

Memo

To: Village of Warwick Planning Board-Kristin Bialosky via email
From: Robert J. Dickover
CC: David Getz, P.E. via email
Date: 3/5/2024
Re: David & Amy Sliter/SR 17A & Clinton Ave. Ext. / Lot Line Change Application

I offer the following comments on the above captioned application submission.

1. This is an application for a "lot line" change. The Village of Warwick adopted Chapter 121 of the Village Code in 2012. This application should be processed in accordance therewith.
2. From a review of the proposed plat it does appear that this application meets the requirements to be treated as a lot line change. There are no increases in non-conformities, etc.
3. It appears that Corwin, Inc. should be shown on the application as owning lot #2 and an owner's endorsement should be made a part of the file/application.
4. Existing utility service lines, if any, should be shown on the plat.
5. The change in location of the lot line between lots 1 and 2 will reduce the setbacks for the existing green house and proposed green house on lot 2. Examination of the plat should be undertaken to determine if the structures will meet the minimum setback requirements for those structures and the distance to the proposed line should be entered on the plat.
6. § 121-6 Accompanying information. A. requires that the application include "A copy of such covenants or deed restrictions as are intended to cover all or part of the lots subject to the lot line change."
 - The applicant should provide this information.
7. SEQRA: The applicant has submitted a short form EAF. At the next meeting the Board should declare itself as Lead Agency for purposes of SEQR review. Pursuant to § 121-12 lot line changes are Type II actions. At the next meeting, the Planning Board should Type this action for SEQR purposes as a Type II action. Upon doing so the environmental review will be complete.

8. The lot line change includes tax parcels in the Town of Warwick. The Town should be included in the application process. A “waiver” letter might be requested stating that no review or approval is required from the Town Planning Board.
9. GML 239-m Referral. The project is subject to the referral requirements of GML 239-m in that it is one of the type stated at 239-m.3.(vi) other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law. No decision on the application should be made until the referral has been made 30 days prior to any such action unless a response is received prior to the expiration of the 30 days.
 - The application should be forwarded to County Planning.
10. § 121-6.B. requires that Proposed deeds reflecting the lot line change must be submitted to the Planning Board attorney for review prior to approval of the lot line change. (The Planning Board will require submission of copies of the signed deeds prior to releasing the lot line change plat, and such original deeds must be recorded contemporaneously with the lot line change plat at the Orange County Clerk's office.)
11. §121-16 “Public hearing” states that:

A public hearing for a lot line change may be required if the Planning Board has reason to believe, in its discretion, that a public hearing on the application is needed. If there is a public hearing scheduled, notice shall be given in the manner specified in the chapter for public hearings on subdivisions.

 - The Planning Board should decide whether or not to hold a public hearing. The decision should be made by resolution of the Board.
12. The applicant should be apprised of the provisions of § 121-19 “Expiration of approval”.

The approval of a lot line change shall expire 62 days after the signing of the plat by the Chairperson of the Planning Board unless filing of the lot line plat is accomplished within that time period in the Office of the Orange County Clerk. The expiration of an approval shall render any prior determination null and void, and any resubmission shall require full compliance with this chapter.

The Board's Decision on the matter should make reference to this provision as a note.

Respectfully,

Robert J.