

Responses to Public Comments

Warwick Commons – Phase IV
Village of Warwick Planning Board

Dated March 23, 2021

INTRODUCTION

Warwick Commons Stage 5, LLC (the “Applicant”) is currently seeking second amended site plan approval and a lot line adjustment from the Village of Warwick Planning Board (the “Planning Board”) for its proposed project, consisting of 90 condominium units (82 one-car garage units and 8 two-car garage units) with a total of 180 bedrooms in 14 buildings with related infrastructure (the “Project”). All condo units will contain two (2) bedrooms. In addition, the Project includes the reconstruction of Sheffield Drive, a club house with a pool, access drives, utilities, sidewalks, lighting, parking, landscaping and related improvements. The Project was originally Phase IV of a larger multiple-phased residential community called Warwick Meadows which was approved by the Planning Board in 1986. The other phases of the Warwick Meadows community were constructed previously. In 2012, the Planning Board granted an amended site plan approval for Phase IV and that approval has been extended numerous times every year by the Planning Board and remains valid today.

On February 9, 2021, the Planning Board adopted a Second Amended SEQRA Findings Statement concluding that “consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.”

As requested by the Planning Board, this document responds to substantive written and verbal public comments that were received by the Board on or before the public hearing held on the Project on March 9, 2021.

RESPONSES TO PUBLIC COMMENTS

WRITTEN COMMENTS

Chesley Leber, Email, February 4, 2021

- 1) **COMMENT:** *The proposed development of Warwick Commons should start over with a new environmental review. The plans call for significant changes from the plan that has been grandfathered from 1986. Less units, but larger, extending further along the upper ridge, and also a pool, clubhouse complex.*

RESPONSE: A new comprehensive environmental review was prepared for the Project (Expanded EAF and SEQRA Narrative, dated September 25, 2020) and reviewed by the Planning

Board and their consultants. The lead agency for the environmental review conducted pursuant to the New York State Environmental Quality Review Act ("SEQRA") is the Village of Warwick Planning Board. As noted above, the Planning Board has issued detailed Findings (February 2021) regarding this environmental review thereby ending the SEQR process.

- 2) **COMMENT:** *The current plan continues to have buildings very close and parallel to present Warwick Village buildings #3 and #4 and would severely impact the residents of these units. We also have drainage issues currently in the area between #3 and #4 in addition to the area further south along Magnolia.*
- 3) **RESPONSE:** The buildings shown on the current site plans are over 35 feet from the property line and comply with the current zoning setbacks. The previously approved site plans in 2012 had the buildings less than 20 feet from the property line and closer to the neighboring residents. Therefore, the buildings shown on the current site plans have been moved farther away from the property line and provide a benefit over the previously approved site plans in 2012.

There are little to no drainage controls on the site today. The Project will build a comprehensive drainage control system that will collect the stormwater on the Project site and infiltrate it into the ground or filter the runoff as allowed by NYSDEC stormwater regulations. No stormwater will be allowed to drain onto the adjacent property. The Project is expected to improve drainage conditions on neighboring property. The Project's drainage control system has been reviewed in detail by the Planning Board's engineer to ensure that it meets the Village code and NYS requirements and that it will not cause any adverse impacts to neighboring or downstream properties.

- 4) **COMMENT:** *Preventing our easy access to an exit on Brady Road would compromise our existing way to leave the complex, leaving us with a much more circuitous route. Many people already get lost in our complex, without making them wind their way through additional buildings and roadways such as making Laudaten Way our main entrance and exit.*

RESPONSE: The site plans provide a safe means of access and egress to the Warwick Meadows condominium complex via two, standard 4-way intersections. This is an improvement over the unsafe 6-way intersection previously approved in 2012. The Project will provide safer access and egress than the project previously approved in 2012. All roadway improvements will occur on the Project Site. The proposed route adds 900 feet of new roadway or about 30 seconds of additional travel at 20 mph for residents of Warwick Meadows.

Lorraine Portelli, Letter, March 1, 2021

- 1) **COMMENT:** *Many of the homes in our development on the opposite side of Brady Road previously had many years of extremely low water pressure. We are appreciative and grateful that the village addressed our concerns and now we can finally enjoy adequate water pressure in our homes. A major concern is how will our water pressure be affected by the numerous units*

being proposed and planned at Warwick Commons, which is on the other side of Brady Road, directly across from our homes? An additional concern would be the potential impact on the present water and sewer system.

RESPONSE: The Project will not adversely affect water pressure in the area. The Village Engineer provided "will service" letters indicating that the Village has sufficient water and sewer system capacity for the Project. The existing pressure regulator which is located in Sheffield Drive may be adjusted by the Village Water Department as necessary to ensure that proper water pressure is maintained in the area.

- 2) COMMENT: *Why are roadways being gated, blocked, or allowed to be closed off so traffic cannot flow more freely, with a few options available for travelers on roadways to divert vehicles, so one roadway is not being solely used? . . . Just allowing traffic to enter and exit onto Brady Road will most definitely cause future safety issues and most likely congestion at the intersection of Brady Road and Country Lane. Where these two country roads intersect there already exists limited sight distance. . .*

RESPONSE: The site plans contain an emergency access gate on Sheffield Drive to prevent unsafe and undesirable traffic from using Sheffield Drive to cut through to the Ridgely Road neighborhood. At the request of these residents, the Village had barricaded Sheffield Drive to prevent cutting through traffic and the gate maintains this status quo. As requested by the Planning Board, the gate will remain closed during construction. After construction, the operation of this gate will be controlled by the Village of Warwick.

A sight distance easement along Brady Road for vehicles exiting Sheffield Drive is shown on the site plans in the same location as previously approved in 2012. All vegetation in the easement area that limits sight distance will be removed as part of the Project thereby improving safety at this intersection.

- 3) COMMENT: *During the fall season, we get an awful lot of tourists and visitors who travel to the Village of Warwick for apple picking and other events. During that time, our local fire department also raises funds on South Street with the considerable amount of traffic that exists and exits onto Brady Road, due to those tourists visiting the local apple orchard on Ball Road, which is in very close proximity. With all that traffic on weekends for several months on Brady Road during that time, this situation makes it difficult for local residents on the weekends.*

RESPONSE: Comment noted. A detailed traffic report was prepared for the Project and submitted to the Planning Board and their consultants. The traffic report concluded that new traffic from the Project would not create any significant adverse impacts on surrounding roadways. The Planning Board evaluated this issue in its SEQRA findings.

Lorraine Portelli, 1st Email, March 9, 2021

- 1) COMMENT: *The Country Lane, Brady Road intersection already has limited sight distance. There is a tree that exists at the corner of Brady Road and Country Lane that blocks visibility of cars*

traveling on Brady Road from the Town into the Village at the stop sign of Country Lane and Brady Road. It is extremely difficult to see cars traveling on Brady Road near this intersection, making it necessary to pull out past the stop sign . . .

Is this tree going to be addressed and what will be done to improve the visibility at this intersection, especially with all the equipment traveling onto Brady Road during the building phase of this proposed project, as well as once the project is completed and beyond to address this limited sight distance concerns?

RESPONSE: See response to comment 2 above. A sight distance easement along Brady Road for vehicles exiting Sheffield Drive is shown on the site plans in the same location as previously approved in 2012. The easement will require that vegetation in this area be cleared and replaced with lawn to improve the sight distance and safety at this intersection. Additionally, no landscaping is proposed to be planted within this easement. Grading shown within this easement will lower the grade only. No fill is proposed within the easement.

- 2) **COMMENT:** *There is also another tree on the opposite side of the stop sign at this intersection. When entering Country Lane from Brady Road, it is difficult to make the turn without going on the opposite side of the street. In addition, the tree has broken branches that may someday fall off and hit a vehicle traveling onto Country Lane at this intersection. Branches from this tree hang down over the roadway with new Springtime growth, making it even more difficult to make traveling safe at this intersection.*

RESPONSE: See previous response. Tree damage and obstructions to the public road system should be brought to the immediate attention of the Village's Department of Public Works.

Lorraine Portelli, 2nd Email, March 9, 2021

- 1) **COMMENT:** *What provisions are being made for the pick-up and drop off of school age children, who travel to school on the district buses? The intersection of Country Lane and Sheffield Drive at Brady Road has limited sight distance and dropping off children at this intersection does not appear to be a very safe location for the safety of the children. A much safer way might be to pick the children up in the Warwick Commons Development and go through Sheffield Drive and Ridgeway onto Ball Road or come up with an alternative and much safer route, avoid the intersection of Country Lane and Sheffield Drive at Brady Road altogether.*

RESPONSE: See previous responses related to sight distance. Similar to the previously approved site plan in 2012, a bus shelter is proposed on the Project site, accessed from Sheffield Drive, adjacent to Brady Rd.

John Ehret, Email, March 9, 2021 (3:38 PM)

- 1) **COMMENT:** *There is a proposed condo project in what I believe is a vital roost area adjacent to the Appalachian Trail Migration Flyway. The location proposed is on Brady Rd and Magnolia Ln. I have seen (for 10 years) Robins arrive there in Spring by the 100s and stay before disbanding. Starlings do the same. The wooded area is scheduled to be completely cleared*

which would diminish the natural area for these migrating birds. Further there are resident populations of several woodpeckers, Chickadees, Titmouse, Cardinals and Raptors . . . If this woodland tract is clear cut, the migrating birds will lose a vital stopover/feeding area that I have witnessed for years.

RESPONSE: A letter was received from the NYSDEC dated 9/9/20 stating "We have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity." More than 2 acres forested land is being left undisturbed along the stream corridor on the Project Site. More importantly, the Project is adjacent to vast tracts of undeveloped forest land which can continue to be used by migrating birds.

COMMENTS RECEIVED AT PUBLIC HEARING (SUMMARIZED)

Nancy Bowden (Resident of Warwick Meadows)

- 1) **COMMENT:** *Residents of Ridgefield Road petitioned for gate on Sheffield Drive so there would be no thru traffic. When Sheffield Drive was a working road, it was like a thruway and will continue to be a thruway if we do not limit the traffic there. Residents from the development next door want a shortcut so they do not have to make the turn from Brady Road to Ball Road. It is a treacherous turn.*

RESPONSE: See the responses above regarding the emergency access gate and sight easements along Brady Road. The operation of the gate after construction of the Project will be subject to the discretion of the Village of Warwick.

- 2) **COMMENT:** *Who is to be paying to repair and pave roads within the existing Warwick Meadows development when the residents of the new development (100 extra cars) cut through Warwick Meadows? Payment for the roads comes out of our HOA fees. Will residents of the new development help pay for the roads?*

RESPONSE: Warwick Meadows Homeowners Association is the owner of the private roads within the Warwick Meadows condominium community and therefore is the party responsible for their maintenance and repair. Based on the traffic report that was reviewed by the Planning Board and their consulting engineer, it is unlikely that vehicles from the Project will use the HOA's private roads to cut through Warwick Meadows community. These roads are narrow and winding with speed bumps and not conducive to cut-through traffic.

- 3) **COMMENT:** *Who is going to be looking over the sidewalk on Sheffield Drive? It is deeded to the Village. Is the Village going to come out and shovel the snow off these sidewalks?*

RESPONSE: According to the DPW, maintenance and snow removal from Village sidewalks is the responsibility of the adjacent property using the sidewalk (the HOA for Warwick Commons – Phase IV).

- 4) **COMMENT:** *Commenter has concerns with the impacts that the new development will have on the sewer, pipes, drainage, and water pressure of the existing Warwick Meadows.*

RESPONSE: See responses above related to sewer and water pressure and drainage. The Project's site plans have been thoroughly reviewed by the Village engineer including the sanitary sewer, storm drainage and water facilities proposed for this development. All comments from the Village engineer have been or will be fully addressed to his satisfaction.

- 5) **COMMENT:** *There is tremendous erosion that leads down to the dam and around residential units. This project is being based off of the 1986 and 2012 findings because there has been no considerable change – this erosion is a considerable change.*

RESPONSE: The statement is incorrect. Updated SEQRA Findings for this Project were prepared in February of 2021 after a detailed environmental review by the Planning Board. Stream erosion and meandering changes of a stream are naturally occurring conditions. See response above regarding the Project's drainage system. The HOA may wish to have an engineer assess any existing erosion issues on its property.

- 6) **COMMENT:** *The retention pond on Brady Road is now a grassy field. Has this been looked at?*

RESPONSE: The Project will not discharge any stormwater to the existing retention pond on Brady Road owned by the Warwick Meadows Homeowner's Association. The Project will not affect this retention pond. This retention pond is not part of the Project or connected to it in anyway.

Lenore Franzese (President of Warwick Master HOA Board)

- 1) **COMMENT:** *What is being done about the dam? The HOA was originally told that the culvert needs to accommodate the new development. HOA was contacted by Maser and others and was presented with two options for the dam: (1) decommission the dam; or (2) accommodate the development by restructuring the dam, which would involve raising the roadway by four (4) feet. The HOA hired MJS Engineering which developed a third option. The third option for the dam has been presented to the Board, she would like this to be reviewed.*

Maser now advised that the new development does not need to use the dam. Where does that leave the Warwick Meadows HOA? Is it all linked together?

RESPONSE: The Planning Board addressed this issue in its 2d Amended SEQRA Findings concluding that "as part of the current Project, the Applicant conducted an engineering assessment which demonstrates, as discussed above, that stormwater from the Project can be fully managed onsite through the use of infiltration basins and bioretention basins in accordance with the NYSDEC stormwater regulations. As a result, the dam is no longer necessary to manage the Project's stormwater off-site, is no longer relevant to the Project and would not need to be repaired by the Applicant. Nevertheless, as a benefit to the HOA and to honor the commitment made by the Applicant's predecessor from the 2012 approval, the Applicant is willing to post the funds necessary for the HOA to complete the dam repairs. The HOA remains responsible, as the dam owner, to undertake the permitting and repair of the dam. A permit would still be required from the NYSDEC for the repair work and NYSDEC would conduct an environmental review of that work as required by SEQRA. This repair work would be unrelated to the Project. The dam is under the jurisdiction of the NYSDEC and that agency

will determine what specific repairs are necessary for the dam to comply with the current dam safety regulations.”

- 2) **COMMENT:** *Commenter is concerned with silt from the new development that might impact the dam. There is also a retention pond close to Brady Road – will it be impacted?*

RESPONSE: See responses above related to the siltation of the dam and the retention basin near Brady Road.

- 3) **COMMENT:** *There is a tree barrier to go up between existing Warwick Meadows and the new development. Commenter requests that the tree barrier be doubled to protect the residents.*

RESPONSE: To buffer the Project from the adjacent Warwick Meadows condominiums, buildings have been moved farther away from the property line than originally approved in 2012 and landscaping trees have been added along the property line. The landscaping plan for the Project is being reviewed by the Planning Board.

Joseph Dans (Resident of Ridgefield Road)

- 1) **COMMENT:** *How far is this property going to come up to my property and my neighbor's property on Ridgefield Road? Are there going to be barriers there?*

RESPONSE: The commenter's property abuts the Project. The closest building to the commenter's property is building #13 which is proposed to be 53 feet from the property line at its closest point. This is farther away from the commenter's property than the previously approved project in 2012 where the closest building to the commenter's property was approximately 48 feet away. The Project provides more separation to the commenter's property than the previously approved project. The Project complies with all zoning setbacks.

- 2) **COMMENT:** *The road around the development and Ridgefield Road is a mess. What is being done about these roads?*

RESPONSE: As part of the Project, Sheffield Drive will be upgraded and reconstructed to meet the Village of Warwick street specifications. It will be offered for dedication to the Village of Warwick. The Village is under no obligation to take ownership of the road. Until the road is accepted by the Village as a public road, it will remain private and will be owned and maintained by a new homeowner's association created for the Project. Plans for Sheffield Drive are shown on the site plans for the Project which have been reviewed by the Village Engineer and Planning Board. Ridgefield Road is a Village owned road and is not part of the Project. The roads in the Warwick Meadows community are privately owned by the HOA and are not part of the Project.

- 3) **COMMENT:** *Culvert has a creek running through it with native brook trout living and reproducing in it. There are bears and deer living in the woods behind his property. Has there been a study on the impacts on fish and wildlife? Maybe NYSDEC should come look at this.*

RESPONSE: As noted in the Project's environmental review, the stream has been classified by the NYSDEC as C(t) (trout spawning) and is a protected stream. For this reason, the stream and

its banks will not be disturbed by the Project. The existing culvert will be reused as part of the Project. The Project creates an undisturbed and natural buffer around the stream. Because no impacts are proposed to the bed or banks of this stream, no permit is required from the NYSDEC. The NYSDEC reviewed the Project and issued a letter on 9/9/20 stating "we have no records of rare or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity." Also, the Project is adjacent to vast tracts of undeveloped forest land which can continue to be used by any wildlife displaced by the Project. More than 2 acres of woodlands are being left undisturbed on the Project site for use by wildlife.

- 4) **COMMENT:** *What kind of protection will the residents of Ridgefield Road get to make sure there are not trespassers and soil erosion on their property?*

RESPONSE: An erosion and sediment control plan has been prepared for the Project and reviewed by the Planning Board and their consulting engineer. No erosion is expected on adjacent property from the Project. Trespassing is a civil and/or criminal issue which should be addressed by State or local law enforcement agencies. If the commenter is concerned about trespassing on his property, he is also free to post "no trespassing" signs on his land to notify the public of the location of his property lines.

- 5) **COMMENT:** There was a concern that stormwater water ponds on the Project site could be breeding grounds for mosquitos.

RESPONSE: The stormwater mitigation designed for the Project complies with the NYSDEC's most recent stormwater management design manual. The Project's stormwater system will contain either infiltration basins or bioretention basins and will not permanently pond water. As a result, no significant mosquito activity is expected from the Project. It should be noted that the Project site contains an active stream and wetlands which may be used naturally by mosquitos and other insects. The Project is not disturbing the stream or the wetlands.

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