

**PLANNING BOARD
VILLAGE OF WARWICK
DECEMBER 12, 2023**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, December 12, 2023, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairperson, Jesse Gallo, Board Members: Bryan Barber, Kerry Boland, Scot Brown, Bill Olsen, and Alternate, Vanessa Holland. Also, present was Secretary to the Planning Board, Kristin Bialosky, Planning Board Attorney Robert Dickover, Village Engineer David Getz, Robert Kennedy, Kirk Rother, Patrick Corcoran, and Keith Murphy.

Chairperson, Jesse Gallo, called the meeting to order and led in the Pledge of Allegiance. The Secretary to the Planning Board held the roll call.

Acceptance of Planning Board Minutes

A **MOTION** was made by Scot Brown, seconded by Bill Olsen and carried for the Acceptance of Planning Board Minutes: November 14, 2023.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Abstain Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

Applications

1. **8 Forester Avenue** – <https://villageofwarwick.org/8-Forester-Avenue/>

**PLANNING BOARD OF THE VILLAGE OF WARWICK
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that, pursuant to Sections 145-93.C of the Code of the Village of Warwick that the Planning Board of the Village of Warwick, New York, will hold a Public Hearing on the 12th day of December, 2023 at 7:30 PM, or as soon thereafter as the matter can be heard that day, at the Village Hall, 77 Main Street, Warwick, New York, on the application of Warwick LLC for Final Site Plan approval for a project referred to as “8 Forester Ave. – Amended Site Plan” which seeks to amend a site plan to convert approximately 2,400 SF of former medical office space on the first floor into three residential apartments and add a second story over the space which will house three additional apartments. No physical ground disturbance is proposed. The subject property is located on the lands lying at 8 Forester Ave. within said Village and shown generally on the tax maps as Section 207, Block 3, Lot 3 and for such other purposes as may lawfully come before the Board.

A copy of the plan is available for public inspection at the office of the Planning Board during regular business hours. The proposed plan has been posted on the Village’s website at: www.villageofwarwick.org . All written communications addressed to the Planning Board must be received by the Planning Board at or prior to the public hearing.

All persons interested are invited to attend. The meeting is open to the public.

Dated: November 14, 2023

BY ORDER OF THE PLANNING BOARD OF
THE VILLAGE OF WARWICK, NEW YORK
BY: JESSE GALLO, CHAIRMAN

Discussion

The Engineer for the project, Kirk Rother, presented the amended site plan for 8 Forester Ave. He explained the building currently has 2400 sq feet that was previously used as medical space and that the owner, Mr. Kennedy would like to convert the space into three residential dwelling units as well as adding a second story for an additional three units. Mr. Rother stated they had gone to the AHDRB and Village Board, for the SUP. He stated the project is finished with the AHDRB and they must go back to the Village Board for the SUP. The Village board had a special open hearing held, but the open hearing must be redone as the changes to the building were not part of the original notice. Board member, Scot Brown asked if anything had changed on the site plan and Mr. Rother expressed he made minor changes, per Village Engineer, David Getz's suggestions, which are the maps area lineage, ariel image and an approval date. Mr. Rother expressed that substantively as far as the actual workflow, nothing has changed on the site plan presented. Board member Bill Olsen confirmed with Mr. Kennedy that they have not received a SUP but he said the project will be in front of the Village Board in January.

8 Forester Avenue – Open Public Hearing

A **MOTION** was made by Scot Brown, seconded by Bryan Barber and carried to open the public hearing for site plan approval for the project located at 8 Forester Avenue.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

Chairperson Jesse Gallo read the public hearing notice:

PLANNING BOARD OF THE VILLAGE OF WARWICK

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Dated: November 14, 2023

BY ORDER OF THE PLANNING BOARD OF
THE VILLAGE OF WARWICK, NEW YORK
BY: JESSE GALLO, CHAIRMAN

Chairperson Gallo asked if any correspondence was received and if anyone wished to comment or speak about the application; however, no correspondence or comments were received or made.

8 Forester Avenue – Hold Open the Public Hearing

A **MOTION** was made by Bill Olsen, seconded by Kerry Boland and carried to hold open the public hearing for site plan approval for the project located at 8 Forester Avenue.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

2. 43 Wheeler Avenue – <https://villageofwarwick.org/43-wheeler-ave/>

Final Site Plan application.

Discussion

The owner of the property, Mr. Corcoran, finalized his SUP with the Village Board. Chairperson Jesse Gallo explained that the Village Board placed conditions on the SUP approval, which are now part of the site plan. Village engineer Mr. Getz read out the conditions the Village Board placed on the approval. Mr. Corcoran is not allowed short term rentals of the dwelling units, each dwelling unit is limited to two vehicles and the owners of 43 Wheeler Ave. must maintain the existing bluestone sidewalk at the owners expense. Mr. Getz noted that they added to the plans a fence detail, permeable paving, added a pipe location for the drain line to the curb, and repair to be done to the concrete sidewalk. Board member Kerry Boland wanted to know how short-term rentals are defined and Scot Brown said the Village Board is working on defining short-term rentals. Board member Kerry Boland was concerned about the site line of the corner and Mr. Corcoran said he cleared some trees, so the site line was improved.

43 Wheeler Avenue – Close the Public Hearing

A **MOTION** was made by Scot Brown, seconded by Bill Olsen and carried to close the public hearing for site plan approval for the project located at 43 Wheeler Avenue.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye

Scot Brown Aye Bill Olsen Aye

The Planning Board authorized Planning Board Attorney, Robert Dickover, to prepare the following resolution of approval:

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 20th 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, **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, WARWICK VILLAGE CLERK

Bill Olsen presented the foregoing resolution, which was seconded by Bryan Barber.
The vote on the foregoing resolution was as follows: **APPROVED**

Jesse Gallo, Planning Board Chairperson, voting	<u>Aye</u>
Bryan Barber, Planning Board Member, voting	<u>Aye</u>
Kerry Boland, Planning Board Member, voting	<u>Aye</u>
Scot Brown, Planning Board Member, voting	<u>Aye</u>
Bill Olsen, Planning Board Member, voting	<u>Aye</u>

3. Draft Village of Warwick Planning Board Rules of Meeting Procedure.

Discussion

It was decided not to adopt the Planning Board Rules of Meeting Procedure until reviewed at the next Planning Board Meeting on January 9, 2023.

Adjournment

A **MOTION** was made by Scott Brown, seconded by Kerry Boland, and carried to adjourn the regular meeting at approximately 8:00 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

Jesse Gallo Aye Bryan Barber Aye Kerry Boland Aye
Scot Brown Aye Bill Olsen Aye

Kristin A. Bialosky, Secretary to the Planning Board