

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

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
JANUARY 14, 2020

The monthly meeting of the Village of Warwick Planning Board was held on Tuesday, January 14, 2020. Present were: Jim Patterson, Jesse Gallo, Bill Olsen, Kerry Boland, Michael Dombrowski, Village Engineer, Dave Getz and Planning Board attorney, Robert Dickover. Others present were: Robert Silber, Jay Myrow, Kenneth Wersted, Brian Singer, Chris Rainato, Andrew Featherston, Nathan Unger and others.

The Board recited the Pledge of Allegiance.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to accept the minutes as amended of the December 10, 2019 meeting. (4 Ayes) {1-Abstention - Mike Dombrowski }

VILLAGE VIEW

TRAFFIC ENGINEER  
DISCUSSION

VILLAGE VIEW

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Mr. Patterson - Are you aware of the 2007-2008 traffic study.

Mr. Wersted - Yes, we used part of that in part of our analysis and one of the things that we looked at was what were traffic volumes like back then and what they are currently and we did a comparison over the 13 or so years. We found some of the intersections in that 13 yrs. had decreased slightly and some have increased. We noted how much traffic flows through each intersection currently and we also did a comparison to the traffic volumes that were present back in 2005. On page 4 of our report we noted that the Grand St. and Maple Ave. intersection in the morning peak hours had increased about 1% while the afternoon peak decreased about 1%. We also looked at Maple Ave. and Locust in the morning which increased by about 4/10 of 1% while

the afternoon had decreased by 1/2%. Over that time I would say that it is remaining relatively stable, it is not a big increase or decrease.

Mr. Patterson - You mentioned peak hrs. , who decides what the peak hrs. are and what the busiest day would be? Unless you did a survey throughout the week how would you know?

Mr. Wersted - The DOT goes through every 3 years or so and does traffic counts and then makes them available and that really documents the patterns. This being a residential development we focused in on commuter times, in the morning going to work and in the afternoon heading back home. There is going to be garbage trucks, deliveries and the post office coming in and out throughout the day but it is primarily those peaks of 7am-9am and 4pm-6pm.

Mr. Getz - Is the data you collected consistent with what you expect for those peak hrs.?

Mr. Wersted - Part of the information provided in here is based on ITE, the Institute of Transportation Engineers and they look at developments for different land use categories, commercial, residential, retail, etc. They will take a residential neighborhood, count the units and count how much traffic comes in and out. They compile the data and is published in their book under trip generation and as more information becomes available they compile that and make it available to traffic engineers to use. Although it is hard to predict how much traffic a residential subdivision is going to generate so we use that information to estimate how much is coming from a proposed development. So the 42 units proposed, the morning estimate would be 35 trips generated. A trip is one vehicle entering and 1 exiting. In the morning it would be about 9 trips entering and 26 trip exiting in the afternoon it goes up to 44 trips because of more activity. A common question is if you have 42 homes with at least 2 cars that would be 86 trips, not everyone goes to work at the same time, it will vary and that is why ITE information complies all of that and while there may be 86 trips in and out of several hours we look at the peak. As you know traffic volume will go up and down throughout the day and how we analysis how much traffic on a road and how much capacity the road has if the volumes are going up and down all day so we focus onto the peak hours. The equations that are set up by the Transportation Research Board which is like a governing body, they developed all of this research to measure how wide the road is, how many lanes there are, what type of traffic control is there, how much traffic is going through that intersection and then they give it a report card or a grade. Level service A means it is really good and very little delay and Level service F is bad and you will wait a long time at that intersection. Those parameters guide us to looking at those peak hours. The distribution of traffic, we looked at existing traffic volumes out to those intersections and we looked at the road network itself and we looked at the distribution of where the homes are within the development with that we estimated approximately 10% of the traffic may come out and go North, 60% going South on Locust out towards Maple and we had about 30% coming down Woodside towards Grand. When you take that volume of traffic that is going in and out and you divide it up it starts to dissipate so with that distribution we apply that too our trip generation and on Figure 5 of our study it depicts how many cars are going in each direction which show 2 or 3 cars coming down Locust onto Maple, 16 going out in the morning with about 5 coming up in the morning. In the afternoon we have 9 going out and 17 coming in.

Mr. Patterson - These numbers that you are throwing out, are we talking about existing cars coming out now or with the new development?

Mr. Wersted - It is just the new development. Are you interested in how much would be there afterward this?

Mr. Olsen - Yes.

Mr. Wersted - That would be Build Traffic Volume and we have 3 different scenarios, the after conditions (page 6 of study) on the North end about 55 to 60 vehicles in the peak hr.

Mr. Olsen - Is that 2 hrs?

Mr. Wersted - No, 1 hr.

Mr. Patterson - So there is about 50 there now and you are adding 5...

Mr. Wersted - It is probably in that range of 55 and then we are adding a few cars from the actual development. Down Locust toward Maple there are about 50 vehicles going in that direction in the am and we would be adding about 16 vehicles so the numbers are going up but we are still looking at volumes roughly about 1 car per minute in that direction.

Mr. Getz - That is an average over the hour, there will be times when you could have several cars simultaneously?

Mr. Wersted - Yes, you could have a neighbor or 2 leaving at the same time and they meet at the bottom of the road.

Mr. Olsen - Does it include school buses?

Mr. Wersted - Yes everything going in and out of the development would have been counted, landscapers, garbage trucks, post office, deliveries all of the stuff is part of the trip generation going into it, it is not exclusive only to residents.

Mr. Getz - This was counted and analyzed based on a weekday?

Mr. Wersted - Yes.

Mr. Getz - The weekends are considered to be smaller peaks.

Mr. Wersted - Yes, the weekends residential neighborhood behave a little bit differently because there is no pressure to get out at 7 or 8am and they mow their lawns and do things around your house and leave mid-day.

Mr. Olsen - Did you look at the new road which way typically people will come out towards Grand or Maple?

Mr. Wersted - We had roughly 45% of traffic turning left over to Locust and we had about 30% turning right.

Mr. Olsen - How will it affect this intersection?

Mr. Wersted - No build versus build out on Table 3 on page 5 of our study is part of the study where you can look at before and after. The intersection of Locust & Woodside, in the am peak hr. we have no build conditions and it operates at Level Service A on all of the approaches, on the build conditions in the am it is still Level Service A...

Ms. Boland - What is Level Service A?

Mr. Wersted - It is like a report card for the intersections. A - is really good with very little delay and F - failing with a lot of delay. So if we compare the before and after we were at Level Service A before the project and we are at Level Service A after the project. The delay increases there are measured in tenths and little is going to change there. In the pm peak hr. it is the same story, Level Service A with the average delay around 7 seconds in the no build and with build out it is still Level Service A. As part of SEQOR we also looked at the development of the Town parcel and we did a Sensitivity Analysis but went through the same process and Table 4 includes the results of that and the no build condition is the same with the 42 units + the 25 we are still

looking at Level Service A. For as much traffic that is perceived to go through there or measured there is still the capacity to add more traffic to that intersection. It is not a busy intersection, that is why even when we add all of these units we are not seeing any big change in the Level Service.

Ms. Boland - Does your study speak to the quality of roads?

Mr. Wersted - It did not look at a detailed evaluation of the roads but I have driven all of the roads and my impression is that it is a little bumpy and there is a process called True and Leveling where you remove the bumps and make it smooth but if the traffic is very low, which it is, there is not a big need to go out to try and correct the conditions. I did notice that the Stop sign on the westbound direction does not have a lot of reflectivity and there are minimum standards for safety reasons.

Mr. Olsen - Other than traffic are there safety issues that should be addressed by the applicant?

Mr. Wersted - We did look at how many accidents were out there and it is shown in the back of the report. It is a map/summary of the accident data that we received from DOT. I think we looked at 3 yrs in total and all of the blue dots shown on the map represent accidents that were reported back to the Police and the DOT compiles all of that information, location, type of accidents, injuries, etc. North of Valley View Circle there was an accident on Sleepy Valley, I believe there were two at the intersection of Woodside, the intersection of Locust and Maple there were a couple of accidents too.

Mr. Getz - What time period would this be for?

Mr. Wersted - A 5 yr. period from Sept. 1, 2012 - Aug. 31, 2017.

Mr. Olsen - Any injuries in those accidents?

Mr. Wersted - 1 injury and 1 property damage. The property damage is basically that they hit the guardrail or it was of a level where the Police called it a property damage accident, a non-reportable accident would be something like a fender bender or if it is less than \$1,000.00 worth of damage they classify it as non-reportable, assuming that there are no injuries. It looks like 1 was an overtaking sideswipe and the other was a fixed object/animal accident. A majority of the accidents are on Maple Ave. towards the signal and obviously there are more driveways coming in and out of the road there, there is more activity and the hospital is down there.

Mr. Patterson - There has been some conversation about the intersection at Locust and 17 as far as the entrance being tight as with all of these different intersections and not necessarily the quality of the roads but the quality of the intersections themselves. Do you have any recommendations as far as the intersections?

Mr. Wersted - Particularly at the intersection of Locust and Maple part of what could influence that is your sight distance. I believe the sight distance there is okay but the more sight distance you have the more comfortable you feel coming in and out of there. As you pull out of that intersection when you look to the left or North I believe there are some branches and vegetation that starts creeping in towards the road and that can affect how far away you can see the car coming southbound. When you look to the right of the intersection that area is pretty clear but there is a retaining wall towards the South end of the property and you start to get some vegetation that is closer to the road and that can affect it as well.

Mr. Patterson - Do you think it is the same as in the summer when the trees are in bloom?

Mr. Wersted - It will change in the summer and it changes over time.

Mr. Olsen - The sight distance at the intersection of Woodside is pretty good, right?

Mr. Wersted - Yes but there is a curve in the road through this area which limits your ability to see up the hill but with the all-way Stop it is a moot point.

Mr. Olsen - Could that be re-aligned to make it better?

Mr. Wersted - It would depend on how much right of way is available and how steep is the slope.

Mr. Getz - The Village has mitigated the limited sight distance by having a 3-way Stop.

Mr. Wersted - When you are looking at the traffic volumes going through that intersection it doesn't warrant an all-way Stop but it does help mitigate the sight issue. If you go up Valley View and come around to the side, you have the inside of the curve and a lot of vegetation on the curve so it is better to come out in the dark when you can see headlights then during the day so it is very limited right through there.

Ms. Boland - The new road that going to enter at Woodside and the distance of it from the 3-way Stop.

Mr. Wersted - We looked at that intersection in the morning and there were about 20 cars pulling out of the intersection which is one car every 3 minutes or so. With the volume that is coming out of Woodside, Woodside will never back up all the way to the intersection and there is never going to be anyone waiting for someone to pass to pull in or out. As I think people experience over at the other intersections most of the time when you pull out you are not going to encounter another vehicle in that area.

Mr. Olsen - You will probably recommend another Stop sign here?

Mr. Wersted - Yes, this being a minor road and this being a major road of that intersection a Stop control would go on to the site driveway part of it.

Mr. Dickover - To summarize the results of your study at the intersections that were examined did the level of service in any of them change from the no-build to the built condition? The intersection at Locust and Woodside was all Level Service A's throughout all of the conditions, Locust and Maple were Level Service B on the Stop sign approach throughout the entire morning and in the afternoon, it was Level Service B at 14.9 seconds and it goes to Level Service C at 15.3 seconds, 15 being the threshold, the 4/10 of a second trips it from a B to a C.

Mr. Patterson - That indicates the wait time?

Mr. Olsen - It that that mainly for traffic North and South on Maple?

Mr. Wersted - Coming out onto Locust. Locust will have to yield to the traffic on Maple. Everyone going South, there is no Stop sign so they just continue. The only people who have to stop in the North bound direction is to make a left turn to come onto Locust, so that service is a Level Service A in the am and pm. On the Grand St. and Maple/17/94 approach in the am it operates on a Level Service C and in the pm it operates at a Level Service D with no change between build and no-build. Grand and Woodside operates at a Level Service A & B am and pm and the same with Grand and Crescent, which is an all-way stop which is Level Service A, am & pm. The driveways on Woodside is Level Service A. There is really no change between the no-build conditions and the built conditions whether it be part of the 42 units or the 42 + the 25.

Mr. Dickover - Except for the intersection of Locust and Maple.

Mr. Wersted - Correct.

Mr. Dickover - It goes from a Level B to a C, does that change typically require any type of mitigation?

Mr. Wersted - Not particularly, because the intersection does not have a signal so even at Level Service C that is still a good condition and the difference between before and after is 4/10 of a second . I have seen conditions where it is Level Service F and only for a particular peak time and before and after the peak time things operate better when we are looking at Level Service B's & C's there isn't any trigger for improvements.

Mr. Dickover - Any signalization of that intersection as well as improvement of the intersection itself, widening, adding turning lanes, etc. would be subject to NYS DOT permit and approval. In circumstances such as this have you ever seen applications made to the State DOT where permission for those improvements were granted?

Mr. Wersted - Not at that level. If there were 500 units, the traffic volumes would be that much higher, impacts that much greater and DOT would have to look at that.

Mr. Dickover - This Board has heard comments about the condition of the roadway from the intersection of Woodside as it goes up the hill and heads out of Town and you described it as being a little bumpy, if that roadway were to be leveled and straightened and/or the curves taken out of it, does that affect the speed of cars that travel on improved roadways?

Mr. Wersted - The drivers themselves would be more comfortable driving faster. The volumes are generally low out here so I think most of the drivers are familiar with the road, they know where the turn it, the dip, what to avoid, etc. If we were to widen or just clear the vegetation out from alongside the road that would certainly opens up some sight lines and you could feel more comfortable driving through there and if you start widening the road as well you again have more comfort, wider lanes, etc. and potentially people will drive faster. There really is not any significant curves until you get way to the North. The guardrail itself down through the lower section is pretty visible and I know there are some reflectors down towards the Stop sign which gives it more visibility.

Mr. Dickover - Did you examine the intersections on the Northern side of Sleepy Valley Rd. where Valley View to see what affect the traffic on Sleepy Valley Rd. may have for exiting the development?

Mr. Wersted - Not specifically but if we do a comparison of Woodside and Locust we can say by comparison that Woodside and Locust are operating on a Level A and the same conditions would exist up at the intersections of Valley View. It is essentially the same traffic but it is also less traffic to a degree. There is a smaller percentage traveling up in that direction and also coming in off of the two approaches of Valley View.

Mr. Dickover - The Board also heard comments about the quality of the road of Woodside going towards Grand, in your analysis do you have an opinion with respect to the quality of that road? Does it require any improvements, widening, anything that would help the safety of that road in particular?

Mr. Wersted - The northern section of Woodside is a little more narrow as you go further South towards Crescent it seems to widen out...

Mr. Patterson - Does it get more narrow as it goes down or in one spot that just seems to change?

Mr. Wersted - The intersection of Woodside & Crescent, that is kind of a little point and as you go further North I think it feels like it narrows down. In either case there is plenty of width for 2 cars and it has a similar paving condition as the other roads.

Mr. Olsen - What about street lights, are there any? Would it help?

Mr. Wersted - I don't think there are any street lights and I don't know that it would help, there is not a lot of traffic going through that intersection. It is not necessarily a surprise a car will come out from a side street. I think other than just illuminating the intersection to see it in the dark , I don't see a lot of effect. The two accidents that happened over the course of 5 years, I don't think lighting would have changed that.

Mr. Patterson - It appears that coming down Sleepy Valley Rd. the cars seem to travel very quickly and it seems to be a big issue safety wise. What do you think if we were to create a Stop at Valley View Circle and Sleepy Valley Rd. or rumble strips would work? What would be a better deterrent?

Mr. Wersted - I would be cautious of rumble strips because they will make noise every time a car goes over them and it could become more of a nuisance to the neighbors. Putting Stop signs there is something to think about particularly for the sight distance issue but in terms of speed I don't think it will change speed North on Sleepy Valley Rd. more so in the Town, it would certainly start to slow cars at the Stop sign and it may have a continued affect down towards Woodside Dr. intersection but in its self Stop sign are not recommended as a speed deterrent, for the simple reason of having an unwarranted Stop sign starts to breed disobedience.

Mr. Dickover - Are there other types of speed mitigation other than rumble strips and Stop signs that could be considered?

Mr. Wersted - I believe there was some enforcement that took place recently, speed humps or speed tables are another common one and basically what it does slow down the speeders but the challenge would be the grades because if you are going up-hill and you hit a hump or table it is a little be more of an up-hill grade and plowing is manageable.

Mr. Dickover - What is a speed table versus a speed bump?

Mr. Wersted - A table has a flat top to it and a hump is essentially like a speed bump that you would see in a parking lot stretched out to 6 or 7 ft. A table is very similar with the same height but it has a flat spot in the middle of it. It is easier to go up an over it and you can go over it faster.

Mr. Patterson - If we were to go this avenue would you be able to offer suggestions on how far from the intersections they should be placed?

Mr. Wersted - Not at the moment, but you don't want to put them too close or too far apart.

Mr. Dickover - Before they are constructed would a study be advisable of the relative speeds on that street?

Mr. Wersted - Certainly, obviously you don't want to try and mitigate or improve an issue if you don't have one. Part of it is identifying the issue and coming up with an improvement that will address that issue.

Mr. Dickover - Are there other types of speed control measures that could be constructed?

Mr. Wersted - There is narrowing the road, chicanes, there is a little bit of a laundry list of different aspects and most of them have to do with narrowing the perception of how wide the road is and visually the comfort but it is already a road that has some of the features to it.

Ms. Boland - Given the variable that traffic from the proposed 42 units subdivision will have little to no noticeable increase over the approved 28 unit subdivision, what about compared to no-build?

Mr. Wersted - The same thing with no-build. If you look at tables 3 & 4 and do a comparison of the no-build and the build. We can look at those intersections and we can see the differences in

the letter grade and if you start to look through the actual seconds of delay there is very little change. If this was an intersection that already had 200 cars going through it per hour, all of those levels would be higher but right now with this much capacity and existing traffic is only using this much and then we add these developments it is still very low.

Mr. Getz - Have you seen the Town's engineering consultant, HDR, who wrote a review letter on the project on December 20, 2019. The first eleven comments refer to the traffic study so the Board would like you to address those as part of our review. I think you have addressed some of them tonight verbally.

Mr. Wersted - Yes and I have looked through some and some do refer back to the FEIS, the 2008 version, so I would get with our team to indentify some of those specifics and address those.

62 GALLOWAY RD./  
OVERLOOK DR.

AMENDED SITE PLAN  
APPROVAL

WARWICK COMMERCIAL  
PROPERTIES, LLC

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Mr. Singer - Several years ago I started the process of purchasing what was essentially 2 lots which I then divided into 3 lots with another lot to make 4 lots. I received site plan approval for 3 lots because the 4th lot was located in the residential zone. What I am proposing to do is amend the site plan by including the 4th lot and because of cross-easements and because I am the same owner throughout all of the parcels it will allow me to use the calculations and amend the site plan and at the same time do a lot line change to address 4 Overlook so I can delineate parking for 4 Overlook. I am proposing an amended plan attaching 4 Overlook to the other 3 lots and do the calculations for stormwater, bio-retention areas and parking.

Mr. Getz - The upper lot has an existing building that you renovated and turned into commercial space, correct.

Mr. Rainato - We will be submitting a whole site plan amendment.

Mr. Gallo - Has all of the site work been completed?

Mr. Singer - No, there are other areas that need to be addressed.

Mr. Rainato - We are going to add this plan to the other site plan as an amended site plan and quantify all of the calculations, parking, stormwater, water quality...

Mr. Patterson - When you say adding to it I am a little confused because you are talking about changing it to this location but then adding it to...

Mr. Rainato - I am just saying adding it the site plan. I am going to take the old site plan that was presented and put this information on it so you can review it as a whole.

Ms. Boland - There is a new building being constructed there...

Mr. Singer - No, it is existing, it is being renovated.

Ms. Boland - There was a brown high ranch...

Mr. Singer - That was over there and it is gone. This is the same footprint and nothing has changed on it. I am before the Village Board to change the zone to Limited Office Overlay.

Mr. Getz - That is just for the upper lot?

Mr. Singer - Yes.

Mr. Dickover - What we really have is a lot line adjustment and the a unified amended site plan. Other site plans that have come before this Board are normally one lot and here we have a unified plan with more than one lot all being developed as a unified plan which you have different parcels but the whole property is being developed as a unified site plan which is how you get into cross easements, utilities, cross easements for access and egress and parking. Because the calculations for all of the different users are counting parking that is on somebody else's lot it is developed as a unified site plan and cross easements will benefit all of the properties. Typically the requirements is that the properties can't be developed without further site plan because if you are going to develop 4 Overlook ten years from now and you eliminate the parking you just eliminated the parking that was required for the other lots as part of the unified plan.

Mr. Dickover - What is the neighboring property on 4 Overlook?

Mr. Singer - It is zoned Residential.

Mr. Dickover - Are there any zone change requirements for this plan?

Mr. Singer - Yes, I am before the Village Board to have the zone changed from Residential to Limited Office Overlay.

Mr. Dickover - Mr. Rother should contact me regarding the SEQR.

Mr. Singer - I started this process a couple of years ago but I will have him contact you.

Mr. Dickover - There are some screening requirements when you have a commercial use adjoining a residential parcel.

Mr. Singer - There is already a fence there and currently, I think I have the only parking lot in the Village that no one can see.

Mr. Dickover - Are there any changes proposed for the corner of the property at 2 Overlook and 62 Galloway?

Mr. Singer - No, there are a couple of things that were added from the original through the Village of Warwick, there was a catch basin because something got changed up the street...

Mr. Dickover - You ran into some existing conditions that you didn't know about.

Mr. Singer - Yes.

Mr. Dickover - Do we need to involve the State DOT in this?

Mr. Singer - No, everything has been brought to the point where my apron is curved out into the DOT right of way which has been addressed. I am outside the DOT right of way. The only remaining issue I have with the DOT is that the belgium block curb is in their right of way and I did not know that so that will be changed.

Mr. Dickover - That is all from your prior approval. What about this one?

Mr. Singer - No.

Mr. Olsen - How is the stormwater management functioning?

Mr. Singer - Excellent.

Mr. Rainato - It was designed for a 100 yr. storm.

Mr. Singer - To the best of my knowledge there has been no heavy discharge and there is no sediment.

Mr. Getz - Regarding changes to the old plan, he will be providing calculations to show that they made some changes during construction i.e. they did not build a bio-retention area but they will show how they will compensate for that by putting a larger area somewhere else and thereby accomplish what we specified.

Mr. Dickover - So they are going to update the current sit plan for those parcels...

Mr. Getz - I don't know if every lot is included but some will.

Mr. Singer - When we amended the site plan we changed the footprint because of how I had to do the utility poles and once the footprint was changed and built the retaining wall, we missed it when we changed the plan but we are going to address it now by putting another area that can take the water that comes down in that area.

Mr. Patterson - So you will address the calculations with the whole lot?

Mr. Getz - Yes. We made a list 3 or 4 years ago of the status at that time and there were various construction items that were not completed and the major one is the landscaping so we will be looking for that as part of the current plan along with an update and status with the DOT. The DOT required a permit which I believe has not been completed.

Mr. Singer - I believe I can get the permit but I can't do the work until April 1, 2020, that is the DOT requirement for pouring concrete. There is a permit sitting there so on April 1, I will changed the belguim block to concrete curbing.

Mr. Getz - So as part of your submission you will have site plans but you will also have a lot-line change plan, which will be filed with the County Clerk's office correct?

Mr. Singer - Yes.

Mr. Getz - Your EAF and all of the documents need to list those approvals.

Mr. Patterson - Did you see the minutes from the Village Board? What is our next step? It says the items on the checklist need to be done first.

Mr. Dickover - It is something that the Village Board discussed with the applicant and I am not sure what that is all about but they are speaking to my questions about the SEQR process. Normally the Board that receives the application first will declare themselves to be Lead Agency and that has not happened with the Village Board. Once we have the complete plan we would declare ourselves Lead Agency and then our determination would be binding on the Village Board for the zone change. Only one Board should be the environmental review agency and it should be this Board. Are there any new water or sewer lines proposed as part of this project?

Mr. Singer - No.

Mr. Dickover - What about a stormwater management facility agreement? Does it call for one now with these bio-retentions.

Mr. Getz - Yes.

Mr. Dickover - When we receive the new plan it is required to go to the OCDP.

WARWICK COMMONS                      AMEND SITE PLAN                      WARWICK COMMONS STAGE 5  
APPROVAL

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Mr. Myrow - Mr. Unger is a principal in the company that is in contract to purchase the property and the project. The approval has been extended over the years and I think universally the approved design is not ideal. The plan has been designed and it is our belief that we have lessened the intensity, cleaned up the road system and every environmental impact that was identified in the FEIS has been lessened which we will prove once we get into the process.

Mr. Featherstone - The project received an amended site plan approval on May 17, 2012, the site is 15.3 acres with frontage on Brady Rd., there is an existing road with pavement and curbing,

water, sewer do some degree, some drainage and it is completely overtaken with vegetation. It is built in conformance, it looks like there is a stub, a hydrant, right now it looks like a 5-way intersection. The zoned R and requires a Special Use Permit and it is compliant with all of the zoning requirements with the exception of developmental coverage. We are looking to reduce the coverage number with this proposal as opposed to what was approved previously. The prior plan had 65.7% of coverage and we have it at 62.2% of coverage. There are no NYS DEC wetlands on the site. There were wetlands flagged in the prior plan and we re-flagged the wetlands this July. We believe that they remain to be in the Federal Jurisdiction. The prior plan on the table had 15 buildings and 116 residential units and a couple of carport garages. We are proposing 14 buildings, 90- 2 bedroom units with a 2 car garage in every unit plus there is space for 2 more cars on the driveways and there are 42 visitor spaces scattered around the site. We have clustered some mailboxes at the entrances to the driveways along with trash and recycling facilities at those locations as well. We tried to make the roadway network in loops so you could turn around and make it a through road and we have one of each. We want a 4-way intersection at Brady and another 4-way intersection up here and we have a cul-de-sac. We are not cutting off the HOA on the North end of the site, we are still giving them access. We would like to advance this plan after we hear your comments. We need to do some stormwater improvements which needs to be designed. The dam, we had conversations with who was then the OC delegate from DEC Dam Safety and our opinion is that the dam should be removed, the lake drained and a culvert put in it's place so it can revert to what it was originally, a stream. The pond seems to serve only one purpose, there is a dry hydrant on there for the Fire Dept. I need to speak with the Fire Dept. to make sure they don't need that water, there are signs for no recreation, no fishing or swimming. It does not provide any flood control, no mitigation, no reduction in flows to the downstream area.

Mr. Myrow - The dam is not on our property, however, we have committed to...

Mr. Featherstone - It had numerous permits granted from DEC to do a repair with a one sheet plan and I don't think it is buildable.

Mr. Myrow - Our client is committed to pay for that repair which I assume is really the obligation of the owner or the HOA.

Mr. Dickover - That dam was an intricate part of this Board's approval, the CO's and Building Permits were all tied to the dam.

Mr. Featherstone - I believe what it says is "you are either going to fix it and bring it into compliance or you are going to remove it".

Mr. Getz - I think it was you who came up with that idea.

Mr. Myrow - We are going to do whatever the DEC requires.

Mr. Getz - We need to approve it also, the DEC may not look at the hydrologic impacts as much as we would.

Mr. Patterson - How long does the approval process from the DEC take?

Mr. Featherstone - Probably 6 to 9 months.

Mr. Olsen - There is a road over the dam and I assume utilities under that road.

Mr. Featherstone - There are. The dam would be slowly drained, allow the dam to re-vegetate for erosion prevention and look at the sediments for anything harmful. There is another road that comes out so people who have to cross the dam to get to their units they will still be able to do that through that lower roadway. The utilities would have to be supported temporarily while the culvert is constructed.

Mr. Getz - So, when you are done the road would stay as is and there would not be a pond up stream.

Mr. Featherstone - Yes. The dam repair plan that was permitted proposed raising that road considerably and all that is doing is putting more water and energy up on the hill, without the dam you would just have a stream which is a much safer condition.

Mr. Patterson - How long would it take before you have preliminary approval from the DEC if they approve that direction?

Mr. Featherstone - It is really a permit not an approval...

Mr. Patterson - So about 9 months to figure out whether they will accept this plan or whether they will insist on the dam.

Mr. Featherstone - I am giving you a long lead time because they are very short staffed.

Mr. Patterson - Understood, but we are in a situation right now where up till this meeting we thought that this dam was going to be re-built and it was understood that the dam would be done before a shovel went into the ground. If we go into a different direction with this dam we would need some kind of commitment from the DEC that they will approve the removal of the dam.

Mr. Featherstone - I am sure I can get a letter for the Board that says "the dam is in violation, the dam has been deemed to be unsafe and it either needs to be removed or repaired."

Mr. Patterson - I have never seen anything from the DEC that says remove it.

Mr. Dickover - In 2012 this Board granted the latest amended site plan the stormwater requirements had already changed and the last amended site plan was supposedly in compliance with those latest stormwater regulations. The plan was probably done in 2010, have the stormwater regulations changed again?

Mr. Featherstone - 2010 was the real big change with run-off reduction and water quality volume, it removed first flush and some of the things that are on these design plans were concrete structures under the ground which no one uses, they use plastic,...

Mr. Dickover - Those are design changes they are not driven by regulation changes.

Mr. Featherstone - Yes, it is newer technology to do the same thing.

Mr. Dickover - This new plan that you are proposing will incorporate all of these new design changes and compliant with current regulations?

Mr. Featherstone - Correct, which will be reviewed by your engineer.

Mr. Dickover - You may want to take a look at the sequencing of the work that is laid out in the prior site plan approval. It will give you a flavor for what the Board at that time was concerned about with respect to the dam and how important it was to this Board that the dam be done before construction was allowed on this last improvement.

Mr. Featherstone - I believe that the permitting and the initiation of construction can start in advance of this.

Mr. Patterson - Until we hear differently from the DEC this Board is assuming that the dam needs to be built so we obviously want some type of confirmation.

Mr. Getz - Their old permit has expired but yes.

Mr. Dickover - You indicated that these roads are turn-arounds or through roads but this one on the bottom left hand corner of your plan looks like it dead-ends at the property line...

Mr. Featherstone - It is a continuous road.

Mr. Getz - Yes and it is actively being used today.

Mr. Dickover - In the upper left-hand corner, that looks like a cul-de-sac.

Mr. Featherstone - Correct.

Mr. Dickover - We need to check our zoning for the requirements with respect to the length of cul-de-sacs, I believe there are some limitations on lengths.

Mr. Getz - And the number of units on a cul-de-sac.

Mr. Patterson - I remember speaking about safety and sidewalks out to Brady Rd. for the kids to get the school bus and I don't see any sidewalks now going out that direction.

Mr. Featherstone - There are a couple of interior sidewalks but that can certainly do that.

Mr. Myrow - There is going to be one municipal road, we can check with the School Districts but we might have a bus come in and pick up kids here so I don't know that we need one out to Brady.

Mr. Patterson - I think you need sidewalks at least on Sheffield whether they come out to Brady or not.

Mr. Dickover - When you are going back through the Environmental Determination, the speed on Brady was a major concern of this Board in the past. The last time it was looked at was around 2008 so I am sure there are changes.

Mr. Dickover - The ownership is...

Mr. Myrow - It was be an HOA for the condo's, the internal roads will be private except for Sheffield...

Mr. Dickover - Private water and sewer lines accept for Sheffield?

Mr. Myrow - Yes.

Ms. Unger - We have changed everything to townhome duplexes with garages.

Mr. Getz - Will you be providing architectural drawings to us?

Mr. Unger - Yes.

Mr. Olsen - Garages in the front does not look like the Village of Warwick, it looks like a parking lot.

Mr. Unger - That was our concern too so we are going to make one door garages and some units will be one car garage and some units will have 2 car garages. We are going to make it look like it belongs to the Village of Warwick.

Mr. Myrow - We will ask the Jason to come up with some alternatives to help mitigate that look.

Mr. Patterson - If you are driving down Sheffield you looking at the back of the units and as most architects are concerned they normally look at the front of the buildings so we would like that addressed.

Mr. Unger - We will address how the back of the units look.

Mr. Myrow - There is only so much you can do, it is a multi-family development.

Mr. Getz - There are 6 tax lots now, do you own or control all 6? Because that connects to the neighboring property. Do they have easements or any control over what you do?

Mr. Myrow - I am looking into that. I found no easements and on the existing filed map there is basically just a dotted line.

Mr. Getz - When you are done it will be 2 lots?

Mr. Featherstone - 2 lots and a right-of-way.

Mr. Getz - So it is a subdivision as well as a site plan application. Can you describe the Consistency Statement.

Mr. Myrow - When there is an existing approval and an existing FEIS and a finalized SEQR determination and you want to amend the plan in order to utilize the existing FEIS we would do a Consistency Statement. We go through the existing FEIS, identify every single environmental impact that was set forth and addressed in the FEIS and we would do a comparison to what we are proposing and typically what the Board would do is if we can show that we are reducing every single impact there is no need for us to re-do SEQR because we are not creating any new environmental conditions. Then the Board adopts the Consistency Statement as part of the FEIS and then the Board can approve this with a final SEQR determination.

Mr. Patterson - Would we do that first or is it a process along the way?

Mr. Dickover - It is a process along the way and you can't do it completely until you see what the final plan is.

Mr. Myrow - We will prepare the Consistency Statement, present it to the Board, it will be reviewed to determine whether it is complete and once it has been deemed complete, with every single environmental impact that was in the FEIS and did we prove that we are at the same level or lower and if we prove that to the Board then we have satisfied SEQR.

Mr. Dickover - We will have to get through that process before we get into the public hearings. We will want a Long Form EAF.

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

Respectfully submitted;

Maureen J. Evans,  
Planning Board secretary