and 4:00 pm at the Railroad Green Park, as we have in the past. We will also need the use of the park for our Pre-Tour on Friday July 12th from 4:00 pm -5:00pm. Naturally we will leave the park as we found it.

In addition the **Warwick Valley Gardeners Club** request permission to display the signage promoting the event. This signage will be posted beginning Friday June 28th, 2019 through July 14th at various locations including:

A banner on West Street

Three 4' x4' signs located in the Village as follows:

1. Route 94 near 81 Maple
2. Farmer's Market-Municipal Parking lot entrance
3. Route 17A/Route 94 intersection at the Country Club side at the light opposite Dawson Motors

All the signs will be placed in the same locations as previous Garden Tours.

If you have any questions or concerns, please feel free to contact Janice Ashe 845-986-7897 or me at 845-987-8508.

Please send me the confirmation granting permission.

Thank you for your continued support of our club and these events.

Sincerely,


Pat Reinhardt P.O. 969 Warwick, NY 10990

Cc: Village Clerk Raina Abrahamson

VILLAGE OF WARWICK
FACILITY USE REQUEST

Today's Date 10/20/18 Date(s) Requested: 7/12 + 7/13/19
Time of Event: Fri. 7/12 - 4:30pm - 5:30pm 7/14 Raindate
Sat. 7/13 - 9:00am - 3:30pm
Village Park/Facility Requested: Railroad Green Park
****Please use attached map to indicated areas to be used****

Information about Group/Organization:

Name of Organization or individual: Warwick Valley Gardeners

Check One: ☐ Non-Profit ☒ 501(c)3 ☐ For Profit ☐ Private Event

Proof of Residency: _____ Designated Contact: Patricia Reinhardt

Mailing Address: PO Box 562

Telephone: (Day) 845-987-8508 (Evening) _____ (Cell) _____

Information about intended use of Village Facilities:

Purpose of Use: Launch Pre-Tour Friday evening / selling
tickets + directions Saturday

Total Participants Expected: 300 Adults _____ Children _____

How will the event be advertised? Banner, signs, newspaper, flier

Is Village equipment required? ☐ Yes ☒ No

If needed, state type and for what purpose: _____

Village of Warwick Participants: Club Non-Resident Participants: People attending Tour

Is an admission fee charged? ☒ Yes 300 No

If so, what will proceeds be used for: Flowers for mine gardens
maintained in village

Will food be served? no Will food be sold? no

Please give details: _____

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the Village for the use and care of the facilities. He/she, on behalf of WVGS (name organization) does hereby covenant and agree to defend, indemnify and hold harmless the Village from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Village's property, facilities and/or services by Warwick Valley Gardeners (name organization).

Patricia Reinhardt

Signature of Organization's Representative (must be a Village of Warwick Resident)

Address: PO Box 969 / 28 Woodside Telephone: 845-987-8506

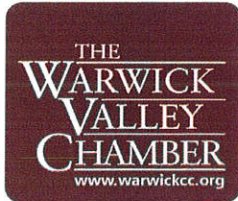
\$100 sec. deposit +

insurance

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OCT 22 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE



WARWICK VALLEY CHAMBER OF COMMERCE INC.

POST OFFICE BOX 202 ➤ WARWICK, NY 10990 ➤ 845-986-2720 ➤ FAX 845-986-6892

WEB ADDRESS: [HTTP://WWW.WARWICKCC.ORG](http://www.warwickcc.org) ➤ E-MAIL: INFO@WARWICKCC.ORG

October 30, 2018

Mayor Michael Newhard
Village of Warwick Trustees
Village Hall
Warwick, NY 10990

Dear Mayor Newhard and Trustees:

The holiday season will be upon us soon and on behalf of the Warwick Merchants Guild, the Warwick Valley Chamber of Commerce would like to once again ask for permission to hold the following events throughout the Village.

- We would like to formally request permission to allow the traditional horse & buggy rides to take place by the same fully insured company, (Dun Dreaming Farms) as last year during the holidays in the Village of Warwick. The rides will be offered during the following dates: November 18th, December 1, 2, 8, 9, 15, & 16, 2018. The times for the rides will be approximately 11:00am until 4:00pm. The route will be the same as last year, starting on Railroad Ave. and continuing to Main Street, then onto South St., ending back at Railroad Ave. Sean Geary, from Dun Dreaming Farm will be providing the Village with copies of his insurance policy.
- We would like to formally request that free parking be put in place for the period between November 18, 2018 and January 1, 2019. The policy has been much appreciated by our Village Merchants in the past and the Chamber is happy to support it. The Warwick Valley Chamber would also like to decorate the parking meters as we have in the past and will coordinate with the DPW if necessary.
- We would like to formally request the Village install the Sleigh in the Village Green again this year. We would like permission to have Santa "visit" the Sleigh on December 8, 2018 (rain date December 9) between the hours of 12:00pm – 2:00pm.
- We would like to formally request permission for various Non-Profits such as the Warwick Valley School District organizations, Warwick Historical Society, Playground Dreams etc., to sell items such as Hot Chocolate, Warm Cider and snacks on Railroad Green on December 1, 2, 8, 9, 15, & 16, 2018. If insurance information has not been submitted, it will be before any scheduled event.

Thank you for your cooperation.

Sincerely,

Michael A. Johndrow, Executive Director
Warwick Valley Chamber of Commerce

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OCT 31 2018

**VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE**

VILLAGE OF WARWICK
FACILITY USE REQUEST

Today's Date 10/30/18

Date(s) Requested: December 1, 2, 8, 9, 15 + 16

Time of Event: 11am - 4pm

Village Park/Facility Requested: Rail Road green
****Please use attached map to indicated areas to be used****

Information about Group/Organization:

Name of Organization or individual: Warwick merchant guild

Check One: ☒ Non-Profit ☐ 501(c)3 ☐ For Profit ☐ Private Event

Proof of Residency: _____ Designated Contact: Corrine Iurato

Mailing Address: 79 Laudaten Way

Telephone: (Day) 986-9463 (Evening) 239 0142 (Cell) _____

Information about intended use of Village Facilities:

Purpose of Use: Selling of hot beverages + snacks during our Home for the holidays event by different organizations

Total Participants Expected: ☒ Adults ☒ Children

How will the event be advertised? yes

Is Village equipment required? ☐ Yes ☒ No

If needed, state type and for what purpose: _____

Village of Warwick Participants: ☒ Non-Resident Participants: ☒

Is an admission fee charged? ☐ Yes ☒ No

If so, what will proceeds be used for: _____

Will food be served? yes Will food be sold? yes

Please give details: fundraising opportunities for nonprofits + school organizations

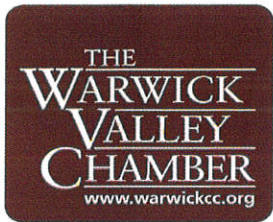
The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the Village for the use and care of the facilities. He/she, on behalf of Warwick merchant guild (name organization) does hereby covenant and agree to defend, indemnify and hold harmless the Village from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Village's property, facilities and/or services by Warwick merchant guild (name organization)

Corrine Iurato
Signature of Organization's Representative (must be a Village of Warwick Resident)

Address: 79 Laudaten Way Telephone: 986-9463

\$100 sec. deposit
+
insurance
received RA

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OCT 31 2018
VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE



WARWICK VALLEY CHAMBER OF COMMERCE INC.

POST OFFICE BOX 202 • WARWICK, NEW YORK 10990

PHONE: 845-986-2720 • FAX 845-986-6982

WEB ADDRESS: <http://www.warwickcc.org> • E-mail: info@warwickcc.org

October 30, 2018

The Honorable Michael Newhard
Mayor of the Village of Warwick
Village Board of Trustees
PO Box 369
Warwick, New York 10990

Dear Mayor Newhard and Board of Trustees;

The Warwick Valley Chamber of Commerce would like to formally request permission to hold the Warwick Valley Farmers' Market at the South Street Parking Lot for this coming 2019 season.

The season runs from May 12 (Opening Day) through November 17, with the exception of October 6, 2019 (Applefest Sunday) as in former years. I have requested that WRG Sanford Insurance Company send you the required Certificate of Insurance.

We thank you in advance for all your cooperation over the years with Farmers' Market and look forward to seeing you on Opening Day.

Thank you for your attention to this matter.

Very truly yours,

Michael Johndrow, Executive Director
Warwick Valley Chamber of Commerce

RECEIVED

OCT 31 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

October 7, 2018

Village of Warwick
77 Main Street
Warwick, NY 10990

Dear Mayor Newhard and The Board of Trustees,

For many years the Warwick Lions Club has supported the Salvation Army during the holiday season by volunteering to ring bells. These funds go directly into our community to help citizens in need.

On behalf of the Warwick Lions Club we respectfully request a permit to again ring bells for the Salvation Army at the business locations of 33-37 Main St. on the following dates and times...

December 8th and December 9th between the hours of 10am and 4pm
December 15th and December 16th between the hours of 10am and 4pm

Thank you for your consideration of our request. For further information please feel free to contact me at (845) 800-3582.

Sincerely,
Erin and Michael Andersen
Warwick Lions Co-Chairs- Bell Ringing
Warwick, NY 10990

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OCT 12 2018

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE