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September 2, 2025

**VILLAGE OF WARWICK PLANNING BOARD
77 MAIN STREET
WARWICK, NY 10990**

ATT: JESSE GALLO, CHAIRMAN

**RE: CHANGE OF USE APPLICATION – ROSITAS FRUIT
25 ELM STREET
SECTION 210, BLOCK 9, LOT 1
WO# 1802.90**

Dear Mr. Gallo and Planning Board Members:

We have reviewed the change of use waiver application submitted for the existing building located at 25 Elm Street. The applicant proposes to change the use from a personal service establishment (gym) to a farm market retail store, identified as Rositas Fruit & Vegetables.

The site is a 1.9± acre parcel located in the Light Industrial (LI) zoning district and is not located within the Historic District. The parcel is located within a designated FEMA Special Flood Hazard Areas (SFHA), consisting of the Wawayanda Creek Floodway and the 100-year flood plain. The proposed use is allowed in the LI district. The existing use of a gymnasium would fall under Use Group 'n', whereby the proposed use of retail store would fall under Use Group 'k'. In comparing the different use groups, there are no differences in the bulk requirements that this change of use would potentially impact.

Review Comments:

1. The application lists a usage of 2,000 gallons per day for the proposed retail store use. Applicant to verify and provide additional information.
2. The proposed use is to be located within the Mitchell's Corner Shopping Plaza mixed-use building. The approximate 60 space parking lot for this mixed-use building is shared between the different tenets and therefore should be adequate for this proposed change, which includes 3 employees.

3. Will the applicant serve food and/or beverages?
4. Application lists the hours of operation from 8 AM to 11 PM. Applicant to provide additional information for the hours of operation.
5. The application stated that a Health Department approval will be required. Applicant to provide additional information as to what additional approval would be required.

Sincerely,

Engineering & Surveying Properties, PC, Village Engineers



Keith Woodruff, CFM, CPESC
Senior Engineer

cc: Elizabeth Cassidy, Planning Board Attorney