

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

VILLAGE OF WARWICK
PLANNING BOARD MEETING
APRIL 9, 2019

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, April 9, 2019. Present were: George Aulen, Bill Olsen, Jim Patterson, Karl Scheible, Jesse Gallo, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present: Kerry Boland, Jay Myrow, Kirk Rother, Keith Woodruff, Beau Kennedy, Jason McGovern, Barry Cheney, Mayor Newhard and others.

The Board recited the Pledge of Allegiance.

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to accept the minutes of the March 21, 2019 Planning Board meeting. (5 Ayes)

Cont. Public Hearing

10 COLONIAL AVE. SITE PLAN APPROVAL 10 COLONIAL AVE LLC

Mr. Woodruff - The applicant is proposing to create a retail space on the first floor and two, 2 bedroom apts. on the second floor. There is no change to the exterior, I know last month we talked about the sidewalks and the applicant is aware that the sidewalk in front of the building needs work and he does want curb appeal...

Secretary - The applicant is before the ARB and his plan does show a new sidewalk along with stonewalls & landscaping.

Mr. Getz - The applicant has shown the banked parking on the plan.

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

A MOTION was made by Jesse Gallo, seconded by Bill Olsen and carried to grant Site Plan Approval to 10 Colonial Ave. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to adopt the Resolution prepared and read by the Planning Board atty. The Resolution indicates that there will no development on the banked parking area. (5 Ayes)

FORESTER AVE.

SITE PLAN APPROVAL

FORESTER AVE. LLC

Mr. Woodruff - We have made the modifications to provide additional design information for the stormwater, a full planting design, a full lighting analysis of the site.

Mr. Aulen - We are waiting on the drainage situation.

Mr. Getz - The OCDP letter and they have one binding comment that regards affordable housing. They recommend that 30% of the proposed units should be affordable and they have guidelines on how to define affordable. There was a memo circulated today about the affordable housing.

Mr. Dickover - The Village Board has reviewed this project because it also subject of a Special Use Permit and that is there jurisdiction and in viewing that piece of the project the Village Board in their findings determined that affordable housing was not necessary in this particular complex. That is not a binding determination on this Board but it is certainly as advisory with an involved agency for SEQR purposes. A finding or a recommendation from a department means that if you are not going to incorporate their recommendation as part of this project the vote of this Board to approve the project without would be a super majority, in this case 4 out of 5 members would have to approve the project without affordable housing in order to override the binding comment from OCDP.

Mr. Getz - The County raised some comments on wetlands, pedestrian access, archeological resources and stormwater management. I feel that this Board has already has reviewed those when the Board issued a Negative Declaration. We were shown architectural drawings and it appears that on the 3rd sheet it shows some elevations of the building from the courtyard and it looks like this view should show an additional story...

Mr. Woodruff - No, the top view in the courtyard itself would actually only have 2 stories within the courtyard, on the opposite side where the parking would be those will always be 3 stories because you have the garage under and then you have 2 stories above.

Mr. Getz - So you wouldn't see the roofline?

Mr. Woodruff - You would see the roofline but there will not be any dormers or exposed windows, just a continuation of the roofline from the courtyard. In essence there is only units on the front half there will not be units on towards the courtyard. In the middle where the archway is, that would be the actual courtyard itself and if you are peering out you would only see 2 stories of windows and then just a continuation of that roofline.

Mr. Getz - I'm not convinced yet but I will look at it again. A plan was circulated to the Fire Dept. with the layout of the buildings and the question was whether or not they would want to see another hydrant on the site and they responded with that the site plan as designed is acceptable. Prior to construction flow and pressure tests should be done on the water system and you are proposing a sprinkler system, correct?

Mr. Woodruff - Yes, that will be done at the time they pull the building permit, the sprinkler design company will need to do that.

Mr. Getz - I would like to see invert elevations for the sanitary sewer because your assumption the way you are connecting now is that the sewer is very deep at that location.

Mr. Woodruff - We did take measurements of the inverts we just need to add that information to the plan.

Mr. Getz - We need profiles for the stormwater system pipes...

Mr. Woodruff - Your primary concern is for the pipes leaving out Forester to the creek?

Mr. Getz - And also near the underground chambers just to see how they are tying in and that you don't have conflicting elevations. Will the roof drainage be piped directly into the system?

Mr. Woodruff - We have the interior bio-retention system to treat the internal portions of the building from the peak in and we will treat all that as well as courtyard itself so the sidewalks and any other impervious surfaces...

Mr. Olsen - Where is that? I thought it was over here?

Mr. Woodruff - We always had a circular courtyard and now we have incorporated the bio-retention to...

Mr. Olsen - I thought it was over here..

Mr. Getz - That is the main stormwater feature. All of the roof drains for the exterior portions end up in that run-off?

Mr. Woodruff - Not all of them because the front half of the building. The townhouse portions of the building along Forester until we can get about 1/2 or 3/4 of the way those will be discharged into catch basins but the back half of the building will go into the underground detention system.

Mr. Olsen - The other plan had the stormwater management on the far...

Mr. Woodruff - We alleviated the use of putting it back there because we didn't have a way of discharging from that pond. Currently if we were to discharge it would be directed towards the Mechanical Rubber site, we would then be taking a large quantity of stormwater and directly discharging into an adjoining property and that is typically not an ideal situation. We have re-directed all of the stormwater to come back into the underground detention system or bypass and go out down Forester into the creek.

Mr. Olsen - Is there sufficient capacity to handle it?

Mr. Getz - Yes and they the calculations to address that. I did not see any footing drains on the plan.

Mr. Woodruff - There are no basements but we will check with the applicant regarding the architectural plans and how they progress and if footing drains will be required we will show them on the plans.

Mr. Getz - On the Landscaping and Lighting plan you should change "rain garden to "bio-retention" and there is an adjoining property under Herrmann and there is an existing tree

line along the edge of the property and work proposed as part of this construction including a fence for privacy, landscaping and some lighting but it is not clear to me whether any of those existing trees are being removed as part of this work.

Mr. Woodruff - We are going to the greatest extent possible to try and retain those trees. We are proposing a 6ft. high privacy fence along both of the lot lines, Herrmann and the adjoiner and as far as planting screening most of it is going to be where the building is going to be. We feel that the 6ft. high privacy fence will really be there just to block the vehicles and headlights. As long as we can try to maintain as much existing vegetation as possible, granted it is a little bit older growth, its a lot of smaller stuff and you will not get as much screening from that then you with a privacy fence.

Mr. Getz - You show a proposed light pole along that stretch and some light that spills over onto that property and very close to that house.

Mr. Woodruff - That spillage is more of an inaccuracy when you create the model because you do have some excess spillage behind the fixture. Will we send out the lighting to get a full lighting design of the entire property so we can actually measure the foot candles at the property line.

Mr. Getz - The 6ft. fence is not going to help the lighting situation.

Mr. Woodruff - Because the way the Iso bars are created it is assuming that there is no hold, no shielding, it's just the fixture itself mounted at a certain height, so you will always get some bleeding behind the fixture itself the way that the software generates but by sending it out to a lighting company who will do the full design and give you specific foot candle measurements.

Mr. Getz - I know that there are very good cut-off fixtures available.

Mr. Woodruff - Yes, if we need to cut-off we could put a shield on the back half that won't protrude any of the lights shown out.

Mr. Getz - We need a lot more detail along this edge of the site because of that neighbor being so close. Easement agreements will be needed per access and utilities in Mechanical Rubber. I would like the entire word for word Bulk Requirement Table on the first page.

Mr. Woodruff - We weren't sure if that table was needed but we will put it on.

Mr. Getz - There are some technical issues about the SWPPP...

Mr. Woodruff - C-Item 3- The filter media permeability - The coefficient that we use is a 2, it is a mixture of top soil and sand that was created by Save the Rain. It is easier to create than the bio-retention soil media that the book requires and it gives a higher permeability coefficient and we have been using that for a lot of our designs across the County.

Mr. Getz - Is that accepted by the DEC?

Mr. Woodruff - DEC will not take a stance on any of this. Save the Rain is a not for profit public entity and they have done their own research and created this soil mix.

Mr. Getz - Can you provide a little back-up on that?

Mr. Woodruff - Yes.

Mr. Olsen - How deep does this go?

Mr. Getz - The bio-retention is goes down 2 or 3ft.

Mr. Woodruff - Essentially it is just a giant hole filled with top soil and sand that will filter a lot of the stormwater and below that is a level of gravel and the intent is to get the water to permeate back into the ground and if it does not it will seep back up cleaner and will go through the overflow.

Mr. Dickover - The fire truck turning template which refers to a "Goshen" fire truck should be checked for size and reflect "Warwick" fire truck.

Mr. Woodruff - A Goshen fire truck is actually larger than the Warwick fire truck. The Captain of the Warwick Fire Dept. gave us the generic dimensions of the fire truck. The one we used for Goshen is significantly larger than the Warwick's and we had the Goshen one already in our model. We will remove and replace "Goshen" with "Warwick".

Mr. Dickover - Can you identify the offsite structures principally on Mechanical Rubber site on the first page of the plan. Are they buildings, or parking lots, etc. We have discussed easements for the Mechanical Rubber site but the Board might want to consider whether or not a stormwater facility management agreement should be applied to this project, that would bind the owner of the project to maintain stormwater facilities that are being constructed here as well as Successors and give the Village the right to come in and do work on those to maintain them if the owner isn't and apply the cost of that to the owner as part of their tax bill. It is a way of making sure the management facilities are being maintained and kept up to date.

Mr. Aulen - That is something we have done in the past.

Mr. Dickover - The revised plan should be sent to the Town Clerk and Planning Board as adjoining Municipalities' and they are interested agencies in this project. We have received the OCDP comments and we have addressed that this evening. No further SEQR is required at this time however as the plans are developed the Board needs to consistently go through them to make sure there has been no changes that might upset the previous environmental determination of this Board and the major issue here has been drainage so we need to make sure that we are not changing anything that might change your previous determination. The Village Board has issued a Special Use Permit, does the Board feel the need to put that on the plan?

Mr. Woodruff - We discussed that at the last meeting, we did add a note on the cover sheet that denotes that a Special Use Permit and the date was granted by the Village Board. I know when it was discussed you did not feel that it was necessary to include the language of the SUP and that the variance received was more pertinent on the plan.

Mr. Dickover - Is that on C-1?

Mr. Woodruff - Yes.

Mr. Dickover - It is referenced on the plan so that should suffice. When the Planning Board determines that a reasonably complete set of plans has been submitted a Public Hearing can be scheduled but I am not sure you are ready for that this evening.

Mr. Aulen - No, not yet.

Mr. Woodruff - May I ask why? Mr. Getz's review has been through and we feel that the plans are in a substantial state where additional revisions will be required but there is nothing that will be forthcoming that we couldn't get in time for a public hearing to be set at the next agenda. None of the comments that were brought up require were substantial they are more technical modifications.

Mr. Aulen polled the Board.

Mr. Getz - I don't have an objection based upon the technical aspects.

Mr. Aulen - Have you received everything you need and everything is spelled out properly?

Mr. Getz - We are asking for some additional information but I don't think they are items that will change the design significantly, they are more of refining on what you already see.

The Board agreed to schedule a public hearing.

Mr. Aulen - I would be concerned that if any of these details are not satisfactory to the engineer you will have to have an extended public hearing.

Mr. Woodruff - We understand that and we do not think that any of the requests that he has made is outlandish or anything that we can't easily obtain by the next submission deadline.

Mr. Olsen - The dumpster are way in the back away from the apartments. Who are those for?

Mr. Woodruff - We are still trying to figure it out what would be the ideal situation to either locate them as far away from the apts. as possible...

Mr. Olsen - That is really far away and inconvenient for some of the people.

Mr. Woodruff - That is why we are trying to figure out...

Mr. Olsen - Can you relocate that?

Mr. Woodruff - We would like to keep it closer to the building but also keep it screened from Forester and from the adjoining properties but leave it to the point we it is not going to create an inconvenience for the people who are there and also for the neighbors.

Mr. Olsen - Is there a recycling bin?

Mr. Woodruff - There will be a trash and a recycling.

A MOTION was made by Jim Patterson, seconded by Karl Scheible and carried to schedule a public hearing on site plan approval on May 14, 2019. (5 Ayes)

VILLAGE VIEW

ALT. CLUSTER SUBDIVISION

VILLAGE VIEW

Mr. Aulen - This afternoon there was a meeting with the Town Planning Board to discuss this project and the procedures to move forward with it.

Mr. Rother - It was the Town consultants and their PB Chairman.

Mr. Aulen - Along with the attorney for the applicant. This particular project will have a road through the Town property.

Mr. Rother - We had a workshop with the Village Board with the first Cluster plan in January and they had some comments about this plan and concerns particularly with regard with the connection to Locust and the stream crossing and the wetland impacts and the fill associated with that and the culvert and just a general diversity of housing. Based on the public comment from the DEIS as well as the comments from that workshop you went back and came up with this proposal which substantially increases the amount of open space in the neighborhood of 50% if you subtract out the stormwater ponds it is 44%, it completely eliminates the second stream crossing, the wetland impacts, we have shifted the road so it is greater than 100ft. away from the stream, although that was not a criteria, it was a comment. The plan that was the subject of the

DEIS had 45 single family homes and this plan has 24 single family homes and the last lot or the 25th lot has 9 two-family structures on it. As far as the number of buildings, there are 33 on this plan and there was 45 on the other, there is several hundred feet less road too. The Village subdivision regs require two means of ingress into the property so pursuing this plan it is basically forcing us to consider what are options are in the Town and that was really the crux of what we spoke about today with the Town and the Town Planner and it was decided the best way to try have a path forward would be to have a joint meeting with the Town engineer, Town Planner, Town attorney, Town PB Chair, Village PB Chair and Village engineer and PB attorney, myself and the applicant. What we are proposing at this point is to construct just the road portion in the Town. I think the consensus both between Mr. Dickover and Ted Fink was the only way to move forward was to go through a Supplemental EIS in that process we would present a concept of what could possibly be developed in the Town.

Mr. Getz - You are just proposing the road through the Town at this point, correct?

Mr. Rother - Yes, we really have no desire to pursue a subdivision in the Town at this time. It is a big expense, we have to drill wells, the applicant genuinely has no intention to develop that now. This is the priority of the focus but because of the Village regulations and the need of 2 ways in is driving us to do this. We would build this road in such a way that it could accommodate some type of development in the Town in the future. We will analysis that in the Supplemental EIS so that we avoid the whole segmentation accusations we have been hearing.

Mr. Aulen - The road would be built to the Town specifications?

Mr. Rother - Yes. We will probably need to cross the utility easement more perpendicularly, I am guessing they will ask for that. We spoke briefly at the joint meeting on how maintenance of this could possibly happen like snowplowing and I think we left it that we would possibly have to have a turn around so both the Town and Village guys can turn around but that could easily be worked out.

Mr. Myrow - What would be done in the Town is there will be a site plan in the Town, no subdivision, it would just be a site plan approval to build the road and improve the stormwater facilites, the SEIS would include an analysis of environmental impacts for that plus the SEIS would contain an analysis of any changes that were made that reflected in the DEIS to reflect what impacts the new plan would have.

Mr. Rother - We are aware that the single biggest inter-municipal issue is traffic because in the Village we have water and sewer and in the Town there are wells and septic, Village has .5 acre density and the Town has 3 acre density but we acknowledge that traffic will be something that comes up so we will update the Traffic Study and although we are not pursuing subdividing in the Town right now we would certainly include the potential number of lots that could be developed in the Town in the Traffic Study because of the potential impacts. As far as this plan, literarily every impact was lower that what was on the 45 lot plan. There are fewer buildings, fewer bedrooms, lower water & sewer usage, lower impervious area, lower area of disturbance...

Mr. Olsen - Walkways on both sides of the road.

Mr. Rother - We had written comments from the Village and it was reiterated again that the connected streets is something that they are encouraging so yes we do have sidewalks on both sides. These nine units and the proposed private road will almost become a site plan. There would only be one Village street.

Mr. Scheible - Would lot 15 be a separate HOA?

Mr. Rother - Yes.

Mr. Scheible - and the ownership?

Mr. Rother - I did mention to the attorney that this question would come up but I am sure it can be worked out somehow. It will probably be an HOA that owns all of the open space and there would be a separate HOA that will be just for these 9 townhomes.

Mr. Scheible - What is the ownership concept for lot 25?

Mr. Rother - Townhouse.

Mr. Scheible - Fee Simple?

Mr. Getz - So you would own half of the unit?

Mr. Myrow - You own a full unit but it would be half of the building. Each unit would be 2 separate tax parcels.

Mr. Rother - My understanding is Townhouse, you own your house and the land under it versus condo where you just basically own the walls. So everything else including this space in the middle, which could be a playground or something like that,...

Mr. Olsen - Isn't that pretty steep? I guess it is not that bad. So it will be grasses and a playground area?

Mr. Rother - If they want.

Mr. Myrow - That is open for discussion.

Mr. Aulen - All of that would be 1 lot and what was discussed is to have an HOA for that particular lot and area, then an HOA for all of the open spaces, so there would be 2 HOA's involved.

Mr. Scheible - Will that stay a private road?

Mr. Rother - Yes.

Mr. Olsen - What is the advantage of that?

Mr. Dickover - Construction standards probably.

Mr. Olsen - What is the advantage to the Village and the public?

Mr. Rother - For the Village it is not their problem, they don't have to maintain it.

Mr. Olsen - But is it a high standard road?

Mr. Dickover - It could be done either way. What they are purposing currently is a private road and if the Board feels it should become a Village street I am sure the applicant would be happy to accommodate. It's probably reduced construction standards, perhaps the width requirements are different.

Mr. Olsen - The Village receives more tax revenue when it is that way. HOA's are not taxed the same right, I mean condos...

Mr. Dickover - I will reserve my answers to that, I don't know.

Mr. Myrow - It could be designed as a 50ft. wide right of way and that can be offered for dedication or not it is up to the Village.

Mr. Rother - It would not affect the layout at all.

Mr. Dickover - Going back to the environmental review of this project, we closed the public hearing on the DEIS and the applicant since that time has been working on their draft of what would become this Boards FEIS and as part of that process they have taken into consideration

comments from the public and the Village Board in particularly with respect to the layout and the other items that Kirk mentioned which has caused them to now present to you an alternative plan. You already have as part of the DEIS the originally approved 28 lot subdivision and I believe 2 versions of a cluster, this would become I believe the 4th alternative in a revised or Supplemental EIS. The Board when you have that type of a situation you follow the same procedure for the DEIS. Once a plan is presented to you in a reasonable final format you would need to identify any additional environmental impacts that have not already been addressed by the current DEIS, those changes would be examined in a Supplemental EIS. The Board can, it's optional, conduct another public hearing on that Supplemental and based upon that you would go back to the Findings stage of the proceeding. This project before you does require you to examine the environmental impacts of the development out in the Town otherwise I think you probably would be impermissibly segmenting the environmental review. I believe the applicant's consultants now agree with that and are prepared to go forward as I just stated.

Mr. Getz - What about re-confirming Lead Agency status?

Mr. Dickover - Because the project is changing with respect to the Town portion it is our opinion that this Board should re-affirm it's Lead Agency status with respect to this alternative and circulate that intention to the Town and they have 30 days to either do nothing and you would continue to be Lead Agency or they could object at which point we would have to negotiate out Lead Agency with the Town. I think on what has transpired already that the Town would concede Lead Agency to this Board and having done that you would have to examine the environmental impacts of the proposed road construction as well as full build out on the Town and the subdivision concept and incorporate that review in your DEIS.

Mr. Rother - We have the annexation of the sliver. I intentionally took this house out of here so that we can not be accused of putting a house in the land that is being annexed, which we were accused of by the public. The Village Board said that roads cross between Towns and Villages all of the time and I am not sure if that is necessarily needed so I took it off of the land. We will do whatever the Boards want us to do as far as the annexation petition. As far as Affordable Housing, we have gotten rid of that from the feed back that I got was if we can create more of a diversity of housing the market will determine what is affordable and what is not and because we now have 18 smaller more affordable dwelling units we are no longer proposing affordable housing that fits the formula of affordable housing.

Mr. Olsen - What are the average lot sizes?

Mr. Rother - The minimum lot size per the Cluster Regs are 10,000 sq. ft. and they are a little bit bigger than that. Something that the Mayor was curious to know how the 2 families would look so we came up with a 2 family concept from Joe Irace.

Mr. Olsen - If you move the garages to the back it would look better.

Mr. Rother - We tried and it does not work, it is too tight. We tried the driveways on the house side and the pitfall to that is you would be getting into more driveway and also there is value in a house in having living space on the corner because you have windows and if we did that we would be devoting the corner to a garage.

Mr. Aulen - I have seen homes like this, the 2 families in some of the subdivisions in the Mid-West and they are not bad.

Mr. Rother - You cannot tell from the picture but it was designed with the garages set back in a little.

Mr. Olsen - So the garages are recessed. That helps.

Mr. Rother - The corners are recessed, it is not flat.

Mr. Patterson - The access into the house is only through the garage?

Mr. Rother - No, it's on the porch. The townhouse units are roughly 2,000 sq. ft., 3 bedrooms and 2 floors.

Mr. Getz - Most of the comments I raised have already been discussed but I see the preservation of the stream corridor and the wetlands associated in the vegetation associated is a big improvement. We see open space now and it is more connected, more effective in buffering people living here and neighbors on Locust St. I think the benefits for open space and meeting the guidelines of the Clustering provision those goals are much better met in this layout. I did not know about that through road when these comments were written and I thought that maybe you were going to build less than 20 units with a temporary turn-around.

Mr. Rother - We talked about that and that is still a possibility as far as phasing it but we figured for this Board in order to conclude its SEQR process you would need to know.

Mr. Getz - Yes. What about the stormwater? The road as it extends into the Town would slope back towards Village View, correct?

Mr. Rother - Yes but we really haven't engineered this yet but there are some stormwater ponds and the reality is that we could take this stormwater and get it to this pond and it would handle all of the run-off.

Mr. Olsen - If it gets filled where would it go?

Mr. Rother - Into the stream by the edge of the property and that has been the plan all along even with the 28 lot.

Mr. Getz - That is not diverting new water, that run-off goes there now so there would be an increase but he is not diverting additional acreage to that stream he is just managing what is there. We will be looking for updated calculations that you meet the State and Village guidelines and the Village guidelines are stricter where you have to reduce peak flows by 10% not just below existing conditions. How will you handle the run-off from the loop road?

Mr. Rother - If it is kept private, I am thinking about sheet flowing it.

Mr. Getz - Where would the run-off end up?

Mr. Rother - It would go out in-between these units and I would do this road as non-curbed and just let it sheet flow off. The green infrastructure requirements like that type...

Mr. Olsen - But you have walkways on both sides.

Mr. Rother - It would be road, grass and then sidewalk at grass level.

Mr. Getz - The main road would really be a typical Village street with curbs and sidewalks but on lot 25 it would be more of a rural feel.

Mr. Rother - Yes. We are not proposing to curb it but we are proposing a sidewalk.

Mr. Getz - Within that lot you will need to provide the Village with easements for the water and sewer mains, etc. This is just my opinion but I prefer to see that small triangle of land annexed into the Village just to clean it up so for whatever reason it is not an issue in the future.

Mr. Rother - The petition been submitted to both municipalities and Mike Sweeton confirmed in our meeting that if the Village wants this piece annexed the Town has no objection to it.

Mr. Olsen - Who would own that property?

Mr. Rother - At this point I would just make it more open space.

Mr. Olsen - Who owns the open space?

Mr. Rother - The HOA and the reality is this will never get developed so it doesn't matter what municipality gets it.

Mr. Dickover - At this point I think the applicant probably needs to submit a site plan application to the Town for the road development and present that plan to us as well and whatever you want the Board to consider, the alternative plan and once we receive that the Board would re-affirm its status as Lead Agency and circulate that intention to the Town and any other involved agencies.

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

Respectfully submitted;

Maureen J. Evans,
Planning Board secretary