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November 6, 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 Tenlake Monroe LLC/Jason Hartman
40 High Street
211-5-4.2

I have reviewed the application of Tenlake Monroe LLC for site plan approval and conditional use permit to construct two mixed use buildings containing commercial space and residential apartments. 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" ¹ . The property is not located in the Historic District.	For Information
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.	
3. Application Comments # 8 to be corrected to reflect use group "j" # 10, conditional use permit is yes.	
4. A public hearing is required.	
5. SEQR: This action is an unlisted action. EAF Comments:	

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

• Applicant to address yes answer to 12 a and 12b. Referral to SHPO is recommended. • Applicant to address potential impacts to Indiana Bat and Bog Turtle (# 15). • I note the project is located in the 100 year flood plane • Applicant to address runoff to Wawayanda Creek • Applicant to address yes answer to question 20.	
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.	
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.	
8. I draw the applicant’s attention to the following code provisions: • 145-50 - Parking shall not be permitted in any required yard. • 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. 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. • 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 § 145-71. 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. • 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)).	
9. Applicant to demonstrate compliance with landscaping standards. See § 145-70(A)(8), § 145-91.E	
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.	

These comments reflect the submitted materials only. Additional submissions may generate additional comments.