

**PLANNING BOARD
VILLAGE OF WARWICK
JANUARY 14, 2025
Minutes**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:30 P.M.
MAXIMUM OCCUPANCY- 40**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, January 14, 2025, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was Chairman Jesse Gallo, Board Members: Bryan Barber, Scot Brown, Bill Olsen, and Alternate Vanessa Holland. Board member Kerry Boland was absent. Also, present was the Planning Board Clerk, Kristin Bialosky, Village Engineer Keith Woodruff was absent. Planning Board Attorney Elizabeth Cassidy, Planning Board Alternate Engineer's Jane Samulson and Jason Pitingaro, Brian Friedler, John Christison, Patty Bossolina, Charlie Bossolina, and Christopher Collins.

Chairman Jesse Gallo called the meeting to order and led in the Pledge of Allegiance. The Planning Board Clerk, Kristin Bialosky held the roll call.

Acceptance of Planning Board Minutes

A **MOTION** was made by Bill Olsen, seconded by Scot Brown and carried for the Acceptance of Planning Board Minutes: December 10, 2024, with minor revisions.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barbar Abstain Kerry Boland Absent
Scot Brown Aye Vanessa Holland Aye Bill Olsen Aye

Applications

1. **Yesterday's – John Christison** -<https://villageofwarwick.org/yesterdays-16-elm-st/>

Amended Site Plan Review

Discussion:

Chairman Jesse Gallo introduced the application, and Alternate Planning Board Engineer Ms. Samuelson recused herself from the application due to a conflict. Alternate Planning Board Engineer Mr. Pitingaro was introduced. The applicant, Mr. Christison, provided correspondence he received from the Village and distributed that letter to the Board. The meeting addressed updates to the amended site plan presented by the applicant. The applicant provided an overview of the changes made in response to prior feedback. Updates on the site plan included relocating the sign entirely onto the applicant's property, in compliance with zoning requirements, and revising the land bank parking layout to include 24 spaces on one side of

the site and 18 on the other. A new dumpster location was designated, with a three-sided privacy fence now proposed instead of a four-sided enclosure. Additionally, a privacy fence was included near the AC units located at the back of the building to improve aesthetics and screening. Existing gravel areas are planned for removal, with those areas to be permanently seeded. The applicant also confirmed the removal of one shipping containers on-site, leaving only one container at the front of the property and one at the rear. Both remaining containers are in the process of being removed. The roadway installation has been completed with gravel materials, per the applicant. The discussion turned to feedback provided in Mr. Pitingaro's latest memo. The board reviewed points related to stormwater management, impervious coverage, and consistency with prior approvals. The applicant assured the board that the stormwater management plan remains aligned with the original design basis, minimizing the need for modifications. Comments also addressed the inclusion of fire egress signage, which had been discussed at prior meetings, Mr. Pitingaro highlighted specific items requiring attention, including consistency in the Environmental Assessment Form (EAF) and ensuring compliance with prior conditions of approval. It was noted by Ms. Cassidy, esq., that certain technical inconsistencies, such as the floodplain permit date, should be resolved as part of the final approval process. Aesthetic and non-technical items, such as the three-sided privacy fence and the decision to omit a previously proposed generator, were determined to be matters for the board's consideration. The applicant confirmed that a generator would no longer be included and that the sign's form and shape had been previously approved; the current change relates solely to its location. The board agreed that these items would be acceptable as proposed but deferred final approval until further review. Concerns were raised by the applicant regarding the perceived delays in the approval process, noting frustration over repeated meetings and incremental changes. The board acknowledged these frustrations but emphasized the need to ensure that all comments were fully addressed before moving forward with a resolution. The board reiterated that items such as fire egress signage, while minor, still require compliance for safety reasons. The applicant confirmed a willingness to address these requirements and noted that some items had already been discussed in previous meetings. Regarding unbuilt improvements, it was confirmed that landscaping and other seasonal improvements would not be installed immediately due to weather conditions. As a result, these items will require bonding to ensure completion. The Village Board will oversee the bonding process and any related approvals for the temporary certificate of occupancy (TCO). It was clarified that bonding requirements would apply only to unconstructed improvements shown on the site plan, and the applicant will have options for providing security, including performance bonds, cash in lieu, or letters of credit. The board directed the attorney to prepare a draft resolution for review at the next meeting. This resolution will incorporate SEQRA consistency findings, bonding requirements, and conditions of approval. It was noted that existing terms from prior approvals should carry over where applicable, while overridden conditions would not. The attorney will ensure that the resolution includes a consistency finding with the prior SEQRA analysis, resolving any remaining discrepancies. In conclusion, the draft resolution will provide a framework for moving forward, with the goal of finalizing the approval process at the next meeting as long as the applicant addresses the major design elements discussed in Mr. Pitingaro's memo dated January 14th. Remaining items can be addressed as conditions of approval.

2. 15 Elm Feed & Grain – Irace - <https://villageofwarwick.org/15-elm-feed-grain/>

Flood Plain Application

Discussion:

The applicant was not required to be in attendance at the meeting as the board was ratifying the resolution. The discussion revolved around the applicant's floodplain fill and the necessary documentation for the approval process. Ms. Cassidy, Esq. explained that Mr. Woodruff had submitted a memo requesting that a full-size plan set be incorporated as a condition for the approval, as the current maps were too small to adequately assess the floodplain fill. The discussion centered on uncertainties regarding the floodplain fill depicted in the submitted plans. Concerns were raised about the lack of clarity in the smaller maps, and Mr. Woodruff's previous requests for a full-sized plan set were reiterated. It was noted that the applicant needs to demonstrate compliance with floodplain requirements under Chapter 69, Section 5.1, including ensuring no cumulative increase in base flood surface elevation. The plans previously reviewed and approved for signature, were prepared for ratification of the resolution. However, questions arose about grading changes outside the previously developed area, specifically regarding contour lines indicating a three-foot increase in elevation. Historical floodplain permits and existing versus proposed conditions were also discussed, but the information presented made it difficult to confirm compliance with floodplain prevention codes. Despite these issues, the resolution may still proceed with conditions if necessary. The attorney, Ms. Cassidy, explained that the board had previously voted to approve the resolution during the last meeting, contingent upon the resolution being drafted. She confirmed that she has since written the resolution and emphasized that the board now needs to review it to ensure the language aligns with their understanding and intent. She clarified that the resolution is not a simple motion to approve but a detailed, multi-page document that requires careful review before finalization. Board member Mr. Olsen requested the attorney Ms. Cassidy; to read the resolution stating it may resolve the questions from Ms. Samulson. Jane Samulson asked if the previous site plan approved in 2021 that was approved was available for viewing. Board member Bryan Barber explained that the plans appear to compare historic site elevations with current conditions. He noted that the shaded areas on the plans indicate changes in elevation, with some areas raised by five feet and others by one foot. The changes involve adding dirt to these specific areas, while no other modifications are being made. Chairman Gallo asked if there was a way to put a condition of the approval to specific areas that are shown on the site plan SK-2. Ms. Cassidy, Esq. said she would add those conditions requested. It was clarified that the work was already done, and the applicant received a notice of violation from the Building Inspector. The attorney presented a motion to ratify the resolution with additional language. She clarified that condition number 11 had been added to the resolution. This condition specifies that the installation of fill shall be limited to the areas depicted on SK-2, specifically the hatched areas delineated as proposed imported soil. Furthermore, any installation of fill beyond the areas depicted on SK-2 will require an amended application to be submitted to the Planning Board.

Feed & Grain – 15 Elm Ratify and accept the written Resolution as edited

A **MOTION** was made by Scot Brown, seconded by Bill Olsen, and carried to modify the resolution as edited for 15 Elm Feed and Grain.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo <u>Aye</u>	Bryan Barbar <u>Aye</u>	Kerry Boland <u>Absent</u>
Scot Brown <u>Aye</u>	Vanessa Holland <u>Aye</u>	Bill Olsen <u>Aye</u>

Below is the Resolution in final form:

RESOLUTION OF APPROVAL
FOR SITE PLAN and FLOODPLAIN PERMIT
FOR
Feed and Grain LLC
SBL 210-7-3

Nature of Application

Feed and Grain LLC has applied for amended site plan approval together with a floodplain permit pursuant to Chapter 69, "Flood Damage Prevention" of the Village of Warwick Code to authorize the placement of additional fill within the designated floodplain. The applicant was previously before the Planning Board in 2021 for a Site Plan application for the current mixed-use occupancy and for proposed development within the regulated flood plain.

Zoning District:

The property affected by this resolution is located in the Central Business (CB) zoning district of the Village of Warwick. The proposed uses are permitted uses subject to a conditional use permit within the CB Zoning district.

Plans

Application materials being considered consist of the following:

1. Cover letter and Application signed July 30, 2024
2. Short form Environmental Assessment Form dated July 10, 2024, revised December 4, 2024
3. Floodplain development application, and plans, dated July 5, 2024, revised December 4, 2024

History

Date of Application

The applicant was previously before the Planning Board in 2021 for a Site Plan application for the current mixed-use occupancy and for proposed development within the regulated flood plain. The instant application was first heard by the Planning Board at its September 10, 2024 meeting.

GML 239 Referral

This application was subject to review by the Orange County Planning Department. By letter dated October 4, 2024, the County Planning Department indicated "Local Determination" and provided no advisory comments.

SEQRA

Lead Agency & Type of Action:

The Village Planning Board assumed lead agency in regard to this action. The project is classified as an unlisted action. The Planning Board previously adopted a negative declaration for the 2021 site plan approval by resolution dated April 13, 2021. The Planning Board takes notice of the previous Environmental Assessment Form filed in 2021 and finds that the proposed fill does not alter the site in such a manner as to create an adverse environmental impact beyond the impacts evaluated in 2021. As

such, the Planning Board finds that the amendments to the site plan are consistent with the Planning Board's 2021 SEQRR review and reaffirms its negative declaration.

Public Hearing

A duly noticed public hearing was held on October 8, 2024 and no members of the public appeared either in person or in writing.

Findings

The Planning Board has determined that approval of the amended site plan and floodplain permit will substantially serve the public convenience, safety and welfare in that the proposed fill is in the best interest of the applicant and the Village.

Resolution of Approval,

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant the amended site plan and floodplain development permit application of Feed and Grain LLC as depicted on the plans identified above upon conditions outline below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

General Conditions

1. This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, as required to the Village of Warwick Planning Department.
2. This approval is further conditioned upon the applicant paying or depositing into escrow all applicable review, inspection and any other applicable fees.
3. This approval is further conditioned upon the applicant delivering (prior to signing of the plans) proof, in writing, that all fees - engineering, legal and otherwise - in regard to this project have been fully paid.
4. The plans shall not be signed until proof, satisfactory to the chair, has been presented showing that all conditions of this approval have been fulfilled or otherwise satisfied.
5. All conditions of this conditional approval shall be fulfilled within twelve (12) months from the date set forth at the foot of this resolution unless the applicant shall, within said twelve (12) month period and prior to expiration of said time, file with the Planning Board a request for an extension of this conditional approval and prove to the satisfaction of the Planning Board that such extensions is justified based upon such matters as are outside the control of the applicant. Upon expiration of said twelve (12) month period without an extension having been granted this conditional approval shall lapse.
6. All conditions precedent to this approval shall be satisfied prior to issuance of a Building Permit for any new structure.
7. No approval is intended to be given or is given by this resolution for site plan elements depicted on adjoining properties.
8. "As-built" plans shall be provided to the Village Engineer for review and approval upon completion of the improvements. The Village Engineer may require a preliminary "as-built" plan sooner if he/she determines that such a preliminary "as-built" plan is required to ensure the suitability and safety of the ongoing construction.

9. Construction hours at the project site shall be limited to the hours of 7:00 am and 7:00 pm on weekdays and 8:00 am and 7:00pm on Saturdays. There shall be no construction on Sundays.

Specific Conditions

10. Landscaping to be maintained in perpetuity.
11. Installation of fill shall be limited to the areas depicted on sheet SK-2 (the hatched areas delineated as “proposed imported soil”) of the site plan identified above. Further installation of fill beyond that depicted shall be subject to an amended application before the Planning Board.
12. The terms and conditions of the prior site plan approval dated May 11, 2021 shall remain in full force and effect unless expressly superseded by this amendment.

Motion by Member Olsen, Second by Member Brown

In Favor	5	Against	0	Abstain	0	Absent
0						

Resolution vote: December 10, 2024

Resolution ratified: January 14, 2024

JESSE GALLO, Chairman
VILLAGE OF WARWICK PLANNING

BOARD

Filed in the Office of the Planning Board Clerk on this _____ day of January 2024

Kristin Bialosky
Planning Board Clerk

I, Raina Abramson, Clerk of the Village of Warwick, does hereby certify that the foregoing resolution was filed in the Office of the Village Clerk on

_____.

Raina Abramson, Clerk
Village of Warwick

3. 19 Welling Place - Bossolina - <https://villageofwarwick.org/19-welling-place/>

Site Plan Approval – Conditional Use Permit - 2 Businesses 1st Floor & 3 Apartments 2nd Floor –

Discussion:

The Chairman introduced the application. The attorney clarified that the SHPO letter was received. The attorney, Elizabeth Cassidy read the resolution. Ms. Cassidy clarified that the existing structure was occupied by an automotive repair facility, Mr. Bill's, on the first floor, with a single apartment and office on the second floor. Ms. Samulson stated that Mr. Woodruff wanted a key detail modified on the plans that the pipeline would not be copper it would be galvanized. Mr. Woodruff will approve the plans before they are printed and signed.

19 Welling Place Ratify and accept the written Resolution as edited

A **MOTION** was made by Scot Brown, seconded by Bill Olsen, and carried to modify as edited, Resolution for 19 Welling Place.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barbar Aye Kerry Boland Absent
Scot Brown Aye Vanessa Holland Absent Bill Olsen Aye

Below is the Resolution in final form:

RESOLUTION OF APPROVAL
FOR SITE PLAN AND CONDITIONAL USE PERMIT
FOR
C. Bossolina Group LLC
SBL 207-5-25

Nature of Application

C. Bossolina Group LLC has applied for site plan approval and a conditional use permit to permit the conversion of an existing mixed-use building located at 19 Welling Place. The existing two-story, approximately 4,484 square foot building was previously occupied by an automotive repair facility (Mr. Bill's Auto Repair) on the first floor, with a single apartment and office on the second. The proposed application would renovate and convert the building into two (2) commercial spaces on the first floor and provide three (3) 2-bedroom apartments on the second floor.

Zoning District:

The property affected by this resolution is located in the Central Business (CB) zoning district of the Village of Warwick. The proposed uses are permitted uses subject to a conditional use permit within the CB Zoning district.

Plans

Application materials being considered consist of the following:

4. Application, received October 16, 2024
5. Short form Environmental Assessment Form dated October 15, 2024
6. Site Plan prepared by Friedler Engineering, PLLC, dated October 15, 2024, last revised November 18, 2024
7. Elevations prepared by Base 10 Architecture PLLC, dated October 10, 2024

History

Date of Application

The Planning Board undertook its first review of the instant application on November 12, 2024

GML 239 Referral

This application was subject to review by the Orange County Planning Department. By letter dated December 4, 2024, the County Planning Department indicated "Local Determination" and provided no advisory comments.

SEQRA

Lead Agency & Type of Action:

The Village Planning Board is the lead agency in regard to this action. The project is classified as a Type II action pursuant to 6 NYCRR 617.5 (c) (9) and is not subject to further environmental review.

Public Hearing

A duly noticed public hearing was held on December 10, 2024 and no members of the public appeared either in person or in writing.

Findings

The Planning Board has determined that final approval of the site plan will substantially serve the public convenience, safety and welfare in that the permitted construction of the proposed renovations and second floor apartments is in the best interest of the applicant and the Village.

With respect to parking, pursuant to its authority set forth in § 145-70(A)(3)(a)(5) of the Village of Warwick Code, the Village Planning Board discussed and considered whether surrounding off-site parking areas would sufficiently accommodate the site's parking needs. There are multiple municipally owned parking areas less than 300 feet from the premises. In addition, the previous use of the building also relied on off-site parking. The Planning Board specifically finds that these off-site parking areas were sufficient for the proposed project.

In accordance with § 145-120 of the Village of Warwick Code, the Planning Board makes the following findings:

The location, size and character of the proposed use will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the site or adjacent properties.

The location and size of the proposed use, the nature and intensity of the proposed operations and its site layout and its relation to access streets are such that it is not hazardous to both pedestrian and vehicular traffic.

The location and height of the building, the location, nature and height of walls and fences and the nature and extent of landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and buildings. The proposed use will not require such additional public facilities or services or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right.

Resolution of Approval,

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant site plan and conditional use permit application of C. Bossolina Group LLC as depicted on the plans identified above upon and subject to the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

General Conditions

13. This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, as required to the Village of Warwick Planning Department.
14. This approval is further conditioned upon the applicant paying or depositing into escrow all applicable review, inspection and any other applicable fees.
15. This approval is further conditioned upon the applicant delivering (prior to signing plans) proof, in writing, that all fees - engineering, legal and otherwise - in regard to this project have been fully paid.
16. The plans shall not be signed until proof, satisfactory to the chair, has been presented showing that all conditions of this approval have been fulfilled or otherwise satisfied.
17. All conditions of this conditional approval shall be fulfilled within twelve (12) months from the date set forth at the foot of this resolution unless the applicant shall, within said twelve (12) month period and prior to expiration of said time, file with the Planning Board a request for an extension of this conditional approval and prove to the satisfaction of the Planning Board that such extensions is justified based upon such matters as are outside the control of the applicant. Upon expiration of said twelve (12) month period without an extension having been granted this conditional approval shall lapse.
18. All conditions precedent to this approval shall be satisfied prior to issuance of a Building Permit for the new structure.
19. No approval is intended to be given or is given by this resolution for site plan elements depicted on adjoining properties.
20. "As-built" plans shall be provided to the Village Engineer for review and approval upon completion of the improvements. The Village Engineer may require a preliminary "as-built" plan sooner if he/she determines that such a preliminary "as-built" plan is required to ensure the suitability and safety of the ongoing construction.

21. Construction hours at the project site shall be limited to the hours of 7:00 am and 7:00 pm on weekdays and 8:00 am and 7:00pm on Saturdays. There shall be no construction on Sundays.

Specific Conditions

22. Site Plan approval is expressly conditioned on the terms and conditions of the approval of the Architectural and Historic District Review Board (AHDRB), dated November 8, 2024 and any amendments thereto.

23. Waterline and sprinkler specifications to be approved by the Village Engineer.

24. Applicant to address comments of Keith Woodruff, P.E., dated December 3, 2024 to satisfaction of Village Engineer.

25. Pursuant to § 145-20(E), the property owner shall permit entry for inspection with reasonable notice to permit the Building Inspector to determine continued compliance with this approval.

Motion by Member Brown, Second by Vanessa Holland

In Favor 5 Against 0 Abstain 0 Absent 0

Resolution vote: December 10, 2024

Resolution Ratified: January 14, 2024

JESSE GALLO, Chairman
VILLAGE OF WARWICK PLANNING
BOARD

Filed in the Office of the Planning Board Clerk on this _____ day of January 2024

Kristin Bialosky
Planning Board Clerk

I, Raina Abramson, Clerk of the Village of Warwick, does hereby certify that the foregoing resolution was filed in the Office of the Village Clerk on

_____.

Raina Abramson, Clerk
Village of Warwick

Adjournment

A **MOTION** was made by Bill Olsen, seconded by Bryan Barber, and carried to adjourn the regular meeting at approximately 9:00 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo	<u>Aye</u>	Bryan Barber	<u>Aye</u>	Kerry Boland	<u>Absent</u>
Scot Brown	<u>Aye</u>	Vanessa Holland	<u>Absent</u>	Bill Olsen	<u>Aye</u>

Kristin Bialosky, Clerk to the Planning Board

Please go to the link to watch the Planning Board Meeting:
<https://www.youtube.com/watch?v=b59CfrpHOZA>