

RESOLUTION OF APPROVAL
FOR SITE PLAN and FLOODPLAIN PERMIT
FOR
Feed and Grain LLC
SBL 210-7-3

Nature of Application

Feed and Grain LLC has applied for amended site plan approval together with a floodplain permit pursuant to Chapter 69, "Flood Damage Prevention" of the Village of Warwick Code to authorize the placement of additional fill within the designated floodplain. The applicant was previously before the Planning Board in 2021 for a Site Plan application for the current mixed-use occupancy and for proposed development within the regulated flood plain.

Zoning District:

The property affected by this resolution is located in the Central Business (CB) zoning district of the Village of Warwick. The proposed uses are permitted uses subject to a conditional use permit within the CB Zoning district.

Plans

Application materials being considered consist of the following:

1. Cover letter and Application signed July 30, 2024
2. Short form Environmental Assessment Form dated July 10, 2024, revised December 4, 2024
3. Floodplain development application, and plans, dated July 5, 2024, revised December 4, 2024

History

Date of Application

The applicant was previously before the Planning Board in 2021 for a Site Plan application for the current mixed-use occupancy and for proposed development within the regulated flood plain. The instant application was first heard by the Planning Board at its September 10, 2024 meeting.

GML 239 Referral

This application was subject to review by the Orange County Planning Department. By letter dated October 4, 2024, the County Planning Department indicated "Local Determination" and provided no advisory comments.

SEQRA

Lead Agency & Type of Action:

The Village Planning Board assumed lead agency in regard to this action. The project is classified as an unlisted action. The Planning Board previously adopted a negative declaration for the 2021

site plan approval by resolution dated April 13, 2021. The Planning Board takes notice of the previous Environmental Assessment Form filed in 2021 and finds that the proposed fill does not alter the site in such a manner as to create an adverse environmental impact beyond the impacts evaluated in 2021. As such, the Planning Board finds that the amendments to the site plan are consistent with the Planning Board's 2021 SEQR review and reaffirms its negative declaration.

Public Hearing

A duly noticed public hearing was held on October 8, 2024 and no members of the public appeared either in person or in writing.

Findings

The Planning Board has determined that approval of the amended site plan and floodplain permit will substantially serve the public convenience, safety and welfare in that the proposed fill is in the best interest of the applicant and the Village.

Resolution of Approval,

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant the amended site plan and floodplain development permit application of Feed and Grain 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 any 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. Landscaping to be maintained in perpetuity.
- 11. Installation of fill shall be limited to the areas depicted on sheet SK-2 (the hatched areas delineated as “proposed imported soil”) of the site plan identified above. Further installation of fill beyond that depicted shall be subject to an amended application before the Planning Board.
- 12. The terms and conditions of the prior site plan approval dated May 11, 2021 shall remain in full force and effect unless expressly superseded by this amendment.

Motion by Member Olsen, Second by Member Brown

In Favor 5 Against 0 Abstain 0 Absent 0

Resolution vote: December 10, 2024

Resolution ratified: January 14, 2024

 JESSE GALLO, Chairman
 VILLAGE OF WARWICK PLANNING BOARD

Filed in the Office of the Planning Board Clerk on this _____ day of January 2024

 Kristin Bialosky
 Planning Board Clerk

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 _____.

 Raina Abramson, Clerk
 Village of Warwick