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November 12, 2025  
Revised January 13, 2026

**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 Tenlake Monroe LLC/Jason Hartman  
40 High Street  
211-5-4.2

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I have reviewed the application of Tenlake Monroe LLC for site plan approval and conditional use permit to construct a mixed use building containing commercial space and residential apartments. My comment memoranda are intended to be running memoranda updated upon each submission. New material may be found in bold.

**In preparation for this memorandum, I have reviewed the following:**

- **Cover letter/narrative of Friedler Engineering dated December 23, 2025**
- **Site Plan prepared by Friedler Engineering, PLLC dated October 16, 2025, last revised December 23, 2025.**
- **Comment memorandum of Keith Woodruff, Engineering Surveying & Properties, dated January 7 2026**

I offer the following comments:

Comment	Status
1. The Property is located in the L.I. zoning district. Residential Apartments above Commercial Space is a permitted use subject to a conditional use permit from the Planning Board and is within use group "j" <sup>1</sup> . The property is not located in the Historic District.	For Information

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<sup>1</sup> See Local Law 1 of 2023. The use table does not accurately reflect the use as adopted by the Village Board.

<p>2. Applicant does not appear to be subject to GML 239. Applicant's engineer to confirm distance to NYS 17A (Main Street) is in excess of 500 feet.</p>	
<p><b>1-13-2026 – Repeat Comment.</b></p>	
<p>3. Application Comments</p> <ul style="list-style-type: none"> <li>• # 8 to be corrected to reflect use group "j"</li> <li>• # 10, conditional use permit is yes.</li> </ul>	
<p><b>1-13-2026 – Repeat Comment</b></p>	
<p>4. A public hearing is required.</p>	For Information
<p>5. SEQR: This action is an unlisted action.</p> <p>EAF Comments:</p> <ul style="list-style-type: none"> <li>• Applicant to address yes answer to 12 a and 12b. Referral to SHPO is recommended. (<b>Pending</b>)</li> <li>• Applicant to address potential impacts to Indiana Bat and Bog Turtle (# 15).</li> <li>• I note the project is located in the 100 year flood plane</li> <li>• Applicant to address runoff to Wawayanda Creek</li> <li>• Applicant to address yes answer to question 20.</li> </ul> <p><b>1-13-2026 – The applicant is modifying the project to eliminate the second building together with the disturbance within the 100-year fold plain. Applicant to provide updated EAF addressing Indiana Bat and Bog Turtle, runoff to Wawayanda Creek and hazardous waste. Given scale of project long form EAF is appropriate.</b></p>	
<p>6. The permitted use is "residential apartments above commercial space" requiring that apartments be located on upper floors. The applicant proposes 2 accessible residential units on the first floor of both of the proposed buildings. Applicant to eliminate first floor apartments or apply to the Zoning Board of Appeals for a use variance.</p> <p><b>1-13-2026 – Applicant has modified the project to eliminate the first floor residential.</b></p>	<b>Comment Addressed</b>
<p>7. The parking calculations identify 20 residential units while the site plan depicts 5 residential per building for a total of 10 units. Plans to be updated for consistency.</p> <p><b>1-13-2026 Revised parking calculations reflecting the revised site plan have been provided. Engineer Woodruff to confirm adequacy.</b></p>	<b>Comment Addressed</b>

<p>8. I draw the applicant's attention to the following code provisions:</p> <ul style="list-style-type: none"> <li>• 145-50 - Parking shall not be permitted in any required yard.</li> <li>• 145-70 (A)(3)(c)- Special care is required for development of impervious surfaces in the Wawayanda Creek Aquifer (see Comprehensive Plan Map #5 and § 145-67 for the Village of Warwick Stormwater Management Regulations). All surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impervious pavement and all peak or overflow parking areas shall be permeable. Maximum use of pervious paving materials for parking areas shall be required except in cases of unusual or extraordinary difficulties due to exceptional conditions of topography, access, location, shape, or other physical features of the site. The use of rooftop gardens or green roofs for buildings with flat roofs is encouraged.</li> </ul> <p>The Planning Board is authorized to approve parking reserve areas which may not be constructed until and unless demand is evident. The Planning Board may, as a condition of allowing parking reserve areas, require an applicant to set aside (or to "bank") land to meet potential future parking needs. Such land shall remain in its natural state or be landscaped, but may not be used in a manner that would prevent it from being developed for parking in the future. Reserve areas shall be clearly identified on Site Plans approved under Article XI. A deed restriction shall be executed guaranteeing that the owner will provide the additional spaces if the Code Enforcement Officer, upon thorough investigation of the actual use of parking spaces at the building or use, recommends to the Planning Board that the approved reduction be modified or revoked.</p> <ul style="list-style-type: none"> <li>• 145-70(A)(5) - Location of Parking Spaces. All off-street parking shall be located behind or to the side of the principal building(s) except as permitted by § 145-</li> </ul>	
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<p>71. Parking spaces shall be screened from public view to the maximum extent practicable, provided such screening does not interfere with safety standards for sight distance. The Planning Board is authorized to reduce applicable front yard setbacks to allow placement of buildings nearer to the street, when parking is provided wholly at the rear of buildings and to link the site to the street front and sidewalk systems, whether existing or planned.</p> <ul style="list-style-type: none"> <li>• 145-70(A)(6) - Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one ten-foot lane for parking areas with fewer than 20 spaces and at least two ten-foot lanes for parking areas with 20 spaces or more. (see also 145-72(A)).</li> </ul>	
<p><b>1-13-2026 – The applicant has provided a revised plan showing 29 parking spaces. Applicant to confirm that spaces 16 through 30 do not encroach into the required side yard. Applicant to address landscaping and screening of parking lot.</b></p>	
<p>9. Applicant to demonstrate compliance with landscaping standards. See § 145-70(A)(8), § 145-91.E</p>	
<p><b>1-13-2026 – repeat comment</b></p>	
<p>10. Applicant has submitted a Flood FIRMette for purposes of review of flood impacts. I defer to Engineer Woodruff as to required deductions or required permitting, if any.</p>	
<p><b>11. The plans should be more fully developed prior to submitting for GML 239 (if required) or scheduling a public hearing. The applicant needs to identify a proposed commercial use even if such use is conceptual to ensure compliance with the code and that the site meets the appropriate use group bulk standards. As per Keith Woodruff's comment memorandum, applicant to identify proposed grading, water and sewer service (and daily demand), drainage, landscaping, etc.</b></p>	

<b>12. Bulk table to be updated to reflect use group “j”. Total side yard to be corrected 10 feet as per bulk table.</b>	
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These comments reflect the submitted materials only. Additional submissions may generate additional comments. We ask that applicants provide a written response to comments in future submissions.