

May 14, 2024

MEMO

TO: Village of Warwick Planning Board
Applicant

CC: Kristin Bialosky, Planning Board Clerk
Keith Woodruff, Village Engineer

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of M&L Equity Auto LLC and Vanessa Mann
18 Elm Street – SBL 210-11-16.22
42 Orchard Street – SBL 210-11-5

I have reviewed the application of M&L Equity Auto LLC and Vanessa Mann for subdivision approval for the purpose of a lot line improvement between SBL 210-11-5 and 210-11-16.22. I offer the following comments:

Comment	Status
1. The applicants seek to transfer property from 42 Orchard Street to 18 Elm Street for purposes of improving traffic flow at the rear of the 18 Elm Street (“Car Wash property”). The Applicant’s counsel has indicated that this is memorializing the existing conditions. Due to the fact that the proposal creates a greater non-conformity, the application is being processed as a subdivision (Chapter 120) and not as a lot line improvement (Chapter 121). The project received an area variance as to lot area for 42 Orchard from the ZBA on March 26, 2024 (decision dated April 25, 2024) subject to Planning Board approval of the subdivision application and Village Board approval of the zone change from Residential to Light Industrial.	For Information
2. Application does not appear to be subject to GML 239	
3. Application Comments:	

<ul style="list-style-type: none"> • This application should be classified as a minor subdivision pursuant to § 120-5 of the Village code and requires a public hearing. • Prior to filing an approved plat, Applicant to provide deed and Schedule A metes and bounds description for review. • Any approval to be subject to rezoning petition to be consistent with ZBA variance. 	
<p>4. SEQR: This is an unlisted action.</p> <p>EAF Comments:</p> <ul style="list-style-type: none"> • Applicant to submit EAF mapper • Applicant to provide a response to # 16. 	
<p>5. Plan Comments:</p> <ul style="list-style-type: none"> • Board to evaluate buffering of LI use from adjoining residential. 	

Upon review of the action, I recommend that the Planning Board declared lead agency and type the action as an unlisted action and recommend the Planning Board set the public hearing.