September 5, 2025

**MEMO**

TO: Village of Warwick Planning Board

 Applicant

CC: Kristin Bialosky, Planning Board Clerk

 Keith Woodruff, Village Engineer

FROM: Elizabeth K. Cassidy, Esq.

RE: Attorney comments on application of Em Street Development Corp as owner and Paulino Chino as Tenant and Applicant

 25 Elm Street

 210-9-1

 I have reviewed the application of Paulino Chino for a Change of Use Waiver Application pursuant to § 145-99 of the zoning code. The site was home to a gym (personal services) to a farm market retail stor

 In preparation of this memorandum, I have reviewed the following:

 Application dated and received August 15, 2025

I offer the following comments:

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| **Comment** | **Status** |
| 1. The Property is located in the LI (Light Industrial) zoning district. Eating/drinking establishment is a permitted use falling under Use Group K.
 | For Information |
| 1. The Planning Board is authorized to grant a waiver of site plan approval where it determines that the change in use proposed will not result in any increase in the intensity of the use of the buildings or land which will significantly affect the characteristics of the site and/or Village. I draw the Board’s attention to the specific requirements of § 145-99 (c).
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| 1. A change of use waiver application is a Type II action under SEQR. See 145-99 (A)(1); See also 6 NYCRR 617.5(C)(18).
 | For Information |
| 1. I note the comments of Keith Woodruff, dated September 3, 2025 and concur with the same.
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| 1. In the event, the Board is not inclined to grant a waiver, the applicant shall submit an application for site plan approval.
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