

CHAIRMAN: GEORGE AULEN

MEMBERS: WILLIAM OLSEN, JAMES PATTERSON, JESSE GALLO & RYAN  
DENERLEY

Alternate: RAEY WEBSTER

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
JUNE 15, 2017

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, June 15, 2017. Present were: George Aulen, Bill Olsen, Jim Patterson, Jesse Gallo, Ryan Denerley, Raey Webster, Village Engineer representative, Karen Emmericg and Planning Board attorney, Robert Dickover. Others present were: Beau Kennedy, Ross Winglovitz, James Cappello, John Christison, Lucia Crone, Mr. Henkel, David Griggs and others.

A MOTION was made by Jim Patterson, seconded by Ryan Denerley and carried to accept the minutes of the May 18, 2017 meeting. (5 Ayes)

8 FORESTER AVE.

SIGN APPROVAL

KENNEDY COMPANIES

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The Board reviewed a double sided totaling 30 sq. ft. free-standing sign to be located 15ft. from the property line on 8 Forester Ave.

The Board confirmed that the sign was reviewed by the ARB.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to grant sign approval for Kennedy Companies at 8 Forester Ave. (5 Ayes)

The Board reviewed the letter submitted by Larry Wolinsky from Jacobowitz and Gubitz, LLP who represent Sterling Bank requesting a 90 day extension for the site plan approval indicating that the bank is in an active contract negotiation for the property.

A MOTION was made by Jim Patterson, seconded by Ryan Denerley and carried to grant a site plan extension until September 22, 2017. (5 Ayes)

Ms. Emmerich – The architectural plans submitted do not indicate the total seating capacity and the use of the attic space should be indicated as well.

Mr. Christison – That will be done and we will also put them on the blue prints.

Ms. Emmerich – I think the porch area is probably the seating that was not shown on the plans.

Mr. Winglovitz – On the architectural plans?

Ms. Emmerich – Yes.

Mr. Christison – Not a problem.

Ms. Emmerich – The landscaping plans were revised to show the updated location of the patio and the dumpsters and many of the shade trees that were previously proposed along the entrance drive have been deleted.

Mr. Christison – They were deleted because there were a pile of trees already in existence along the entrance way.

Mr. Winglovitz – The architect prepared these and the parking lot abuts the existing tree line so some of the trees on the plan were removed.

Mr. Aulen – It seems you also changed the type of trees around the building?

Mr. Winglovitz – Yes around the back.

Mr. Aulen – Originally Spruce trees were discussed but because of the cover of the existing trees they probably would not survive.

Ms. Emmerich – The Board should discuss the possible need for a traffic study.

Mr. Aulen – I did receive an e-mail from a member of the Board expressing his concerns.

Mr. Patterson – That e-mail came from me and I think that there is a tight turn coming out of there and there is busy traffic. I do think we should have a traffic study for that space.

Mr. Olsen – I have heard a lot of comments from the public in various ways and I agree.

Mr. Gallo – I agree as well, I have taken a few trips down there since the last meeting and have noticed that a lot of people park on that side of the street and I think there could be potential sight issues especially with people parking on both sides of the street.

Mr. Denerley – My concern regarding traffic is the railroad but I don't know whether that warrants an actual study in it of itself is another question altogether.

Mr. Winglovitz – Our thoughts are that there is not a significant increase in the number of trips that are going to be on that road. There are a lot of other businesses down across the railroad

tracks on the other side of the creek which create a lot of traffic during certain times of the day specifically in the morning. Our peak is opposite of that peak, we are going to be in the evening and so we don't think there is really a capacity issue, there may be things like width, sight distance that we can take a look at but we don't think it warrants a big full traffic analysis which is what our position would be. Absolutely there will be more trips because there is no use or a very limited use there right now and there will be additional trips because of the restaurant, we just don't think it rises to the level of requiring a traffic study because of the timing of these trips and the relative capacity of Elm St. being significant to the number of trips that on the street right now. There is no problem looking at geometry and issues like that, we can take a look and see and with the sight distance because obviously safety is very important.

Mr. Olsen – How many trips do you anticipate?

Mr. Winglovitz – It is in the EAF but we anticipate 50 on weekdays and 60 on weekends.

Mr. Olsen – 60 is total for the day?

Mr. Winglovitz – No, peak hours.

Mr. Dickover – Does that number correlate with the number of seats in the restaurant?

Mr. Winglovitz – Yes, there are different ways of looking at it. It can be based on seating or based on square footage and I believe that was projected based on the seating capacity.

Mr. Cappello – We can certainly provide the backup in the ITE and correlate it from seating capacity and from the actual size that is used for restaurant because there are a lot of misconceptions regarding the actual size and the actual size of the dining area. If the Board is concerned, something less than going out there and doing traffic counts but providing information relating to width, to the sight distance and the ITE and support from where we came up with that number and that is certainly something we do not have a problem submitting.

Ms. Emmerich – Mr. Getz expressed his feelings at the last meeting in that he is of the belief that a traffic study is not warranted but of course that is the Board's decision.

Mr. Aulen – 3 of the Board members want a traffic study so that is the way it has to go. What could be the most catastrophic result in the traffic study?

Mr. Olsen – What will we learn from a traffic study?

Mr. Winglovitz – The number of trips on that road...

Mr. Olsen – and the capacity but how do we mitigate that?

Mr. Capello – It depends on what it will show. I will venture to guess that it going to show that the delays coming in and out of here will not be sufficient enough to warrant any mitigation because it probably going to be a level A and it will also show that whatever the conditions here are, they are going to be substantially the same because the traffic at the peak hour here coming out to this will probably be the same or less just at different times than the AM traffic of people or the Sunday traffic of people going to church but we will have a professional provide that analysis but that is what it is going to show. He may make a recommendation that maybe there should be parking on one-side or maybe no parking from a certain distance from the entrance...

Mr. Olsen – Will the placement of the sign have any impact?

Mr. Christison – It will be placed on the railroad side and it will be far enough back for sight distance and or what the code allows.

Mr. Winglovitz – As far as the traffic study goes we have heard your comments and we will meet with our traffic consultant and come back with a review of the study.

Mr. Aulen – The worst case scenario I guess, would be a traffic light at West & Elm, if it warrants it.

Mr. Dickover – I think the Board should identify the areas of concern that you would like to be analyzed. I think it would be fair for the applicant to know what your areas of concern are.

Mr. Aulen – The sight distance, cars parking on both sides of the street...

Mr. Gallo – On West St. basically to the railroad crossing.

Mr. Patterson – It is the increase in flow itself.

Mr. Winglovitz – They will look at the peak traffic and on the adjacent street and they will look at what would be the most impactful situation. It may not be the peak traffic of this, there may be more traffic here on different times of the day. Then they would analyses when would be the worst case...

Mr. Dickover – Would you like them to look at the intersection Elm & West St.?

Mr. Aulen – Yes.

Mr. Olsen – There is a Stop sign there now, correct?

Mr. Gallo – Coming out of Elm, yes.

Mr. Winglovitz – I think if you go in the other direction traffic get deluded by all of the businesses on the other side of the street, I do not think there is any concern on the opposite side.

Mr. Chrisitson – So where are we doing the study?

Mr. Winglovitz – Our side of the tracks, West and Elm St., the width of the street and the sight distance and the site entrance.

The Board agreed.

Ms. Emmerich – SHPO recommends that additional field investigation is needed in order to establish the presence or absence of remains of the Leigh and Hudson River railroad complex.

Mr. Winglovitz – We agreed to that and it is underway.

Ms. Emmerich – The revised EAF now includes the modified hours of construction and SHPO in the list of involved agencies. On pg. 5 the anticipated water demand is shown to be less than the anticipated wastewater flow.

Mr. Winglovitz – I did see that and I am not sure if one was updated for the new seating.

Ms. Emmerich – That is kind of what we thought. A permit application for development in the Flood Hazard areas was previously filed by the applicant and we recommend that the final review of the application take place after other SEQR issues have been resolved.

Mr. Cappello – We are proceeding updating the site and dealing with SHPO. We will take the comments seriously and we look forward to getting the information and hopefully move forward toward a public hearing in the near future.

Mr. Aulen – Mr. Dickover, should we review the EAF today or wait.

Mr. Dickover – I think the Board is better off waiting until we at least have the traffic study.

Mr. Aulen – How are you progressing with SHPO? Have you started?

Mr. Winglovitz – We are waiting for them to sign-off on our last submission and we are hopeful that early next week we can get out there and do the additional testing and that the testing is done by the end of the month.

Mr. Dickover – The application I have for the Flood permit was not signed, do we have a signed permit?

Secretary – Yes.

Mr. Olsen – We talked about the planting schedule and I am a little confused on how it works. What plants are here?

Mr. Winglovitz – That is basically just a depressed area that will be landscaped and water will be allowed to flow into it and infiltrate it.

Mr. Olsen – It is now impervious, correct?

Mr. Winglovitz – Yes and we will have to remove that upper layer of item 4 that was put in there and compacted as part of the driveway. We did testing at the bottom and we had very good percolation.

Mr. Olsen – How far did you go down?

Mr. Winglovitz – About 2ft., it is very shallow.

Mr. Olsen – Do you think the size is appropriate?

Ms. Emmerich – Yes, they have done an entire drainage study.

Mr. Olsen – I could not interpret the landscaping plan.

Ms. Emmerich – Did you see the planting schedule?

Mr. Winglovitz – We wanted it to look like a natural landscape, not like a pond.

Mr. Aulen – It is similar to a rain garden.

Mr. Christison – There will be native plants and they can take both small and large amounts of water, there are certain plants that can do both.

Mr. Olsen – How many seats will be on the patio?

Mr. Christison – 25 or 26.

Mr. Olsen – Does that included in the total calculations of seating?

Mr. Christison – It is broken down as the patio, deck, extra dining room and the restaurant.

Mr. Winglovitz – I am not sure if we have it separated but I know we have the total capacity.

Mr. Aulen – We have received 20 letters and it showed that 11 of the letters are in favor and 9 are against but I am sure we will receive more letters. The public can definitely send letters into the Planning Board.

Mr. Cappello – I think we have been receiving all of the copies of the letters, we have our studies done and we will also try and summarize the comments to the extent that we can and provide a response so you can have it and consider it in conjunction with the comments of the opposition because some of the comments are relevant and deserve attention and some of them are misconceptions and we easily discuss those misconceptions and provide you with the truth.

45 FACTORY ST.

LOT LINE CHANGE

MR. & MRS. CRONE

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Mr. Aulen – This property is located in the floodplain so there can be no construction unless it comes back here to the Planning Board.

Ms. Emmerich – The areas of both lots will conform to the Village Zoning Law now so it will not increase any non-conforming condition. No construction is proposed. On the Short EAF, question 1 of Part 1 should be corrected to answer “no”, it is just a detail to be cleaned up. Mr. Dickover’s memo points out a correction that should be made on the Bulk Table as far as the rear setback which should read 35ft, not 30ft.

Mr. Dickover – The Use Group should be corrected to read (b) not (d 1).

Mr. Henkel – We would like to request a waiver of the public hearing for this application? We are actually selling 37 Factory St. and that is why we are selling part of this property now and I can not close until this is resolved

Mr. Aulen – At this point, this does not really affect anything.

Mr. Aulen polled the Board regarding waiving the public hearing.

A MOTION was made by Bill Olsen, seconded by Ryan Denerley and carried to waive the public hearing for the Crone/Henkel lot line change application. (5 Ayes)

Mr. Patterson – Should the application come from David & Lucia Crone or from Robert Henkel who owns the property?

Mr. Henkel – Probably us but Aimee gave a letter giving permission for them to make the application.

Mr. Patterson – Yes, but the problem is that the letter just indicates giving permission for the lot line change, it does not necessarily say anything about this particular map so it could mean 10ft. versus all of this property. I just assumed that for paperwork purposes that it would be from the person who owns the property. Am I mistaken?

Mr. Dickover – That is an astute observation. The permission you have should make reference to the date on this map by this title, last revised date, make specific reference to their consent to the lot line change shown on this reference map will take care of your question. I do not believe they need to be on the application itself.

Mr. Patterson – There also appears to be a shed that is over the line right now, does that need to be corrected before this can happen?

Mr. Aulen – That has been looked at by the Code Enforcement Officer. There is a letter regarding the shed and that it needs to be corrected.

Ms. Crone – We have had the shed for over 20 yrs. but the reason it is over the line is because it floated. It was originally on our property, it did float and we are prepared to take care of it.

Mr. Aulen – That can be handled through the Code Enforcement Officer, however, until it is handled and we get a definite solution to it, I will not sign the revised map until we know what exactly is going to happen. I have to be sure that the site plan is correct and it does not show the shed on two properties. We could give a conditional approval upon the corrections to the site plan and when those corrections are met and confirmed by the Village engineer or CEO I can sign the plan and then the applicant would not have to come back.

A MOTION was made by Bill Olsen, seconded by Ryan Denerley to declare the Planning Board Lead Agency under the SEQR process. (5 Ayes)

A MOTION was made by Ryan Denerley, seconded by Bill Olsen and carried to declare this a Type 2 Action under SEQR (5 Ayes)

Mr. Dickover – In the past, the Board has required that all utilities be shown on the map. The applicant has some of them on here but I don't know if they are all shown or not so we need clarification on that.

Mr. Aulen – We can make it conditional on the site plan being updated to show all utilities and the Village engineer can review for completeness before it is signed.

Mr. Dickover – The deeds for the new lots need to be drawn up and presented to me to review them with the engineer to make sure that the geometry is correct and a condition of the approval will be that you file those new deeds because this needs to be a matter of public record. You will file the new deeds contemporaneously with the filing of the maps.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to accept the Resolution prepared and read by the Planning Board attorney to grant a lot line change conditional upon the updated maps to show all utilities & revised Bulk Table, shed to be either removed or moved 10ft. from property line and review of the deeds for geometry correctness. (5 Ayes)

31 FORESTER AVE.

LOT LINE CHANGE

31 FORESTER AVE LLC

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The Board reviewed the application.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to declare the Planning Board Lead Agency under the SEQR process. (5 Ayes)

A MOTION was made by Bill Olsen, seconded by Ryan Denerley and carried to declare this a Type 2 Action under SEQR process. (5 Ayes)

A MOTION was made by Jesse Gallo, seconded by Jim Patterson and carried to waive the public hearing. (5 Ayes)

A MOTION was made by Jim Patterson, seconded by Ryan Denerley and carried to adopt the Resolution prepared and read to grant a lot line change conditional upon the utilities being shown on the plan. (5 Ayes)

Mr. Dickover – Please keep in mind that the plan must be filed within 62 days from signing the map.

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

Respectfully submitted;

Maureen J. Evans

