

RESOLUTION OF APPROVAL
FOR AMENDED SITE PLAN
FOR
13 FORESTER LLC
SBL 208-2-1.2

Nature of Application

13 Forester LLC has applied for amended site plan approval that previously allowed construction of a 8,000 +/- square foot two-story building to be used for a restaurant and retail sales on the floor and eight (8) single-bedroom apartments on the second floor all located on a single tax lot, 208-2-1.2, being an approximately 47,000 Square Foot Parcel. The project has received two approvals: Site plan approval on June 24, 2022, and amended site plan approval granted on July 11, 2023. The current (second) amendment seeks to (1) relocate sidewalk from the southern end of the parcel to the northern end of the parcel; (2) reconfigure the parking to provide for one additional parking space; and (3) eliminate the approved rain garden.

Zoning District:

The property affected by this resolution is located in the Light Industrial (LI) zoning district of the Village of Warwick. The proposed uses are permitted uses within the LI Zoning district.

Plans

The Amended Site Plan materials being considered consist of the following:

1. Application, signed August 26, 2024
2. A one sheet set of plans entitled "Amended Site Plan" prepared by Kurt Rother, P.E., last revised May 28, 2024.
3. The Board takes notice of the plans and materials submitted in connection with the June 24, 2022 Site Plan and July 11, 2023 Amended Site Plan approvals.

History

Date of Application

The site received site plan approval on June 24, 2022 which was then amended on July 11, 2023.

The Planning Board undertook its first review of the instant application on September 10, 2024.

GML 239 Referral

This application was not subject to review by the Orange County Planning Department.

SEQRA

Lead Agency & Type of Action:

The Village Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on April 12, 2022 in connection with the original site plan application. On June 13, 2023, the Planning Board re-affirmed its status as Lead Agency and typed the amended site plan

application as an Unlisted action. The Planning Board similarly reaffirmed its status as Lead Agency and typed the instant application as an unlisted action.

Declaration of Significance:

The original 2022 application received a negative declaration pursuant to SEQRA on May 10, 2022. On July 11, 2023, the Village of Warwick Planning Board undertook a review and examination of the Short Form EAF provided by the applicant as well as a review of the "SEQR consistency chart" dated June 26, 2023 and revised July 6, 2023. Upon that review the Planning Board determined that the site plan amendment presented no significant changes in the prior 2022 environmental determination made by the Planning Board on the original site plan project and the changes presented by the amended site plan project were consistent with the prior environmental findings and therefore there would be no significantly adverse environmental impacts that would result from the amended site plan project. The Board resolved that a SEQR Consistency Statement would be issued and thereupon re-affirmed the previously issued Negative Declaration for the amended site plan project.

On September 10, 2024, upon review of the application, the changes to the site, the Planning Board again, resolved that the proposed amendments were consistent with the previous SEQR review undertaken in 2022 and 2023 and reaffirmed the previously issued Negative Declaration.

Public Hearing

Pursuant to its authority set forth the Village of Warwick Code § 145-96, the Planning Board resolved that given the nature of the amendments that a public hearing would not be required.

Findings

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.

The applicant is proposing one additional parking space for a total of 54 parking spaces. The code recommends a minimum of 75 parking spaces. The Planning Board previously evaluated the parking and whether it was adequate. It found that the parking for residential and the parking for the restaurant and retail sales uses would be offset, meaning that they would be used at different times of day so the provision of fewer spaces would be adequate. The Board reaffirms this finding and further finds that the increase by one parking space improves the parking compared with the parking previously proposed.

Resolution of Approval,

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant final approval to the amended site plan application of 13 Forester 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 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 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. This approval is subject to the prior site plan approval and the conditions there of dated June 24, 2022, and the Amended Site Plan Approval and the conditions thereof dated July 11, 2023.

In Favor 5 Against 0 Abstain 0 Absent 0

Dated: September 10, 2024



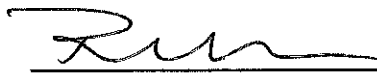
JESSE GALLO, Chairman
VILLAGE OF WARWICK PLANNING BOARD

Filed in the Office of the Planning Board Clerk on this 19th day of September 2024



Kristin Bialosky
Planning Board Secretary

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 September 20, 2024



Raina Abramson, Clerk
Village of Warwick