

**PLANNING BOARD
VILLAGE OF WARWICK
NOVEMBER 14, 2023**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, November 14, 2023, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairperson, Jesse Gallo, Board Members: Bill Olsen, Scot Brown, Kerry Boland and Alternate, Vanessa Holland. Bryan Barber was absent. Also, present was Secretary to the Planning Board, Kristin Bialosky, Village Clerk Raina Abramson, Planning Board Attorney Robert Dickover and Village Engineer David Getz. Also present: Jeff DeGraw, Donna Douglas, A.D. Whilhemn, Erik Lebeth, Gregory Rhein, Robert Kennedy, Kirk Rother, John Contreras, Sundeeep Bista, E. Lalle and others. Approximately 15 were present.

Chairman, 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 Bill Olsen, seconded by Scot Brown and carried for the Acceptance of Planning Board Minutes: October 10, 2023.

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

Kerry Boland Aye Scot Brown Aye Jesse Gallo Aye

Vanessa Holland Aye Bill Olsen Aye

Applications

1. **63 Wheeler Avenue** – <https://villageofwarwick.org/63-wheeler-ave/>

**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 14th day of November, 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 Shelly Garry, for Final Site Plan approval for a project referred to as “Western Addition LLC” which seeks to convert an existing building last used for and as a dance studio and related storage into a mixed use of a dine-in market, bistro, and a four (4) room boutique hotel. The proposal also seeks to renovate the existing parking areas all at an existing lot located on the lands lying at 63 Wheeler Ave. within said Village, and shown generally on the tax maps as Section 210, Block 5, 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: October 10, 2023
BY ORDER OF THE PLANNING BOARD OF
THE VILLAGE OF WARWICK, NEW YORK
BY: JESSE GALLO, CHAIRMAN

Discussion

Village Engineer, David Getz spoke about the site plan submitted with some landscaping information and lighting. Mr. Getz discussed his comment letter from October 31. The first comment was to darken the background information, or the existing information shown in gray, to make the final plans more legible. Mr. Getz stated that since our last meeting, the applicant has addressed the drainage concerns the Board discussed. Earlier versions of the plans showed a drainage pipe and a swale heading down part of the property towards resting. The applicant has revised the drainage measures to include now a rain garden instead of a direct swale that would have led down towards the sidewalk and the edge of West Street. The rain garden will pick up runoff from the parking area and promote the water to be infiltrated into the ground. If the rain garden exceeds its capacity to infiltrate on the other end of the site, there are underground stormwater chambers that will pick up runoff. Mr. Getz stated that the MJS calculations engineering looks good and that the project disturbs less than an acre of property. He added that under New York State rules the applicant does not have to do a full stormwater design so, the drainage report and the drainage measures can be on a simpler scale. Mr. Getz said he feels what the applicant is doing is going to be effective mitigation and probably will improve existing conditions. He explained they are going to have a container for recycling and for waste. Mr. Getz's final question was on the EAF. He explained that when the form was filled out it was tied into the NYS database and based on the location of the property a yes response was received for proximity to a waste remediation site which didn't indicate that the site was on this property. He said that attached is a report from ETC indicating that it was from a site that's been remediated previously, on Railroad Ave. Mr. Getz said that in general, the applicant has addressed the Board's previous concerns. Board member Bill Olsen asked what the structures were on the end of the walkway on West Street and the engineer for the applicant, explained that they are indicated to be arbors, or garden type structures. Jesse Gallo stated the AHDRB generally likes the concepts and the design. Jeff DeGraw said they are going to bring the AHDRB color samples at the next meeting and stated the AHDRB was supportive of the project and loved it. He said the building is really comprised of two parts, the old dance hall, the Grange Hall and the back which is the white part currently that will be resided with white board and batten. The part up in the front where the peak and the gable facing forward will be sided a natural wood stain throughout. Mr. DeGraw said that they are proposing dark bronze windows and are trying to preserve some of the history but at the same time, make it a little fresh and new. David Getz confirmed the portion to the back will be used for storage by the owner only.

63 Wheeler Avenue – Open Public Hearing

A **MOTION** was made by Scot Brown, seconded by Chairperson Jesse Gallo and carried to open the public hearing for site plan approval for the project located at 63 Wheeler Avenue.

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

Kerry Boland Aye Scot Brown Aye Jesse Gallo Aye

Vanessa Holland Aye Bill Olsen Aye

Chairperson Jesse Gallo read the public hearing notice:

**PLANNING BOARD OF THE VILLAGE OF WARWICK
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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.

Chairperson Gallo stated, ‘Let me orient all those present as the purpose of this public hearing and what it is and is not about. Tonight’s hearing is concerned with a site plan proposal to convert an existing building into a mixed use of a dining market bistro and four room boutique hotel. The proposal seeks to renovate the existing area located at 63 Wheeler Ave. The site plan before this board is the specific proposal for this project. It shows the location of buildings, driveways, drainage facilities, and the various accessory infrastructure elements that make up the proposal. This hearing is designed to hear your comments on these specifics. We invite any comments or suggestions you may have regarding this project, its layouts etc. Just as it’s not possible to explain every nuance of the project, it is not possible to answer every question you may have, or at least not to any great extent. The board’s task is to learn from you, what the board or its consultants might not have yet considered. Therefore, we ask you not to ask questions, but rather to raise issues. There are certain ground rules. Everyone wishing to speak must sign in. Before making a comment, you must identify yourself. Please address all comments to the entire board, not a singular member. Do not address your comments to either the applicant or any other speaker. You may of course note your agreement or disagreement with the prior speaker but tell the board about that disagreement. Please present your comments in a courteous manner. Do not make personal comments about public officials’ residents, the applicant, or the speaker. The comment to each person is limited to five minutes. If time permits, we will hear from you a second time. The time of each person belongs to that person and may not be assigned or transferred to any other person. The board is interested in issues but is not interested in the number of people who share interest in each issue. Therefore, if the issue has already been raised there is no need to make it again. We will deal with each issue brought to us after the hearing is closed.

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

63 Wheeler Avenue – Close Public Hearing

A **MOTION** was made by Bill Olsen, seconded by Vanessa Holland and carried to close the public hearing for site plan approval for the project located at 63 Wheeler Avenue.

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

Kerry Boland Aye Scot Brown Aye Jesse Gallo Aye

Vanessa Holland Aye Bill Olsen Aye

The Planning Board authorized Planning Board Attorney, Robert Dickover, to prepare the following resolution of approval following the November 14, 2023 meeting:

**RESOLUTION OF APPROVAL FOR
SITE PLAN FOR
WESTERN ADDITION LLC (63 WHEELER AVE.)**

Nature of Application

Shelly Garry obo Western Addition LLC has applied for site plan approval to convert an existing building last used for and as a dance studio and storage purposes into a mixed use of a dine-in market, bistro, and a four (4) room boutique hotel. The proposal also seeks to renovate the existing parking areas. The property is located on one tax lot identified on the Tax Maps of the Village of Warwick as Section 210, Block 5, Lot 3 being an approximate .549 +/- acre parcel.

Zoning District

The property affected by this resolution is located in the (CB)- Central Business zoning district of the Village of Warwick. The proposed uses are permitted uses within the CB district.

Plans

The Site Plan materials being considered consist of the following:

1. An eight (8) sheet set of plans prepared by MJS Engineering & Land Surveying, BEGA Lighting, and Arterial Landscape Architect, and DeGraw & DeHaan Architects, latest revised 10/26/23 including:

C-1: Site Plan

C-2: Notes

C-3: Existing Conditions & Demolition Plan

C-4: Grading & Drainage Plan

C-5: Details

Lighting Plan

SC-740 Details (Stormtech Chambers)

L-101: Landscape Plan

A1.01: Proposed First Floor Plan

A1.02: Proposed Second Floor Plan

A1.01: Proposed First Floor Plan (Dumpster Enclosure Details)

2. A written Narrative dated October 2nd, 2023 on Degraw & DeHaan letterhead.
3. A short-form EAF
4. Various elevations and Architectural renderings
5. A drainage report prepared by MJS Engineering.

History

Date of Application

The present application for site plan approval is dated 3/3/2022 and was filed with the Planning Board on or about the same date.

The Planning Board undertook its first review of the application on 5/10/2022. At that meeting the project was introduced to the Board. Thereafter, on 9/12/23 the matter was again brought to the Board and on successive dates thereafter the matter has been heard.

GML 239 Referral

This application was not required to be referred to the Orange County Planning Department for review.

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 9/12/23.

On 10/10/23, the Planning Board determined to Type the project as an Unlisted type action because Pursuant to Section 617.5 "Type II Actions" subsection (c) this action appears to be a Type II action in that the project is one for "(18) Reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part".

Declaration of Significance:

Upon typing the project as an Unlisted type action no further environmental review was necessary.

PUBLIC HEARING

A public hearing on this application was convened on November 14, 2023, concluded and closed on the same date. No members of the public spoke in favor or against the project.

Findings

Project

The Planning Board has determined that final approval of the site plan will substantially serve the public convenience, safety and welfare in that the permitted renovation and use of the building 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 site plan application of Western Addition, 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 of the premises shall at all times operate and use the premises in keeping with the use as set forth in the written Narrative referred to herein and upon failure to do so the approval granted hereby shall cease.
11. There shall be no use of the storage area except by the owner of the premises for personal storage use and not for commercial rental purposes absent further site plan approval.
12. 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.
13. The plans shall be amended to label the Arbors located at the end of the walk-

way to West Street.

Kerry Boland presented the foregoing resolution, which was seconded by Bill Olsen, The vote on the foregoing resolution was as follows: **APPROVED**

Kerry Boland, Planning Board Member, voting	<u>Aye</u>
Scot Brown, Planning Board Member, voting	<u>Aye</u>
Vanessa Holland, Alt. Planning Board Member, voting	<u>Aye</u>
Bill Olsen, Planning Board Member, voting	<u>Aye</u>
Jesse Gallo, Planning Board Chairperson, voting	<u>Aye</u>

2. **8 Forester Avenue** – <https://villageofwarwick.org/8-Forester-Avenue/>

Final Site Plan application.

Discussion

The owner of the property, Robert Kennedy, presented the site plan layout of the apartments, he was also before the Village Board for the SUP (the public hearing will be kept open). He was also before the AHDRB and presented colors of the new structure and was requested to bring back samples and materials.

Kirk Rother, the applicants Consulting Engineer, established that the survey they received was from Bob Schmick and stated there are no physical change to the site, but the floor plans presented have changed to be two, two-bedroom apartments and four, one-bedroom apartments. County Planning requested one unit for affordable housing. The project will go back to the Village Board for the special use permit and for the Planning Board’s consideration for site plan approval. Robert Dickover, Esq. went over the environmental review and stated perhaps a final determination would allow the Village Board to complete what they need to do. Mr. Kennedy shared that he felt that the Village Board seemed to be in favor of the project. Mr. Getz directed that the site plan be changed to reflect who provided the survey information, a new title, approval date updated, bulk table updated; to include parameters measured for yards and setbacks, and parking calculations. David Getz’s final comment was that this property submits a full EAF as the property is in the historic district. Mr. Kennedy said the AHDRB wanted a gable roof and that is what is drawn on the architectural. Mr. Dickover got clarification from Mr. Kennedy on the apartments being four one-bedroom units and two two-bedroom units, establishing again none of the acreage will be disturbed. The total number of units will be six one family residential units. No exterior additional lighting is proposed. In conclusion, Mr. Kennedy must come back to the Village Board, AHDRB and Planning Board before this project can be approved.

8 Forester Avenue – Negative Declaration

A **MOTION** was made by Kerry Bolland, seconded by Bill Olsen, and carried to adopt a Negative Declaration on the 8 Forester Avenue project.

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

Kerry Boland Aye Scot Brown Aye Jesse Gallo Aye

Vanessa Holland Aye Bill Olsen Aye

8 Forester Avenue – Schedule of Public Hearing

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland, and carried to schedule a public hearing for December 12, 2023, on the 8 Forester Avenue site plan application.

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

Jesse Gallo Aye Kelly Boland Aye Scot Brown Aye

Vanessa Holland Aye Bill Olsen Aye

- 3. **16 Railroad Avenue, Suite 2, Roam on Railroad** - <https://villageofwarwick.org/16-railroad-avenue-suite-2-roam-on-rail/>

Change of Use Site Plan Waiver Application.

Discussion

The applicant, Gregory Rhein, is subletting half of his space from the owner of Conscious Fork, and Spa Habitat next door. He is proposing to take over the entire space of the Conscious Fork and Spa Habitat. Mr. Rhein would like to open a lounge, bar area and small office in that new space, when the front part of his space, Roam on Railroad is not open, with limited nighttime weekend hours. Kerry Boland stated Mr. Rhein has the little kitchen in the back and seating in front and asked what changes would be made. Mr. Rhein said he will be taking on the entire lease rather than subletting the space, converting the back area into a 30-35 seat lounge area, to have cocktails and small bites before or after dinner and a small office space. There would be four stools at the bar. There is no seating outside. The plans are to walk through the sandwich shop to the lounge, and the sandwich shop will be closed for the hours that the speakeasy/lounge are open. Kerry Boland was concerned this could be a fire hazard. The back existing Spa space will be taken over and be converted into the lounge/bar and small space for an office. Mr. Rhein stated there is no access to a second egress door or window in the back, no existing tenants on Railroad Ave. have exits in the back. The Planning Board requested written approval verification of a certificate of occupancy with fire inspection from the building and fire inspector when the space is finalized.

16 Railroad Avenue, Suite 2, Roam on Railroad – Approval of Change of Use Site Plan Waiver Application

A **MOTION** was made by Scot Brown, seconded by Vanessa Holland, and carried to approve the revised Change of Use Site Plan Waiver Application for 16 Railroad Avenue, Suite 2, Roam on Railroad.

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

Kerry Boland Aye Scot Brown Aye Jesse Gallo Aye

Vanessa Holland Aye Bill Olsen Aye

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

Discussion

It was decided not to adopt the Board Rules of Meeting Procedure until some changes were made and reviewed at the next Planning Board Meeting on Dec. 12, 2023.

Adjournment

A **MOTION** was made by Scott Brown, seconded by Kerry Boland, and carried to adjourn the regular meeting at approximately 10:00 p.m.

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

Kerry Boland Aye Scot Brown Aye Jesse Gallo Aye

Vanessa Holland Aye Bill Olsen Aye

Kristin A. Bialosky, Secretary to the Planning Board