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**RESOLUTION OF APPROVAL
SECOND AMENDED SITE PLAN AND LOT LINE ADJUSTMENT
FOR
WARWICK COMMONS**

VILLAGE OF WARWICK
VILLAGE CLERKS OFFICE

Nature of Application

Warwick Commons (the "Applicant") has applied for approval of a Second Amended Site Plan and Lot Line Adjustment for a condominium project consisting of 14 residential buildings, a clubhouse and 90 units (the "Project"). This Project is conceptually and substantially the same project as was previously reviewed and approved by the Village of Warwick Planning Board (the "Board") in 1986 and 2012. The Project was originally planned as Phase IV of a larger multiple-phased residential community called Warwick Meadows, which was originally approved by the Board in 1986 (the "1986 Approval"). After approval, the other three phases of the community have been constructed along with the infrastructure necessary for the other three phases. Site work that has taken place on the project site that were constructed as part of the prior phases construction include Sheffield Drive (with a stream crossing and culvert), grading, various utility lines, parking areas and some stormwater controls. In addition, certain improvements were constructed in other phases of the community to support the development of Phases I, II and III which also benefit and are necessary for Phase IV. These improvements include access roads, the Brady Road/Sheffield Drive intersection, various utility lines and stormwater areas. Subsequently, in 2006, the property owner made some minor changes to the Phase IV layout, and in 2012, the Board granted conditional amended site plan approval for this revised layout (the "2012 Approval"). That approval has been extended numerous times every year by the Planning Board and remains valid as of the date of this resolution.

The Applicant is now seeking a second amended site plan approval for Phase IV. In general, the revised Project seeks to readjust the site layout and design of the condo units to improve their marketability and to meet current demands. The revised Project will provide a number of benefits by improving public safety and reducing environmental impacts over the amended site plan that was approved in 2012. The new layout makes the following revisions, among others: (1) a reduction in 26 condo units from the 2012 Approval. However, the number of bedrooms proposed (180) remains the same; (2) a reduction from 15 to 14 condo buildings from the 2012 Approval; (3) increased setbacks over the 2012 Approval on the eastern and northern side yards to buffer the community from neighboring homes; (4) a revised stormwater design to achieve compliance with the current 2020 New York State Department of Environmental Conservation ("NYSDEC") stormwater regulations which changed since the 2012 Approval and are now more protective of the environment; (5) installation of a new emergency access gate at the east end of Sheffield Drive to prevent undesirable "cut through" traffic from using the Ridgefield Road neighborhood.; (6) reconfiguration of a 6-way intersection at Sheffield and Brady Roads to provide a safer 4-way intersection than that proposed in the 2012 Approval; and (7) providing modern architectural design over the design in the 2012 Approval; and (8) providing a new clubhouse and pool as recreational amenities for the residents of the community which were not provided in the 2012 Approval. In addition, the Applicant is seeking a lot line adjustment to readjust the existing lot lines on the Project Site to simplify the lot configuration from the 2012 Approval and to reduce the number of lots from six (6) to four (4) lots. One of these lots will contain Sheffield Drive which will be reconstructed to Village Street specifications and offered for dedication to the Village.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Village of Warwick as parcel(s) 218-1-91, 92, 93, 94, and 96, and 219-1-2.2 (the "Project Site").

Zoning District

The property affected by this resolution is located in the R zoning district of the Village of Warwick. The Project complies with the present zoning bulk requirements for

the R zoning district (Use Group G).

Plans

The second amended site plans considered by the Board consist of the following plans entitled “Amended Site Plans for Warwick Commons Stage 5, LLC” prepared by Maser Consulting and consisting of 23 numbered sheets, dated 9/25/2020, and last revised 3/23/2021. The Plans include:

- 1 of 23 - Cover Sheet
- 2 of 23 - Existing Conditions / Demolition Plan
- 3 of 23 -Overall Dimension Plan
- 4-5 of 23 – Dimension Plans
- 6-7 of 23 – Grading & Drainage Plan
- 8-9 of 23 – Utilities Plan
- 10-11 of 23 – Road Profiles
- 12 of 23 – Soil Erosion & Sediment Control Plan
- 13 of 23 - Soil Erosion & Sediment Control Details
- 14-15 of 23 – Landscape Plan
- 16-17 of 23 – Lighting Plan
- 18-22 of 23 – Construction Details
- 23 of 23 – Landscape & Lighting Details

The lot line adjustment plans considered by the Board consist of a plan entitled “Lot Line Adjustment Plan” prepared by Maser Consulting and consisting of one sheet dated 9/25/2020 and last revised 2/23/2021.

Also considered by the Board was a Stormwater Pollution Prevention Plan (SWPPP) report prepared by Maser Consulting, dated September 2020 and last revised

3/23/21.

Date of Application

The applications for Second Amended Site Plan Approval and Lot Line Adjustment were filed with the Planning Board on September 25, 2020.

Public Hearing

A public hearing on the site plan application was convened on March 9, 2021 and closed on the same evening. Public comments received during this period were responded to by the Applicant in a document dated March 23, 2021, which was submitted and accepted by the Board. A public hearing was not required on the lot line adjustment application but the Board still considered any public comments on that application at the site plan hearing.

SEQRA

Type of Action:

This matter constitutes a Type I action under the State Environmental Quality Review Act ("SEQRA").

Lead Agency:

Pursuant to SEQRA, the Village of Warwick Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was originally established on and before April 1986 as part of the 1986 Approval. In 2010, the Board continued as the SEQRA lead agency for the Project's 2012 Approval. On February 9, 2021, the Board re-established itself as the SEQRA lead agency for the revised Project and conducted a coordinated environmental review with all other involved and interested agencies.

Declaration of Significance:

A positive declaration was issued on and before 1986.

Findings Statements:

The Board prepared an Environmental Impact Statement ("EIS") pursuant to SEQRA to evaluate the potential environmental impacts from all phases of the Warwick

Meadows community as part of the 1986 Approval. The Final EIS ("FEIS") was filed on November 13, 1985. On April 4, 1986 the Board resolved to issue a Statement of Findings in connection with the original project which, as stated above, consisted of this Project and three other phases. The Statement of Findings was reduced to writing and dated April 17, 1986 ("SEQRA Findings"). At the time of the adoption of the SEQRA Findings, the proposed project consisted of 309 proposed condominium dwelling units containing up to 635 bedrooms. Since the date of that Findings Statement, the balance of the property has been constructed and the only parcel(s) remaining un-built are the subject of the current applications.

On January 21, 2010, as part of the 2012 Approval, the Board adopted an Amended SEQRA Findings Statement which concluded that the changes to the Phase IV layout were adequately addressed and minimized or avoided adverse environmental impacts to the maximum extent practicable ("1st Amended SEQRA Findings").

On February 9, 2021, the Board issued a Second Amended Findings Statement in connection with the revised Project ("2nd Amended SEQRA Findings"). The Board concluded that, among other things, this Project "actually reduces and further mitigates environmental impacts over those previously reviewed and approved for the 2012 site plan. Also, the Project improves public safety and is more protective of the environment than the 2012 site plan approval." *See* 2nd Amended SEQRA Findings.

GML 239 Referral

The applications were referred to the Orange County Planning Department ("OCPD") for review and report. OCPD issued no recommendations or report on the Project despite repeated requests by the Board for such a report. More than 30-days have expired since the referral was made to OCPD. Pursuant to GML 239-m, the Planning Board is free to adopt this resolution.

Findings

The Planning Board, taking into account the public health, safety and welfare, the comfort and convenience of the public in general, and taking into account the welfare of

the residents of the immediate neighborhood in particular, has determined that, subject to compliance in full with the conditions hereinafter imposed pursuant to the Zoning Ordinance of the Village of Warwick, approval of this Second Amended Site Plan and Lot Line Adjustment will substantially serve the public convenience, safety and welfare; will not be detrimental to the neighborhood or the residents thereof; and will not otherwise be detrimental to the public convenience or welfare,

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to conditionally approve this Second Amended Site Plan and Lot Line Adjustment as said proposals are depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those applicable conditions below noted upon his receipt of letter(s) from the Village Engineer, Village Attorney, and Planning Board Attorney, as the case may be, confirming the Applicant's satisfaction of applicable condition #s 1 through 16 as set forth below.

Specific Conditions

1. Prior to the signing of the plans, the Applicant is to satisfy to the acceptance of the Village Engineer all review comments contained in the Engineer's engineer comments letter dated April 6, 2021 and the Engineer's landscaping comments letter also dated April 6, 2021; and shall confirm the total parking lot count for the project and amend the plans accordingly if correction be needed; and, the Applicant is to revise the plans to show a six (6) foot high fence behind Building #6 and provide for such safety measures including a possible guardrail along Brady Road all to the satisfaction of the Village Engineer.
2. Prior to the signing of the plans, a blanket easement (together with requisite attendant documents, title insurance policies and recording fees for recording) for access and egress for maintenance, repair, and replacement, in a form acceptable to the Village and Planning Board attorneys, shall be delivered to the Village for all streets, sight distance clearing areas, utility lines, sewer and water lines, storm water treatment

facilities and related appurtenances located on property that is not dedicated to the Village.

3. Prior to the signing of the plans, the Applicant is to prepare and submit for acceptance all applicable offers of dedication, deeds of conveyance for same, and appropriate title insurance policies (together with requisite attendant documents and recording fees for recording) for all streets and utilities proposed to be owned by the Village of Warwick, including Sheffield Drive, in a form and amount satisfactory to the Village and Planning Board attorneys. Specifically the offers of dedication shall include the following: 1) 50-ft wide general municipal purposes easement over Sheffield Drive, 2) continuation of rights to service and maintain the water and sewer mains crossing the Project Site by way of a blanket easement; 3) easement to the Village for repairing and maintaining the stormwater infrastructure, and 4) Irrevocable Offer of Dedication and Deed for the 50 foot area encompassed by Sheffield Drive Easement for purpose of a future village street, 5) clearing easement for sight distance area at intersection of Sheffield Drive and Brady Road. Where in the case of the easements, the Village will have the right to conduct necessary maintenance in the event the Warwick Commons HOA fails to do so and the Village will have the right to back charge such fees to the Warwick Commons HOA or have the authority to bill the responsible party and to collect reimbursement by real property tax levy.
4. The issuance of building permits for any structure to be built within the Project Site is conditioned upon the Applicant first posting with the Village Clerk performance bonds or surety, cash or certificate of deposit, or an irrevocable letter of credit in an amount to be recommended by the Village Engineer and fixed by the Village Board in order to secure completion of all public improvements, and private improvements to be owned by the HOA and necessary to the general public health, safety, or welfare and particular to the health, safety or welfare of occupants of any structure built on the Project Site as part of an approved phase of construction including storm water facilities and landscaping shown on the plans (or otherwise required by this approval). Such bond or security agreement shall be satisfactory to the Village Board, Village Attorney and the Village Engineer as to form, sufficiency, manner of execution and surety. The

Applicant may construct the Project in phases as discussed below. The bond or other security shall recite that all improvements secured thereby shall be completed within one year of the date of issuance thereof but shall be self-renewing thereafter to secure any improvements that cannot be completed within one year. All such bonds, sureties, letters of credit issued in furtherance of this condition shall provide for at least 45 days prior notice to the Village of Warwick Clerk of any due premiums, invoices, or other payment due thereon. If the Applicant fails to maintain such bond, surety, or letter of credit, no further building permits shall be issued until all improvements are completed to the satisfaction of the Village Engineer, or such security, bond, letter of credit is replaced to the satisfaction of the Village Attorney and Village Board.

5. Attorney General acceptance of the Warwick Commons Homeowner's Association and/or any condominium association offering plan inclusive of the By-laws of the Warwick Commons Homeowners Association or other HOA that will be responsible for the common areas shall be obtained prior to the issuance of a certificate of occupancy for any residential unit in the development. All submissions and responses, including but not limited to articles of incorporation and by-laws for such Homeowners or condominium association shall be supplied to the Planning Board and Village Attorney prior to acceptance of any offering plan by the Attorney General. The submissions shall include the right granted to the Village to maintain, repair, replace, and operate storm water facilities, retaining walls, and water and sewer utilities located within easement areas in the event that the developer, homeowners association, or owners fail to do so. And further providing that should the Village incur the expense of such repairs, maintenance, or replacement, it shall have the authority to bill the responsible party and to collect reimbursement by real property tax levy. The submissions shall also reflect the irrevocable offer of dedication to the Village of the area encompassed by Sheffield Drive.
6. The By-laws of the Warwick Commons Homeowners Association or other HOA that will be responsible for the common areas shall include the obligations upon the HOA to maintain, repair, and replace all streets, sidewalks, structures, utilities, drainage basins, retention ponds, landscaping, and other such appurtenances on HOA property and

upon failure to do so shall provide access and egress to the Village for such purposes and the right of the Village to charge the cost of such work back to the Homeowners Association by way of real property tax levy.

7. All field changes must be reviewed and approved by the Village Engineer and be reflected on a plan approved by the Village Engineer prior to the issuance of any certificate of occupancy for an impacted structure.
8. "As-built" plans shall be provided to the Village Engineer for review and approval upon completion of the improvements. The Village Engineer may require a preliminary "as -built" plan sooner if he/she determines that such a preliminary "as-built" plan is required to ensure the suitability and safety of the ongoing construction.
9. Construction hours at the Project Site shall be limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 8:00 a.m. to 7:00 p.m. on Saturdays. There shall be no construction on Sundays.
10. Prior to the signing of the plans, the applicant is to provide proof of receipt of all outside agency approvals required for the Second Amended Site Plan including:
 - a) Sanitary sewer extension system approval (NYSDEC)
 - b) Waterline permit to be reviewed by the Village Engineer.
11. As a voluntary contribution the Applicant has agreed that prior to the issuance of a certificate of occupancy for the Project, the Applicant will post with the Warwick Meadows Homeowner's Association the funds necessary for the Warwick Meadows Homeowner's Association to repair an earthen dam on its property as required by the New York State Department of Environmental Conservation ("NYSDEC") in its Notice of Violation ("NOV") dated September 25, 2017 as may be extended. The NOV required the removal of stumps from the dam face and the construction of an auxiliary spillway. The amount to be posted shall be the least expensive remedy to eliminate these dam violations and bring the dam into NYSDEC compliance as determined by the Applicant's engineer and agreed to by the Village engineer as discussed in the 2nd

Amended SEQRA Findings, the Warwick Meadows Homeowner's Association will be responsible, as the dam owner, to undertake the permitting and repair of the dam and its ordinary maintenance. This work is unrelated to the Project and will be a private matter as between the Warwick Meadows Homeowner's Association and the Applicant.

12. No partial or temporary Certificates of Occupancy/Use shall be issued for any structure within the Project unless all of the unbuilt public and private improvements located within the phase being built, and any prior phase constructed, are constructed to completion or performance bonds satisfactory in form and amount to the Village Board and Village Engineer have been deposited with the Village.
13. The community contains four lots – one lot for Sheffield Drive and Lots 1, 2 and 3 for the residential units and related improvements. This Resolution shall allow the Applicant to construct the Project in four (4) phases of construction. The Applicant, or its successor, shall commence construction of Sheffield Drive first, as phase 1 and also begin construction of Lots 1, 2 or 3 as subsequent phases, in whatever order the Applicant determines. However, construction on any lots or phases may not commence unless the incomplete portion of any prior phase has been either built to completion or bonded to the satisfaction of the Village Engineer and the Applicant is within compliance of the approved/applicable SWPPP.
14. While the Applicant has provided private recreational amenities on the Project Site (ie club house and pool) for residents of the community, the Planning Board has found that public parks cannot be suitably located within the Site Plan project area, and therefore pursuant to Village Code Section 145-94 the Applicant shall pay to the Village, as may be required by the Village Board prior to issuance of certificate of occupancy, the fees in lieu of park land as established by the Village of Warwick.
15. The emergency access gate to be installed on Sheffield Drive, as shown on the approved site plans, shall be kept closed during construction of the Project. After the issuance of the first Certificate of Occupancy on the Project Site, the gate shall be opened or closed as directed by the Village Board. As requested by the Village DPW (in coordination with the fire department), the Applicant shall provide the DPW and fire

department with the lock combination or key to the gate.

16. Prior to issuance of the first building permit, the Applicant shall prepare, execute and deliver to the Village a stormwater facilities management agreement in form and substance satisfactory to the Village Attorney and Planning Board Attorney providing for the continued maintenance and repair of the stormwater management facilities serving the Project.

General Conditions

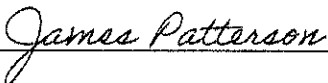
1. This approval is conditioned upon the Applicant submitting all necessary copies of the plans to be signed, (prior to signing of the plans) including mylars as required, to the Village of Warwick Building Department.
2. This approval is further conditioned upon the Applicant paying or depositing into escrow (prior to signing of the plans) all applicable review, inspection, recreation, and any other applicable fees.
3. This approval is further conditioned upon the Applicant delivering (prior to signing of the plans) proof, in writing, that all fees—engineering, legal and otherwise—in regard to this project have been fully paid.
4. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all conditions precedent to plan execution as stated in this approval have been fulfilled and otherwise satisfied.
5. All conditions of this conditional Second Amended Site Plan Approval shall be fulfilled, where practicable, within twelve (12) months from the date set forth at the foot of this resolution unless the Applicant shall, within said twelve (12) month period and prior to expiration of said time, file with the Planning Board a request for an extension of this conditional approval and prove to the satisfaction of the Planning Board that such extension is justified based upon such matters as are outside the control of the Applicant. Upon expiration of said twelve (12) month period without an extension having been granted this

approval shall lapse.

And it is FURTHER RESOLVED that the Planning Board Chairman or his or her duly authorized designee is hereby authorized to sign the site plan upon his receipt of letters from the Village Engineer, Village Attorney, and Planning Board Attorney confirming the applicant's satisfaction of all conditions precedent to this Resolution as set forth above.

In Favor 5 Against 0 Abstain 0 Absent 0

Dated: 4/29, 2021



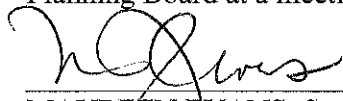
James Patterson, Chairman

Village of Warwick Planning Board

Village Zoning Ordinance Section 145-98.A provides that: "Every Site Plan approval shall expire if the work authorized has not commenced within twelve (12) months from the date of its approval, subject to any extension or has not been completed within twenty-four (24) months from the date of Site Plan approval unless the applicant has requested and been granted a phased construction schedule."

STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, MAUREEN EVANS, Secretary of the Planning Board of the Village of Warwick, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Planning Board at a meeting of said Board held on April 13, 2021.



MAUREEN EVANS, SECRETARY
VILLAGE OF WARWICK PLANNING BOARD

I, RAINA ABRAMSON, Clerk of the Village of Warwick, does hereby certify that the foregoing Resolution was filed in the Office of the Village Clerk on May 3, 2021



RAINA ABRAMSON, Clerk
VILLAGE OF WARWICK