

## Resolution

Name of Applicant: Patrick Corcoran  
Name of Project: Three-Family Residence at 43 Wheeler Ave.  
Type of Action: Site Plan Approval for Three-Family Residence Construction  
Location of Premises: 43 Wheeler Ave., Village of Warwick, New York

Whereas, the Planning Board of the Village of Warwick, Orange County, New York, does hereby determine that the application of the above-named Applicant for a project as above entitled which seeks Final Site Plan approval is approved for the construction and use of a three-family residential apartment building pursuant to the Village of Warwick Zoning Ordinance Section 145-23.1 all pursuant to the applicant's proposed site plan, in regard to property designated on the tax maps of the Village of Warwick as Section 207 Block 1 Lot 5; and

Whereas, the Planning Board on July 11, 2023 did declare itself lead agency and typed the action as a Type II action under the State Environmental Quality Review Act; and

Whereas, a Public Hearing was duly noticed and convened on September 12, 2023, held open until December 12, 2023 and closed on the same date, at which no members of the Public were heard voicing any objections to the proposed site plan; and

Whereas, the Orange County Planning Department pursuant to NYS GML Section 239-m was not required to report; and

Whereas, the Village Board of Warwick has issued a special use permit with conditions imposed thereon as of the 20<sup>th</sup> day of November 2023 the conditions of which are made a part of this Resolution; and

Whereas, the AHRD for the Village of Warwick has issued its advisory opinion and recommendations for the project which have been duly considered and taken under advisement by the Planning Board in making this Resolution; and

Whereas, the Village of Warwick Zoning Board of Appeals has granted requisite area variances for the project as set forth in its Decision dated April 11, 2023 the terms of which are incorporated by reference in this Resolution; and

Whereas, the Planning Board having reviewed the Objectives of Site Plan review as set forth in Section 145-91 of the Ordinance and having considered the public health, safety and welfare, the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood in particular and having considered the proposed project plan for impacts upon: Traffic Access; Circulation and parking; landscaping and screening; Compatibility of signs and lights; the Environment; and orderly Development; and having thereon determined that no negative changes in such conditions will be impacted by the proposed site plan; and

Whereas, Pursuant to ZO Section 145-99 entitled "Waivers" the Planning Board finds that to the extent not shown on the site plan last submitted and last re-dated 12/5/23 that compliance with the requirement of 145-91 is either not requisite in the interest of the public health, safety and general welfare or [is] inappropriate to the particular Site Plan because said waived site plan elements are minor and therefore to the extent not shown on the site plan that all required elements for site plan submission are hereby waived; and

*NOW THEREFORE, BE IT RESOLVED* that the site plan application entitled "Site Plan 43 Wheeler Ave" prepared by Friedler Engineering, PLLC consisting of four sheets and last re-dated 12/5/23 all as submitted for purposes of a Final Site Plan approval is granted final site plan approval, conditioned upon the applicant complying with the following conditions:

### **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 September 20, 2023 and as may be amended by subsequent determination of that Board.
11. Subject to the Applicant and all subsequent owners of the property adhering to the following conditions imposed by the Village Board pursuant to its Resolution of approval made the 20th day of November, 2023 failing which this site plan approval shall be suspended pending compliance by the then owner of the premises, to wit:

(i.) Short term rentals of the dwelling units shall not be permitted, and the applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating that short term rentals of the dwelling-units shall not be permitted; and

(ii.) Each dwelling unit shall be limited to parking of two (2) vehicles inclusive of the off-street parking spaces on the subject property and in other off-street parking on Wheeler Avenue, and in other on-street parking in the Village inclusive of municipal parking lots. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same; and

(iii.) The owner(s) of the subject property shall, at its/their own expense, preserve and maintain the existing bluestone sidewalks on the property. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same.

*And It is FURTHER RESOLVED*, that upon the signing of this Resolution by the Chairman of the Planning Board and the filing of same in the Office of the Clerk of the Village of Warwick, that the Building Inspector is authorized to issue a Building Permit for the premises as shown on said plan, provided that the premises otherwise comply with all applicable codes and regulations.

In Favor   5   Against   0   Abstain        Absent       

Dated: December 12, 2023

  
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JESSE GALLARDO, CHAIRMAN  
VILLAGE OF WARWICK PLANNING BOARD

STATE OF NEW YORK )  
                                  ) ss:  
COUNTY OF ORANGE )

I, KRISTIN BIALOSKY, Secretary of the Planning Board of the Village of Warwick, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Planning Board at a meeting of said Board held on December 12, 2023.

  
KRISTIN BIALOSKY, SECRETARY  
VILLAGE OF WARWICK PLANNING BOARD

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 December 15, 2023.

  
RAINA ABRAMSON, WARWICK VILLAGE CLERK