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## VILLAGE OF WARWICK PLANNING BOARD MEMORANDUM

**To:** Chairman Jesse Gallo & Members of the Planning Board  
**From:** Jason A. Pitingaro, PE  
**Subject:** Yesterday's Restaurant, 16 Elm Street, Section 210 Block 12 Lot 14  
**Date:** December 10, 2024

The following items have been submitted to our office:

- Cover letter prepared by Friedler Engineering, PLLC, dated November 19, 2024
- Sheet entitled "Amended Site Plan Approval," of plans entitled "Elm Street Restaurant," prepared by Friedler Engineering, PLLC, dated November 4, 2024
- Application for Site Plan, undated
- Village of Warwick Planning Board Preliminary/Final Site Plan/Amendment to Site Plan Checklist, prepared by Brian Friedler, PE, dated September 17, 2024
- Short Form EAF, prepared by Brian Friedler, PE, dated November 19, 2024

### Description/Background

In February 2018, the owner was granted site plan approval for the construction of a new eating and drinking establishment. In 2021, the project was reapproved.

The current site plan will require an amended site plan approval.

The owner is proposing to amend the previously approved site plan for the Elm Street Restaurant (aka Yesterday's) site located at 16 Elm Street, Section 210 Block 12 Lot 14. The proposed amendments include some of the field changes made during construction, including amendments to proposed stormwater management facility plantings, reconfiguration of several improvements such as the A/C units, dumpster, parking etc., and replacement and relocation of part of a proposed fire access road with compacted gravel instead of asphalt pavement.

The parking facility has been completely reconfigured, adding spaces to the west, reconfiguring sidewalks and adding significant areas of gravel throughout the site.

Several other improvements that were made that were not on the approved site plan will be removed from or relocated on site. The owner added three metal storage containers to the site, which are proposed to be removed. A gravel area adjacent to the building, which was not included as part of the approved site plan, is proposed to be removed and seeded. Areas of broken pavement are proposed to be removed. A sign located on an adjoiner's property is proposed to be relocated to the subject property.

Several improvements that had been included on the approved site plan have not been constructed, including the installation of a gate, designated dumpster enclosure and generator. A double-yellow line at the entrance has been modified to a single green line.

The fire apparatus access road is located within both the regulatory floodway and 100-year floodplain associated with the Lower Wawayanda Creek (1306-0079), a Class C(T) stream located offsite to the south.

The site consists of approximately 3.7 acres in the Light Industrial (LI) Zoning District in the Village of Warwick. It adjoins property owned by Northfolk Southern Railway Railroad, LLC to the south and residences to the north, northeast and west. Ingress/egress to the site is from an entrance from Elm Street, a Village Road, to the east.

The proposed use of the site as an “Eating/Drinking Establishment” falls under Use Group K, and it is a permitted use subject to Planning Board site plan approval. Because the site is located within a floodplain, 51,584 sf was deemed usable area after the deduction of floodplain area as part of the prior approval. A floodplain development permit was issued by the Planning Board on September 21, 2017.

### Stakeholders

Owner/Applicant: 16 Elm Street Realty, LLC

Consultants: Friedler Engineering, PLLC; Engineering & Surveying Properties, P.C.

### SEQRA

1. The project was previously reviewed as an Unlisted Action. The Planning Board conducted an uncoordinated review; held a public hearing on October 17, 2017; and issued and adopted a negative declaration.
2. The Planning Board should confirm that with the amendments the project remains substantially similar to the previously reviewed project and either reaffirm the prior findings or begin a new SEQR process.

### General Comments

1. The next submission shall include an enumerated list of all changes made to the plans that differ from the original site plan approval. The applicant should explain the purposes of said changes.
2. The applicant is seeking the approval of an amended site plan. Pursuant to §145-96, the Planning Board must determine whether a site plan amendment will require a public hearing.
3. The Planning Board should review the reconfigured parking lot and fire access road and determine whether the new configuration will be accepted as part of the amended site plan approval.
4. The Planning Board should comment on whether additional screening for the relocated A/C and heating units will be required. A 6-foot privacy fence had been required on the previously approved site plan.
5. The Planning Board should comment on the acceptability of the relocated dumpster and screening of the same. The applicant’s consultant shall clarify whether the required enclosure will be provided for the dumpster. A 6-foot wooden enclosure with a gate was required as part of the prior site plan approval.
6. The applicant should clarify the need for the gravel surface around the stormwater management facility and how unregulated parking adjacent to the stormwater management facility will be prevented.

7. Pursuant to §145-71, no vehicle shall be parked or stored in any required yard or fire lane. The applicant shall provide traffic control measures to prevent parking in the fire access road.

### Environmental Assessment Form

1. A Long Form EAF was previously reviewed as part of the prior SEQR process in 2021. The applicant shall submit a revised copy of the approved Long Form EAF reflecting project updates. (*repeat*)

### Parking Requirements

1. The approved plans indicated 44 spaces required, 45 proposed and 61 landbanked. The current plans show 55 spaces required, approximately 56 paved parking spaces and 26 landbanked. The Planning Board should comment on the proposed parking.
2. Conditions for construction of the 26 landbanked spaces and associated landscaping/screening should be considered, with appropriate notes added to the plans.
3. The applicant shall demonstrate compliance with the following parking lot landscaping requirements set forth in §145-70:
  - a. “In all parking lots providing eight (8) or more off-street parking spaces, a minimum of one canopy tree having a caliper of at least (3”) in diameter at breast height (dbh) and 10 shrubs shall be planted for each eight (8) parking spaces and any additional portion thereof...”
  - i. Seven trees and 70 shrubs are required for the parking proposed. Four trees and 48 shrubs are included on the stormwater landscaping plan.

### Site Plan Comments

1. All notes, bulk requirements, parking calculations, setbacks, and other data depicted on the approved site plan (Sheet C-1), aside from the proposed amendments, shall be included on the amended site plan if the amended site plan is to supersede the approved site plan (*repeat*).
2. The exact location of the dumpster shall be shown. The location has changed from the approved site plan, and the required enclosure has not been constructed. The dumpster has been relocated farther from the restaurant building and closer to adjoining residences to the west. Although the dumpster may be farther from one adjoiner (SBL 210-12-22), it is much closer to several other adjoiners (SBLs 210-12-18, 19, 20 & 21), and according to the applicant’s consultant, it is not contained within an enclosure.
3. A business sign for “Yesterday’s” has been installed on the adjoining property to the south, and it is proposed to be relocated onto the subject property. The applicant shall demonstrate compliance with the sign regulations set forth in §145-70, including required permitting. (*repeat*)
4. The applicant’s consultant has indicated that there is no generator on site. The consultant shall label each of the units in the rear of the building, which include three differently sized units. A sound-dampening enclosure or the 6-foot privacy fencing noted on the prior approved plans may be appropriate given the number of units, particularly if a generator has been installed.
5. The applicant shall demonstrate via the submission of a signed and sealed elevation drawing that the building height complies with the 40-foot maximum building height for Group K uses.
6. The proposed accessible access ramp and route have been reconfigured. The applicant shall provide a design or as-built drawing demonstrating that the reconfigured route/ramp meets

ADA requirements for minimum width, maximum slope and all other ADA design requirements (*repeat*).

7. The “metal storage trailers” callout shall be revised to “metal storage trailers to be removed.”
8. The applicant’s consultant shall provide catch basin inverts and shall demonstrate how the catch basins will function now that the road has been relocated and its surface material changed from asphalt pavement to gravel/millings.
9. The 5-foot-wide sidewalk adjacent to the restaurant has not been fully constructed. The Building Inspector should confirm that this plan amendment is an approved field change.
10. All deficient spaces adjacent to striped parking shall be painted to prevent parking in those areas, which include the irregularly shaped area adjacent to the relocated dumpster, triangular area adjacent to the building and the deficiently sized farthest northeasterly space.
11. The landbanked parking spaces appear to be dimensionally deficient. The applicant’s consultant shall confirm the lengths.
12. The applicant shall clarify the need for the gravel surfaces around the reconfigured parking facility. The approved plans do not indicate the unpaved areas around the stormwater management facility to be gravel.
13. The fire apparatus access road is sited in the regulatory floodway and FEMA 100-year floodplain. The applicant shall clarify the compaction and other mitigations proposed to reduce risk of washout of the gravel during flooding events and ensure continued stability for the use of fire apparatuses during emergency events, which may occur during flooding (*repeat*).
14. The Stormwater Management Plan may need revision/review.

### Lighting Comments

1. The applicant’s consultant shall provide a plan showing the site lighting installed, including fixture specifications, to confirm that the exterior lighting conforms to the approved plans.

### Landscaping Plan Comments

1. A landscaping plan including all required site screening and privacy fencing, including screening and fencing already installed, shall be submitted to verify that the landscaping has not changed from the approved plans.
2. *Ilex crenata* is designated as a Tier 5 – Watch species by Lower Hudson PRISM. The applicant should consider a native alternative (*repeat*).

The above items represent our professional opinion based on the material submitted. Please do not hesitate to contact me at 845.703.8140 or at [pitingaro@panddengineers.com](mailto:pitingaro@panddengineers.com) should you have any questions.

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