

## **RESOLUTION OF APPROVAL**

**FOR**

**AMENDED SITE PLAN**

**FOR**

**WARWICK LLC**

**(8 FORESTER AVE.)**

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### **Nature of Application**

Warwick LLC has applied 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 parcel is located on one tax lot identified on the Tax Maps of the Village of Warwick as Section 207, Block 3, Lot 3. The project includes the conversion of medical offices on the first floor to two (2) one-bedroom apartments and one (1) two-bedroom apartment and the construction on the second floor of two (2) one-bedroom apartments and one (1) two-bedroom apartment. There are no exterior changes proposed for the premises except for the addition of the second story to the existing structure.

### **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 within the CB district subject to site plan approval and issuance of a special use permit from the Village Board.

### **Plans**

The Site Plan materials being considered consist of the following:

1. A one sheet set of plans entitled “8 Forester Ave. – Amended Site Plan Aerial Image” dated 6-27-23 prepared by by Kirk Rother, P.E.
2. A Long Form EAF, dated 11/14/23
3. Architectural drawings (2 sheets), dated 6/14/23, prepared by Irace Architecture
4. Architectural drawings (1 sheet), dated 11/2/23, prepared by Irace Architecture

## **History**

### **Date of Application**

The present application for amended site plan approval is dated June 26, 2023 and was filed with the Planning Board on or about the same date.

The Planning Board undertook its first review of the application on July 11, 2023.

### **GML 239 Referral**

This application was referred to the Orange County Planning Department for review. That Department by its letter dated November 22, 2023 recommended the project as one for Local Determination.

### **SEQRA**

#### **Lead Agency & Type of Action:**

The Village of Warwick Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on October 10, 2023. On that same date the Board typed the amended site plan application as an Unlisted type action.

#### **Declaration of Significance:**

On November 14, 2023 the Village of Warwick Planning Board undertook a review and examination of the Long Form EAF provided by the applicant. Upon that review, the Planning Board determined that there would be no significant adverse environmental impacts that would result from the amended site plan project primarily because there were no exterior changes proposed for the project site. Thereupon, the Board resolved to issue a Negative Declaration for the amended site plan project.

### **PUBLIC HEARING**

A public hearing on this application was convened on December 12, 2023 and held open pending a determination from the Village Board whether to issue a required special use permit. At that meeting no members of the public spoke in favor or against the project.

#### **Special Use Permit**

On January 2, 2024 the Village Board of the Village of Warwick granted a special use permit for the project.

### **PUBLIC HEARING – Continued:**

The public hearing was continued on January 9, 2024. Again, no members of the public spoke in favor or against the project. The public hearing was thereupon closed.

## **Findings**

**Project**

The Planning Board has determined that final approval of the amended site plan will substantially serve the public convenience, safety and welfare in that the permitted construction of the proposed renovations and second floor apartments is in the best interest of the applicant and the Village.

**Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant final approval to the amended site plan application of Warwick, LLC as depicted on the plans identified above upon the conditions outlined 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 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 November 9, 2023 and as may be amended by subsequent determination of that Board.
11. The plans shall be amended to satisfy the review comments provided by the Village Engineer.

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12.

In Favor \_\_\_\_ against \_\_\_\_ Abstain \_\_\_\_ Absent \_\_\_\_

Dated: January 9, 2024

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 JESSE GALLO , CHAIRMAN  
 VILLAGE OF WARWICK PLANNING BOARD

*NOTE: The owner of the premises which is subject to this approval, their successors, heirs, and assigns, are hereby advised to apprise themselves of the provisions of Village Code*

*Section 145-98 which provides for the expiration of approved site plans. The provisions of Section 145-98 provide in part that:*

*A. Every Site Plan approval shall expire if the work authorized has not commenced within twelve (12) months from the date of its approval, subject to any extension or has not been completed within twenty-four (24) months from the date of Site Plan approval unless the applicant has requested and been granted a phased construction schedule.*

*B. If construction has not been commenced within one (1) year from the approval of the Site Plan or phased construction schedule has not been completed, the holder of the approval may apply to the Planning Board for an extension not to exceed one (1) additional year and such application for extension must be filed prior to the end of the one-year period. Upon the payment of one-half (1/2) of the application fees required for the original Site Plan approval and any professional review fees incurred, the Planning Board may, in its discretion and for due cause, extend the approval for a period not to exceed one (1) additional year from the date of its expiration.*

*C. Failure to receive an extension or complete work within the time prescribed, if any specified in the approval, shall require that a new Site Plan approval application be filed, and a new approval issued before any work may commence or continue.*

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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 January 9, 2024.

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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 \_\_\_\_\_.

\_\_\_\_\_  
RAINA ABRAMSON, Village Clerk