

**PLANNING BOARD
VILLAGE OF WARWICK
AUGUST 13, 2024**

Minutes

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:30 P.M.
MAXIMUM OCCUPANCY- 40**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, August 13, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Chairperson, Jesse Gallo, Board Members: Bryan Barber, Scot Brown and Bill Olsen. Absent was Board member Kerry Boland and Alternate Vanessa Holland. Also, present was the Planning Board Secretary, Kristin Bialosky, Village Engineer Keith Woodruff, Planning Board Attorney Elizabeth Cassidy and Jeannine Dreyhaupt, Vanessa Mann, Joe Irace, Ron D'Aurizie, Natasha Walkowitz, Bob Krahulik, Laila and Pete Proulx, and Paul LeDuc.

Chairperson, Jesse Gallo called the meeting to order and led in the Pledge of Allegiance. The Planning Board Secretary, Kristin Bialosky held the roll call.

Acceptance of Planning Board Minutes

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried for the Acceptance of Planning Board Minutes: June 11, 2024.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye
Scot Brown Aye Bill Olsen Aye

Applications

1. **21 Woodside Drive – Shea** - <https://villageofwarwick.org/21-woodside-drive/>
<https://villageofwarwick.org/21-woodside-drive-zba/>

Application for Preliminary Site Plan Review

Discussion

Planning Board Chairperson Mr. Gallo asked the applicants to give a brief overview of their project. The applicant, Ms. Shea explained her site plan was going to be a front porch addition and two additions to the property. She explained that they had gone to the Zoning Board for variance approval, which they had received. At the Zoning Board meeting there was a question regarding water drainage. The water drainage was discussed by the board. The Mr. Gallo asked the Planning Board Attorney Ms. Cassidy to go through her comments on the project. Ms. Cassidy explained her comments were straightforward on her memo dated 8.8.24. Ms. Cassidy stated a public hearing is required and this project is a type two

action under SEQ, therefore no further environmental review is required. Ms. Cassidy recommended to the board that they make a motion to set a public hearing. Ms. Shea inquired why they would need a second public hearing and Ms. Cassidy explained that the Zoning Boards jurisdiction was different than the Planning Boards and a Public hearing is required under our code. Ms. Shea expressed her concern that their variance was only good for six months and Ms. Cassidy recommended submitting a letter for an extension request to the Zoning Board before the variance expires. The Planning Board Engineer Keith Woodruff went through his comments of 8.2.24. He stated condition two of the ZBA decision requests that the applicant provide stormwater management measures on the property to mitigate the stormwater from leaving the property and reaching the neighbor. Mr. Woodruff said to provide a curtain drain or something on the plan that shows the scope of what will be proposed. Mr. Woodruff stated to the applicant that they need to show the location of where the drain system will be on the property. Mr. Woodruff explained that the details need to be on the plans, he stated a note on the plans will be needed, that the roof leaders for the existing dwelling won't be discharging towards the neighbor's property. Mr. Woodruff stated the decision seems unclear on which discharge points it refers to, but it states that no water should discharge onto the downhill neighbor's property. Mr. Woodruff suggested to connect the discharge points into a single pipe, run it along the foundation, and direct the water to a safe discharge location. The applicants stated the basement would not be refinished at this time and therefore the Bilco doors would not be impacted. Mr. Woodruff asked where the air-conditioning condensers pads would be located. Ms. Shea said in the back of the home. The silt fencing was also addressed and asked for a note on the site plans denoting where it would be.

2. **M&L Equity Auto** – <https://villageofwarwick.org/M-and-L-Equity-Auto-LLC/>
<https://villageofwarwick.org/ml-equity-auto-zba-2/>

VILLAGE OF WARWICK
PLANNING BOARD
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Planning Board of the Village of Warwick will hold a public hearing at the Village of Warwick Village Hall, 77 Main Street, Warwick, NY 10990 on August 13, 2024, at 7:30 p.m. or as soon thereafter as possible on the minor subdivision application of M&L Equity Auto LLC and Vanessa Mann located at 42 Orchard Street (SBL 210-11-5) and 18 Elm Street (210-11-16.22). A copy of the application is available for review in the Building/Planning Department located at 77 Main Street, Warwick, NY 10990 during regular business hours. By order of the Planning Board of the Village of Warwick.

By Order of the Planning Board of the Village of Warwick,
Jesse Gallo, Chairman
DATED: JULY 8, 2024

VILLAGE OF WARWICK
PLANNING BOARD
RESOLUTION TO DECLARE LEAD AGENCY AND SET A PUBLIC HEARING
M&L AUTO & MANN

WHEREAS, the Village of Warwick Planning Board is in receipt of an application for subdivision for the purpose of achieving a lot line improvement between 42 Orchard Street and 18 Elm Street

WHEREAS, a Short Environmental Assessment Form (EAF) dated May 8, 2023, was received; and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an unlisted action pursuant to the State Environmental Quality Review Act (SEQR);

NOW THEREFORE BE IT RESOLVED, that the Planning hereby declares itself to be lead agency for purposes of SEQR review and further declares that this is an unlisted action and that an uncoordinated review is warranted.

BE IT FURTHER RESOLVED that the Planning Board shall hold a public hearing on August 13, 2024 at 7:30 p.m. or as soon thereafter as the application may be heard at Village Hall, 77 Main Street, Warwick, NY 10990; the Planning Board Clerk shall cause notice to be published in the official newspaper at least five days prior to said hearing.

By Order of the Planning Board of the Village of Warwick,
Jesse Gallo, Chairman
DATED: JULY 25, 2024

Discussion

Chairperson Jesse Gallo introduced the application. Mr. Krahulik the attorney for Paul LaDuc, the applicant, presented the amended site plan. Mr. Gallo stated the Public Hearing was postponed from the June 11th Planning Board meeting to today's Planning Board meeting. The Planning Board Attorney stated that the applicant handed in the mailing receipts and the affidavit of publication for the notice. Mr. Gallo asked Ms. Cassidy about her comment memo and Ms. Cassidy stated her last comment memo of 5.14.24 was submitted and she had no new comments as there was not a new submission. The Planning Board Engineer, Mr. Woodruff said his comment memo was the same as well. The main concerns are removing the gravel parking area and addressing its remediation, adding the 100-year floodplain to the map, and ensuring proper buffering. These are the key components that need attention, with buffering being the most significant issue. Mr. Gallo stated that revised plans were submitted the day of the Planning Board meeting and Mr. Krahulik explained there is now a note on the plan with remedial work, some grading and stated we're going to do to the area where the gravel was pulled back, so that work is already in progress. Some additions were made, we still have to add the location flood zone, and we're really waiting until the public hearing before we provide any detail for screening, just to give the neighbors the opportunity to appear tonight, tell us what their preference would be, then Paul will provide his idea of what would be appropriate screening and buffering and if the board's so inclined to agree, then the next submission will include some detail for screening. Mr. Gallo asked if the Board had any comments before the public hearing was opened and Board member Scot Brown asked if there was a

record of the most recent approved site plan. Mr. Brown stated that he was concerned that the approval of the lot line change could be construed as a de facto approval of all the improvements on the property since 1980. Ms. Cassidy recommended adding two notes to the plan; that the plan itself does not authorize any construction other than expressly set forth and the approval is solely for the lot line change and does not authorize any other construction. Ms. Cassidy stated she would review the plan from 1989 and assess any difference and update everyone accordingly.

M&L Equity Auto – Open Public Hearing

A **MOTION** was made by Bryan Barber, seconded by Bill Olsen and carried to open the public hearing application for subdivision for the purpose of achieving a lot line improvement for the project located at 42 Orchard Street and 18 Elm Street

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye

Scot Brown Aye Bill Olsen Aye

Chairperson Gallo read the notice of the public hearing and some general rules for the public hearing.

Mr. Gallo asked if there was anybody from the public that would wish to speak. Jeannine Dreyhaupt from 44 Orchard Street addressed the Board: "Good evening. This is my first time addressing this issue because, unfortunately, I was not notified about the Zoning Board of Appeals meeting back in March, as is legally required. So today, I would like to speak about what is on the planning board agenda. Ms. Dreyhaupt stated: As I was preparing for this meeting, I reviewed the documents, and I noticed that a new map was uploaded today. While I have read the notes, I must admit that I feel somewhat overwhelmed and haven't had sufficient time to fully digest the suggestions. For instance, this is the first time I've heard that there would be remediation on my property line with the gravel, along with suggestions for how that will be addressed. Given that this is new information for me, and because this property has been a significant issue that has gone on for a very long time without me having a proper chance to voice my concerns, I would like to request more time to consider everything. I feel like I was blindsided by the submission of this map today, and I want to ensure that I have a full understanding before presenting specific issues." Mr. Gallo addressed the board to suggest leaving the public hearing open until the next planning Board meeting on September 10th. He asked Ms. Dreyhaupt if she had any other comments or concerns, and he stated to Ms. Dreyhaupt that it seemed like she had concerns that she was not voicing. Ms. Dreyhaupt said that it was a delicate situation, and she had a lot of concerns and would like to hear more regarding the buffering that's suggested so she could make a commentary. The board made a motion to keep the public hearing open until September 10th.

M&L Equity Auto – Hold Open the Public Hearing

A **MOTION** was made by Bill Olsen, seconded by Bryan Barber and carried to hold open the public hearing for application for subdivision for the purpose of achieving a lot line improvement for the project located at 42 Orchard Street and 18 Elm Street

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye

Scot Brown Aye Bill Olsen Aye

Chairperson Gallo asked the applicant to discuss the project. Mr. Kraulick the applicant's attorney stated that Mr. Paul LaDuc has spoken to Ms. Mann regarding buffering. Mr. LaDuc said they were going to propose putting in a vinyl fence or trees. Mr. Gallo said there was a concern regarding water. There was discussion of installing trees as the buffering instead of a fence. The conversation discusses the continuation of a vinyl fence along a property line and the concerns related to it, including the presence of mature trees and a nearby stream that sometimes floods, potentially damaging the fence. The current fence appears to slightly encroach on a neighbor's property, raising the need for a shared fence agreement. Alternatives like vegetation, specifically arborvitae, were considered for screening. These plants are favored for their ability to allow stormwater flow and wildlife passage, though they require double planting for full effect. The discussion also touches on the challenges of planting in a floodplain, where the board has discretion over what buffering is appropriate. The conversation concluded with the idea of dense arborvitae planting, removing gravel to allow for proper growth, and ensuring the fence is consistent with the existing structure, addressing snow removal and property encroachment concerns. Mr. Kraulick said they would add that to the next submission. Board member Mr. Brown stated that it is still contingent on the zone change of that piece of property through the Village Board. Ms. Cassidy, Esq. stated the most complicated factor is that the property is not a straight piece because of the flood plain. The Board needs to decide what's most appropriate in light of that situation. Mr. Brown said water is a problem and Board member Bryan Barber wanted to make sure the plantings would be ok if there was a flood. The Planning Board Engineer Keith Woodruff said a shrubbery will not be conducive to providing any kind of screen. The applicants will come back for the continuation of the public hearing on September 10th.

3. 9 Campbell Road – Prolux - <https://villageofwarwick.org/9-campbell-road/>
<https://villageofwarwick.org/9-campbell-rd-zba/>

Application for Site plan approval.

Chairperson Gallo asked for the introduction of the application. Joe Irace the architect for the project introduced the project and he stated Peter and Laila Prolux who purchased a garage on 9 Campbell Road and are now seeking approval to build a residence on the lot. They had previously obtained a variance from the Zoning Board of Appeals after multiple meetings, where they made several concessions, including scaling back the garage to meet setback requirements. The original garage was non-conforming, built without a permit, and objected to by neighbors due to its barn-like appearance. Peter and Laila decided to maintain the garage as a smaller, more appropriate two-car garage and focus on building a new period-style residence that fits the neighborhood's scale and aesthetics. The lot is non-conforming, and they faced challenges meeting setback and lot coverage requirements. Despite some objections from neighbors, the Zoning Board granted the necessary variances. Now Peter and Laila are before the Planning Board, they are ensuring compliance with the agreed-upon conditions, including stormwater management, sewer hookups, and other utilities. They hired an architect, Brian Friedler, who helped refine and detail their plans, including specific recommendations for the sewer system and connections. Although Brian Friedler, the applicants Engineer isn't present, Joe Irace offered to relay any questions or comments to him. Ms. Cassidy stated that the project is subject to 239 and needed to be sent to county planning the project also needs to have a public hearing at the next Planning Board meeting and the applicants can address any screening along the rear of their property, but it was not required but it should be considered. Ms. Cassidy was going to check if the Golf course was in the residential zone. Ms. Cassidy was raising concerns about possible golf balls hitting the new structure. It was suggested to consider screening for privacy and protection. There were also talks about the timeline for permits and ensuring that the variances don't expire before construction commences. The board discussed the aesthetic and practical aspects of the project, such as driveway material and the potential need for a

sidewalk. It was established that the property is the only one on its side of the street with a sidewalk, leading to a debate on whether a new sidewalk should be installed or not. The board also considered the implications of adding utilities like water and sewer to the new garage, emphasizing that the garage should not be used for residential purposes. Concerns about accessibility and aesthetics were also raised, particularly regarding the use of pea gravel for the driveway and the possibility of using a polymer to stabilize it while keeping it permeable. The Board felt the pea gravel driveway was acceptable.

The Board made a motion to refer the project to OCPD and to hold a public hearing at the next planning board meeting. The Planning Board Attorney and Planning Board Engineer both concurred that the plans were suitable for submission for the public hearing and all comments could be made conditional of final approval. The Board discussed the possibility of the project adding a sidewalk and it was determined that no other properties on that side of the street have a sidewalk. The Board all agreed a sidewalk would not be required.

9 Campbell Road – Refer 9 Campbell Road to Orange County Planning Department

A **MOTION** was made by Bryan Barber, seconded by Scot Brown, and carried to refer project to the Orange County Planning Department on the site plan application for 9 Campbell Road.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye

Scot Brown Aye Bill Olsen Aye

9 Campbell Road – Schedule of Public Hearing

A **MOTION** was made by Bill Olsen, seconded by Bryan Barber, and carried to schedule a public hearing for September 10, 2024, on the site plan application for 9 Campbell Road.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye

Scot Brown Aye Bill Olsen Aye

Executive Session, if applicable

Discussion: Floodplain Management Survey – It was discussed and determined that survey participation is completely voluntary. The Board did not complete the survey, and the Planning Board secretary was to send the response to FEMA by email.

Adjournment

A **MOTION** was made by Scot Brown, seconded by Bill Olsen, and carried to adjourn the regular meeting at approximately 9:30 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye

Scot Brown Aye Bill Olsen Aye

Kristin Bialosky, Secretary to the Planning Board