

**PLANNING BOARD
VILLAGE OF WARWICK
JANUARY 9, 2024**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, January 9, 2024, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairperson, Jesse Gallo, Board Members: Bryan Barber, Kerry Boland, Scot Brown, and Bill Olsen. Alternate, Vanessa Holland and Planning Board Attorney Robert Dickover were absent. Also, present was Deputy Clerk, Jenn Mante, Village Engineer David Getz, Robert Kennedy and Kirk Rother.

Chairperson, Jesse Gallo, called the meeting to order and led in the Pledge of Allegiance. The Deputy Clerk, Jenn Mante held the roll call.

Acceptance of Planning Board Minutes

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried for the Acceptance of Planning Board Minutes: December 12, 2023.

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

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

Applications

1. **8 Forester Avenue** – <https://villageofwarwick.org/8-Forester-Avenue/>

**PLANNING BOARD OF THE VILLAGE OF WARWICK
NOTICE OF PUBLIC HEARING
CONTINUATION OF PUBLIC HEARING LEFT OPEN ON DECEMBER 12, 2023**

NOTICE IS HEREBY GIVEN that, pursuant to Sections 145-93.C of the Code of the Village of Warwick that the Planning Board of the Village of Warwick, New York, will hold a Public Hearing on the 12th day of December, 2023 at 7:30 PM, or as soon thereafter as the matter can be heard that day, at the Village Hall, 77 Main Street, Warwick, New York, on the application of Warwick LLC for Final Site Plan approval for a project referred to as “8 Forester Ave. – Amended Site Plan” which seeks to amend a site plan to convert approximately 2,400 SF of former medical office space on the first floor into three residential apartments and add a second story over the space which will house three additional apartments. No physical ground disturbance is proposed. The subject property is located on the lands lying at 8 Forester Ave. within said Village and shown generally on the tax maps as Section 207, Block 3, Lot 3 and for such other purposes as may lawfully come before the Board.

A copy of the plan is available for public inspection at the office of the Planning Board during regular business hours. The proposed plan has been posted on the Village’s website at: www.villageofwarwick.org . All written communications addressed to the Planning Board must be received by the Planning Board at or prior to the public hearing.

All persons interested are invited to attend. The meeting is open to the public.

Dated: November 14, 2023

BY ORDER OF THE PLANNING BOARD OF
THE VILLAGE OF WARWICK, NEW YORK
BY: JESSE GALLO, CHAIRMAN

Discussion

Chairperson Jesse Gallo stated The Village Board has approved the SUP and that is what The Planning Board needed to close the Public Hearing. There was no one from the public to speak on the project. The applicant was looking for a Resolution for approval below. Village Engineer Dave Getz asked Kirk Rother if he updated the site plan with the correct title. Kirk Rother submitted the plan with the corrections. Village Engineer Dave Getz confirmed no design changes or technical changes were made.

8 Forester Avenue – Close the Public Hearing

A **MOTION** was made by Scot Brown, seconded by Bill Olsen to Close the Public Hearing

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

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

Chairperson Jesse Gallo read out the resolution that was prepared by Planning Board Attorney, Robert Dickover, below:

RESOLUTION OF APPROVAL

FOR

AMENDED SITE PLAN

FOR

WARWICK LLC

(8 FORESTER AVE.)

Nature of Application

Warwick LLC has applied for a project referred to as “8 Forester Ave. - Amended Site Plan” which seeks to amend a site plan to convert approximately 2,400 SF of former medical office space on the first floor into three residential apartments and add a second story over the space

which will house three additional apartments. No physical ground disturbance is proposed. The parcel is located on one tax lot identified on the Tax Maps of the Village of Warwick as Section 207, Block 3, Lot 3. The project includes the conversion of medical offices on the first floor to two (2) one-bedroom apartments and one (1) two-bedroom apartment and the construction on the second floor of two (2) one-bedroom apartments and one (1) two-bedroom apartment. There are no exterior changes proposed for the premises except for the addition of the second story to the existing structure.

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 within the CB district subject to site plan approval and issuance of a special use permit from the Village Board.

Plans

The Site Plan materials being considered consist of the following:

1. A one sheet set of plans entitled “8 Forester Ave. – Amended Site Plan Aerial Image” dated 6-27-23 prepared by Kirk Rother, P.E.
2. A Long Form EAF, dated 11/14/23
3. Architectural drawings (2 sheets), dated 6/14/23, prepared by Irace Architecture
4. Architectural drawings (1 sheet), dated 11/2/23, prepared by Irace Architecture

History

Date of Application

The present application for amended site plan approval is dated June 26, 2023 and was filed with the Planning Board on or about the same date.

The Planning Board undertook its first review of the application on July 11, 2023.

GML 239 Referral

This application was referred to the Orange County Planning Department for review. That Department by its letter dated November 22, 2023 recommended the project as one for Local Determination.

SEQRA

Lead Agency & Type of Action:

The Village of Warwick Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on October 10, 2023. On that same date the Board typed the amended site plan application as an Unlisted type action.

Declaration of Significance:

On November 14, 2023 the Village of Warwick Planning Board undertook a review and examination of the Long Form EAF provided by the applicant. Upon that review, the Planning Board determined that there would be no significant adverse environmental impacts that would result from the amended site plan project primarily because there were no exterior changes proposed for the project site. Thereupon, the Board resolved to issue a Negative Declaration for the amended site plan project.

PUBLIC HEARING

A public hearing on this application was convened on December 12, 2023 and held open pending a determination from the Village Board whether to issue a required special use permit. At that meeting no members of the public spoke in favor or against the project.

Special Use Permit

On January 2, 2024 the Village Board of the Village of Warwick granted a special use permit for the project.

PUBLIC HEARING – Continued:

The public hearing was continued on January 9, 2024. Again, no members of the public spoke in favor or against the project. The public hearing was thereupon closed.

Findings

Project

The Planning Board has determined that final approval of the amended 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.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant final approval to the amended site plan application of Warwick, LLC as depicted on the plans identified above upon 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

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 extension 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 the 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 a.m. and 7:00 p.m. on weekdays and 8:00 a.m. and 7:00 p.m. on weekends. There shall be no construction on Sundays.

Specific Conditions

10. The owner shall construct and maintain the premises in keeping with the findings of the AHDRB as recited in its determination made November 9, 2023 and as may be amended by subsequent determination of that Board.
11. The plans shall be amended to satisfy the review comments provided by the Village Engineer.

12.

In Favor _____ against _____ Abstain _____ Absent _____

Dated: January 9, 2024

JESSE GALLO , CHAIRMAN
VILLAGE OF WARWICK PLANNING BOARD

NOTE: The owner of the premises which is subject to this approval, their successors, heirs, and assigns, are hereby advised to apprise themselves of the provisions of Village Code

C. *Failure to receive an extension or complete work within the time prescribed, if any specified in the approval, shall require that a new Site Plan approval application be filed, and a new approval issued before any work may commence or continue.*

RAINA ABRAMSON, Village Clerk

8 Forester Avenue – Approve the Application and Resolution of Warwick LLC for Development

A **MOTION** was made by Bill Olsen, seconded by Kerry Boland to Approve the Application and Resolution of Warwick LLC

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

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

2. Discussion -Building Heights:

Dave Getz, Village Engineer stated that there is nowhere in the code where the Village has a definition for building height. The former Building Inspector, Dan Kelly was using the definition from the Town of Warwick's code. Chairperson, Jesse Gallo read the code below:

BUILDING HEIGHT

The vertical distance measured from the mean elevation of the average natural grade level adjoining the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the median height between eaves and ridge for gable, hip and gambrel roofs.

The board decided that Mr. Getz would write a Building Height definition recommendation, which would be submitted to the Village Board. Mr. Getz will research how the Town of Warwick defines building height.

3. Village of Warwick Planning Board Rules of Meeting Procedure

Discussion: The Board had a discussion regarding public comments when deciding to adopt the Rules of Meeting Procedure. The Board discussed they would like to hear public comments, but Chairperson Jesse Gallo stated the Applicant must follow the rules and it's between the Village Code and what their application says. Board member Kerry Boland would like the public to have comments before the application process is almost finalized. Board member Scot Brown stated the Applicant is subject to the rules and not the public's comments. Deputy Clerk, Jenn Mante stated that based on Village Board Public comments; Public comments can only be on Agenda items, it is required that a public speaker only address the Board and the Board does not offer any answers, the public does not get to address the Applicant or the Architect. It is not a question and answer regarding public comments. Board member Bill Olsen said the Rules of Meeting Procedure state that a majority of the Board can allow members of the Public to speak. The Board could have a public comment period when the specific application is discussed. Chairperson Jesse Gallo stated that if an application needs an audience the Board could make the

decision to hear public comments which would have to be placed on the agenda, only if a majority of the Board agrees that project warrants public comment. The Board agreed to Accept the Rules of Meeting Procedure.

Acceptance of Planning Board Rules of Meeting Procedure

A **MOTION** was made by Board member Bryan Barber, seconded by Scot Brown, and carried for the Acceptance of Rules of Meeting Procedure.

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

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

Executive Session, if applicable

Adjournment

A **MOTION** was made by Kerry Boland, seconded by Bill Olsen, and carried to adjourn the regular meeting at approximately 8:30 p.m.

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

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

Kristin A. Bialosky, Secretary to the Planning Board