
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: January 14, 2025

The following items have been submitted to our office:

- Cover letter prepared by Friedler Engineering, PLLC, dated December 20, 2024
- Sheets entitled "Amended Site Plan Approval" and "ZBA/Details [sic]," of plans entitled "Elm Street Restaurant," consisting of two sheets prepared by Friedler Engineering, PLLC, revised December 20, 2024
- Full EAF, prepared by Brian Friedler, PE, dated December 20, 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, dumpster enclosure and generator.

A three-sided dumpster enclosure in a different location on site has been proposed in lieu of the previously approved dumpster enclosure and gate adjacent to the building.

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 has confirmed that with the amendments the project remains substantially similar to the previously reviewed project and reaffirmed the prior SEQR findings.

General Comments

1. 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. The locations of proposed “No Parking” signs shall be shown on the plans, and a sign detail should be provided.

Environmental Assessment Form

1. A revised Long Form EAF has been submitted.
2. Item D.2.e indicates a decrease of 0.5 acres of impervious area. The applicant should clarify where impervious areas have been reduced on site. The applicant has indicated that existing gravel areas are to remain, whereas the previous approved demolition plan (Sheet C-2), attached, indicated that existing compacted gravel was to be removed to provide soil restoration, resulting in the reduction of 0.5 acres of impervious area. The applicant shall demonstrate a net removal of 0.5 acres of impervious area on site.
3. Item D.2.k.i shall be completed.
4. Item D.2.m indicates that the construction of the amended improvements will not generate any noise above existing ambient noise levels.
5. Item E.1.b should be revised to show the decrease in forested area from 1.41 (previous approval) to 1.4 acres (amended application). Item E.1.b may need further revision should existing impervious areas not decrease as indicated.
6. Items E.2.m, E.2.q, E.3.b, E.3.e.i-iii and E.3.h should be completed.

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 42 landbanked.
2. Conditions for construction of the 42 landbanked spaces and associated landscaping/screening should be considered, with appropriate notes added to the plans. *(repeat)*
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 gravel areas previously scheduled for removal per the approved demolition plan, as well as pervious restored soil areas to be created, must be shown on the site plan and demonstrated to be consistent with the approved plans. Otherwise, the applicant must prepare an updated Stormwater Management Plan.
2. 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. Sheet C-2 of the approved plans shows the removal and restoration of all gravel areas around the previously approved parking facility as well as the removal of the previously existing pavement.
3. The Zoning Data indicates an increase in “development coverage” from 27.1% to 28%. The applicant shall clarify whether all gravel areas have been accounted for. The Zoning Data contradicts the claim in the cover letter that overall impervious areas have not increased.
4. General Note 14 references a generator. This note shall be revised to indicate that no generator shall be installed on site.
5. General Note 19 indicates that “no net fill shall be placed within the limits of the floodway.” The applicant shall demonstrate the amended site plan’s compliance with this requirement via cut and fill calculations.
6. General Note 22 states, “Site plan approval does not approve any encroachments of pre-existing encroachments.” The applicant shall clarify.
7. The applicant shall confirm whether the proposed dumpster enclosure and privacy fence meet all the specifications of the enclosure and fence details on the previously approved site plans. A gate had previously been provided for the dumpster enclosure.
8. 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)*
9. 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. *(repeat)*
10. 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)*

11. 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. The Stormwater Management Plan may need revision/review. *(repeat)*
12. 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. *(repeat)*
13. The landbanked parking spaces appear to be dimensionally deficient. The applicant's consultant shall confirm the lengths. *(repeat)*

Lighting Comments

1. The applicant's consultant shall provide fixture specifications to confirm that the exterior lighting conforms to the approved plans.

Landscaping Plan Comments

1. An as-built 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.

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 should you have any questions.

G:\Shared drives\Engineering\Warwick (V)\248103 - Elm Street Yesterday's\01 - Admin\Comment Letters\20250114 Elm Street Comment Letter

