

**PLANNING BOARD  
VILLAGE OF WARWICK  
OCTOBER 10, 2023**

The Regular Meeting of the Planning Board of the Village of Warwick was held on Tuesday, October 10, 2023, at 7:30 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairman, Jesse Gallo, Board Members: Bill Olsen, Bryan Barber, Scot Brown, and Kerry Boland. Alternate, Vanessa Holland, was absent. Also, present was Village Clerk Raina Abramson, Planning Board Attorney Robert Dickover and Village Engineer David Getz. Also present: Kirk Rother, Robert Kennedy, Robert Krahulik, John Contreras, Jeff DeGraw, Keith Yodice and Norbey Arango.

Chairman, Jesse Gallo, called the meeting to order and led in the Pledge of Allegiance. The Village Clerk 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: September 12, 2023 as amended.

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

Jesse Gallo Aye    Bill Olsen Aye    Bryan Barber Aye

Scot Brown Aye    Kerry Boland Aye

**Discussion**

Kerry Boland commented that the September 12, 2023, minutes be revised to reflect that she abstained from voting on the August 8, 2023, approval of minutes and noted errors during the discussion and motion for 63 Wheeler Avenue, stating that the project was mistakenly referenced as 64 Forester Avenue.

**Applications**

1. **Village View** – <https://villageofwarwick.org/village-view/>

Request for 180-day extension of site plan/subdivision approval.

**Discussion**

Kirk Rother from Village View Estates presented information to the board about seeking a 180-day extension to their conditional final site plan and subdivision approval. Mr.

Rother noted that they had originally requested a 3-month extension at their last meeting but felt it wouldn't be enough time.

He explained that additional approvals were still needed from the Board of Health approval for realty subdivision and water main extension, DEC approval for sewer main extension and DEC permit for stormwater runoff.

The project also involved coordination with the town of Warwick Planning Board due to a proposed through road connecting to the town. Coordinated SEQRA reviews have already taken place during the Environmental Impact Statement Process and a site visit with the Town Planning Board took place with the road alignment stated out. Bill Olsen asked about the status with the Town where Mr. Rother replied that they haven't gone back to the Town yet.

Chairman Gallo asked if Village View Estates have received any responses from the DEC to date.

Mr. Rother provided an update on the status of the Village View Estates plans. He stated that the plans have mostly been designed at this point. He noted that the water booster pump station is the last remaining piece needed before they can submit to the relevant agencies. He explained that when they make the submittal to the Board of Health for approval, the Board of Health will want to see not just the realty subdivision approval, but also the plans for the water main extension and the booster pump station. So, the booster pump station design is really the final piece needed before they can complete all of the necessary submissions.

Kirk Rother provided additional context about where the water booster pump station would be located for the Village View Estates project. He explained that conceptually they had shown the station on the plans, but the actual location would depend on elevation. He noted the lower third of the lots as you drive up the hill is where the elevation would likely dictate placing the booster pump station. This is because there are existing water pressures in the street and in Woodside Drive, but those pressures can only travel so far up the hill and still meet the required pressures for fire flow and domestic water flow. The point where the pressure drops below those requirements is where they would need to start boosting the pressure with the pump station. So, the final location of the booster pump station would be determined by the elevation changes and ensuring adequate water pressures are maintained throughout the development area.

Mr. Rother clarified that the booster pump station would likely be located in the lower third of the lots as you drive up the hill, based on maintaining adequate water pressure. Regarding ownership, he said it would be on a particular property, but in an easement to the village.

## **Village View Estates 180-day Extension of Site Plan until May 9, 2024**

A **MOTION** was made by Bill Olsen, seconded by Scot Brown and carried to approve a 180 day extension to Village View Estates on the conditional final site plan and subdivision approval until May 9, 2024.

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

Jesse Gallo Aye Bill Olsen Aye Bryan Barber Aye

Scot Brown Aye Kerry Boland Aye

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

Request from the Village Board for the Village Planning Board to assume lead agency status in a coordinated SEQRA review of the special use permit and site plan approval application submitted by Warwick LLC in regard to the property located at 8 Forester Avenue.

Report letter from the Architectural & Historic District Review Board with recommendations for exterior aesthetics on the proposed site plan for 8 Forester Avenue.

#### **Discussion**

Kirk Rother provided context about the property located at 8 Forester Avenue. He stated the owner of the existing building has a vacancy on the first-floor commercial space and use it for residential space. Kirk also noted the owner is considering adding a second story to the building.

Mr. Rother clarified that in terms of the site plan and aerial/bird's eye view of the property, there would be zero changes proposed. He noted that at their previous meeting, they had used an aerial photo to show the site plan. He also mentioned that a survey of the property had been done by Bob Schmick, but he was unsure if it had ever been officially submitted to the planning board for review. He asked the board members if they had the survey on file or if it needed to be submitted.

Mr. Rother noted that at the initial meeting, they had also submitted a short EAF and renderings with floor plans showing the proposed first and second floors. He then noted that since residential uses are proposed for the first floor, it requires a special use permit from the Village Board.

Mr. Rother explained that while appearing before the Village Board, the Village Attorney indicated that SEQRA had to be addressed first and recommended a coordinated SEQRA review. Mr. Rother said that if that is the case, then he supposed that they need the Planning Board to declare lead agency.

Dave Getz stated that he has no objection. Mr. Dickover also stated that he has no objection and that the board could choose to declare themselves lead agency and resolve to conduct a coordinated review on this matter as an unlisted action.

**8 Forester Avenue - Planning Board Declared as Lead Agency in Coordinated SEQRA Review**

A **MOTION** was made by Bryan Barber, seconded by Bill Olsen and carried for the Village of Warwick Planning Board to declare themselves lead agency and resolve to conduct a coordinated review on this matter as an unlisted action for the special use permit and site plan approval application submitted by Warwick LLC in regard to the property located at 8 Forester Avenue.

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

Jesse Gallo Aye Bill Olsen Aye Bryan Barber Aye

Scot Brown Aye Kerry Boland Aye

Mr. Dickover stated that the application will require a public hearing in front of the Village Board; however, a public hearing would also be required by the Planning Board, but they are not ready to schedule one yet as a full site plan has not yet been submitted.

David Getz asked how the applicant wanted to approach questions that were raised when they previously came before the board such as a mix of apartment sizes, property lines and parking layout. He asked if the applicant had a way to potentially simplify this, or if they wanted to keep it as-is. Mr. Getz also inquired about any existing agreements with neighboring property owners pertaining to parking or access, since the layout appeared shared or joint in nature.

Bo Kennedy stated that they have easements with both the Historical Society, the old Albert Wisner Library, and Mr. Laviano who owns the Bradner building so there is plenty of parking available.

Mr. Kennedy addressed the question about mix of apartment sizes stating that as an alternative, they looked at a floor plan with one two-bedroom unit on each floor to see if it could work; however, they are still evaluating if that would be economically feasible. Mr. Kennedy said that they do have a floor plan drawn up showing the addition of potentially two, two-bedrooms.

Jesse Gallo confirmed that it would be eight bedrooms total if he added two bedrooms and that there is plenty of parking. Mr. Kennedy stated that they have approximately 44 spaces.

Dave Getz inquired where the application stood with the Architectural Review Board.

Mr. Kennedy said that they did receive a letter from the AHDRB in favor of the project and that there are no real changes. He said the plan is to keep the same look as existing, using the same brick on the first floor with hardie plank or a similar material on the second floor. Mr. Kennedy said that the colors and general design would remain the same, the only change being potentially adding a second story.

David Getz asked if there would be any proposed site changes like entrances, exits, stairs or sidewalks that may need to be modified from what is existing. Mr. Kennedy replied that they do have some plans they can provide to the board. There would be a new stairway added in the back/rear of the building, taking up one of the existing parking spaces but it should not affect the overall parking ratio.

Dave Getz stated that the site plan should include the typical checklist, including existing utility lines or any new water or sewer lines.

Kirk Rother inquired about the process between the two boards going forward. Mr. Rother said that since the Planning Board just declared their intent to be lead agency, the 30 days run and that it was his understanding that the Village Board can't act on the special use permit until the Planning Board completes SEQRA review. Mr. Dickover said the Planning Board can't do that until they've seen the full site plan. He also stated that he didn't know if the Village Board will make their determination with or without a site plan having been reviewed. His guess is that the Village Board will open the public hearing and leave it open until the Planning Board has heard and seen the site plan, gone through the review process and made a SEQRA determination, at which point the Village Board could then act.

Mr. Dickover said that the Planning Board will do the SEQRA determination first and then schedule a public hearing.

**3. M&L Equity Auto, LLC - <https://villageofwarwick.org/M-and-L-Equity-Auto-LLC/>**

Request for Lot Line Change.

Report letter from Planning Board Attorney dated October 3, 2023.

Report letter from Village Engineer dated October 4, 2023.

**Discussion**

Robert Krahulik provided an overview of the proposed lot line change for the property at 63 Elm Street. He explained that there is currently a strip of land behind the car wash that has historically been used by the car wash, but is actually owned by the neighboring property owner, Ms. Mann. Mr. Krahulik said that the Building Inspector asked them to clean this up from a legal standpoint so they are proposing a lot line change where the car wash would end up owning the rear portion of the Mann property that has been used by

the car wash. In return, Ms. Mann would receive a smaller piece of property but equal in size to many of the property owners in the neighborhood. Mr. Krahulik explained that this would clean up the legal ownership to match the historic use of the property.

Mr. Krahulik stated that this project will require variances from the Zoning Board of Appeals. He said that since the property is currently zoned residential, they may be able to obtain a use variance for the use of the rear portion of the property for commercial purposes. If unsuccessful, Mr. Krahulik said that they may seek a change in the zoning district to change this from residential to industrial.

Dave Getz confirmed that there will be no site changes or construction. Mr. Krahulik stated that there will be no construction whatsoever and no changes to the existing site plan, although there is a split rail fence that he believes would continue to the edge of the property and a fence may, at some point in the future, be constructed along the rear lot line.

Mr. Krahulik explained that the existing gravel area encroaches ever so slightly onto the Dreyhaupt property, which was unintentional, so they will pull that gravel back so it's within bounds.

Bill Olsen asked if they plan to do something with the gravel area, such as putting blacktop there. Mr. Krahulik said he'd have to speak with the applicant about that, but that much of this property is used to store snow removal equipment.

Kerry Boland inquired about the cars that were shown in the image provided and if they were there now. Mr. Krahulik stated that cars aren't parked there anymore. He believed the pictures were taken prior to the current configuration where cars drive around the back of the building.

Mr. Krahulik stated that from a planning perspective, they think the proposal makes sense as it does not involve any new construction or property improvements, just formalizing the long-standing conditions. Scot Brown asked if there was any objection from Ms. Mann. Mr. Krahulik said that they have a contract to buy the reappportioned lot, so they would own it; however right now it is leased as it has been for decades.

Bill Olsen inquired about the eventual size of the main lot. Mr. Krahulik explained that what is required is 20,000 feet and existing is 12,500 and it would end up at about one half of its existing size, 6,625 square feet.

Jesse Gallo stated that this would require a variance. Scot Brown inquired about Rob Dickover's report that stated there was a complication in terms of subdivision.

Mr. Krahulik said that there's a zoning code ordinance that says you can't obtain a lot line change if you are further reducing the size of a non-conforming lot. Also, the project doesn't meet the minimum lot size requirements either. So, he said that they'd be approaching the ZBA for an interpretation/variance from both of those provisions.

David Getz explained that what they are proposing to add to the carwash property right now is in the residential zone so they might need a use variance for that. Mr. Krahulik replied that it would be either that, or they're going to be requesting a change in this zoning classification for that parcel of land. Mr. Krahulik stated that the 'I' district ends at the boundary line for the carwash so they would seek to extend that zoning district to include the little sliver of land.

Dave Getz confirmed that the zone change would be a Village Board decision. Dave Getz said that he can't imagine anyone putting a residence there. Kerry Boland asked if a new business could be there.

Mr. Krahulik said that it ends up being a landlocked parcel. He said that you can't access the property unless you go through the car wash on Elm Street, or someone would have to get an easement through the remainder of the Mann lot to get to the back. Mr. Krahulik said that the parcel is also in a flood zone, so nothing can be built. Mr. Krahulik explained that this is just a matter of ownership and cleaning up what historically has been a commercial use on a residentially zoned piece of property.

Kerry Boland asked why this is coming to everyone's attention now if there was an agreement in place for decades. Mr. Krahulik replied that the Building Inspector has asked them to address the issue. He said that his client thought it'd be a great idea for the long-term future of the site, and Ms. Mann is agreeable to the sale of the rear portion of the lot.

Dave Getz explained he reviewed the tax map and lot with the Building Inspector as well.

Scot Brown said that this makes sense, but his concern is that they could get themselves in trouble approving a simple version of a lot line change where the code says you can't do that subdivision.

Mr. Krahulik believed that when they appear before the ZBA, one of the conditions they'll consider is the size of the surrounding lots in the neighborhood. He said that he thinks that's an important addition that the board is going to look at and they'll be able to demonstrate that the resulting lot is very much in conformance with all the other lots in the neighborhood. Mr. Krahulik said that he doesn't think there's a single lot that's in conformance with the current minimum lot size requirements, with an exception or two here or there. Jesse Gallo agreed that it's not inconsistent with that neighborhood.

Robert Dickover told Mr. Krahulik that he may want to take a look at the authority of the Zoning Board to the vary provisions of the Village Code that are not in the Zoning Ordinance. This 121 is not in our Zoning Code. He said that he doesn't know that the ZBA has the authority to vary provisions of the Village Code and suspects that they do not. Mr. Krahulik explained that the applicant might be stuck needing a subdivision application from the Planning Board and a variance from the ZBA with respect to lot size.

Mr. Krahulik said that that work around works fine with them as well.

Robert Dickover explained that what that means to the Planning Board if what he just explained holds, this will not be a lot line change, it will be a small subdivision application with variances granted by the ZBA for lot size of the Mann parcel.

Jesse Gallo inquired that the new property would then become 'LI'. Mr. Discover said that it would become part of the larger M&L parcel.

Dave Getz stated that this application will be before the Zoning Board, Village Board and Planning Board. Scot Brown said that he'd hate for someone to come and say that they are making up the rules as they go.

Mr. Krahulik said that he believes there are unique circumstances here, including the historic use of the property, so it's not something that just cropped up overnight. He said that they can demonstrate that this relationship has existed for decades between the former owner of the Mann property and the Smiths, who used to own the carwash. Mr. Krahulik stated that they don't have necessarily a code violation that they're trying to skirt. He said that he believes they've got a historic use that they can document. He also added that the resulting Mann lot will result in a lot of similar size to all the other lots in the neighborhood. Mr. Krahulik stated that although they're increasing the nonconformity, it's still consistent with a lot size of all the other lots, both on the north side of Orchard Street as well as the south side.

Robert Dickover explained that the next step would be for the applicant to come back to the Planning Board with a subdivision application and plans for that. At the same time, they can go to the ZBA with this question as well, which he believed didn't require a referral from the Planning Board. Mr. Dickover stated that if the ZBA does require a referral, the Planning Board Chairman can do that.

Dave Getz went through some of his comments such as: a few things that should be added to the plan, the plan should be called subdivision plan rather than site plan or lot line change, a couple of minor items in the bulk table, and the survey shows that even past the Mann property, there's a slight encroachment on the next owner with a gravel area and if that's being removed it should just be noted on the plan.

Dave Getz confirmed with Robert Dickover that the applicant needs permission from Mr. & Mrs. Dreyhaupt to propose any change to their property such as the removal of gravel.

Dave Getz stated that with his comments he included the FEMA map of the area showing, right along the edge of the Wawayanda Creek, properties within the floodplain on the floodway, so they really are prevented from filling or building anything new because of the FEMA regulations. Since nothing is proposed to be changed, that's not an issue and if they weren't proposing any kind of changes, the Planning Board would review a permit application for development in a flood hazard area, but in Mr. Getz's opinion, that's not needed in this case.

Dave Getz also noted comment number five on his report on the EAF, question 15 was left blank where it asks is the project within the floodplain. He said that should be answered as 'Yes'.

Jesse Gallo inquired about screening since now it's a boundary to two residential zone properties, the Mann property and other encroached property.

Dave Getz believed the Dreyhaupt property was wooded. Jesse Gallo explained how the zoning requires either a fence or a hedge so those two boundaries would have to be in compliance.

Mr. Krahulik said that there's been something done along the Mann property, and he will bring pictures back to the Planning Board.

Dave Getz agreed that the applicant needs to address the screening requirements along those boundaries.

**4. 63 Wheeler Avenue – <https://villageofwarwick.org/63-wheeler-ave/>**

Site plan approval.

Report letter from Planning Board Attorney dated September 19, 2023.

Report letter from Village Engineer dated October 4, 2023.

Report letter from the Architectural & Historic District Review Board regarding the proposed site plan for 63 Wheeler Avenue.

**Discussion**

Dave Getz began by explaining his review letter dated October 4<sup>th</sup>. He began by stating that a site visit was held on September 30, 2023. Dave Getz attended the site visit, along with Chairman Jesse Gallo, Planning Board Member Bill Olsen, and the applicant's architect, Jeff DeGraw. Mr. Getz said that they walked various parts of the property, looked at the building and at the site conditions.

Dave Getz said that the applicant provided a project narrative describing the uses, including more specifics on hours of operation and other types of items.

Mr. Getz commented that on the site plan, he didn't believe existing underground utilities are shown and he wants to make sure there are no conflicts with the proposed construction or proposed landscaping. Mr. Getz explained that it may not be possible to find all the existing water sewer or other utility lines but wants the applicant to make an effort to get any information that they can.

The applicant, John Contreras, explained that he did call 811 'Call Before You Dig' and they saw at least where the gas line is running and marked out on the property. Mr. Contreras said that they have a crew coming out to put it in CAD so they can just lay it over the top of the site plan.

Dave Getz next discussed the comment regarding the screening of the area along the storage end of the building. Mr. Getz said that there's an area noted for waste and recycling containers, and he would like to see them screened and see a detail of what the applicant has in mind to do since there's a neighbor not too far away.

Jeff DeGraw asked if there is any sort of precedent that the Planning Board prefers for screening. Dave Getz replied that in general it should match the style and character of the building.

Mr. Getz said that a question came up in that same area that appears to be an old drain line. Mr. Getz asked how will roof runoff be handled. Jeff DeGraw asked if there was any preferred method for that. Dave Getz explained that they'd want to find out where are potential points of connection to the existing storm system; however, he doesn't think there are any that are really convenient. Mr. Getz said that if the soil is supported to take as much of that water into the ground, it's a good solution.

Jeff DeGraw said that he was thinking that a seepage pit might be a decent approach. Mr. Getz said that he would have no objection to that but they must make sure they know where the existing utility lines are.

Dave Getz's next comment was regarding an unformal path to walk down to West Street along a strip of the property and on one of the plans, it shows a swale or a shallow channel, conveying water down towards West Street. Mr. Getz explained that it would be water that's picked up in this new catch basin and then discharged onto the ground. The map shows a swale that hits all the way down to the sidewalk, right along the edge of West Street. Mr. Getz said that it's a developed site and a lot of the water that you'd be sending there goes there already, so you're not really increasing the flow. He said that if this is built this way, it seems to be a way that it is concentrating the flow and taking it to a spot that's not equipped for a concentrated flow. Mr. Getz explained that right now, the area is fairly flat, but it slopes top down gently in this direction, so any water that gets there just goes by sheet flow. Mr. Getz said that if the applicant is changing that to a concentrated flow, they would have to put in some kind of drainage structures and then tie it into the existing system.

Jeff DeGraw and the Planning Board further discussed water runoff. Dave Getz added that the Village Code related to stormwater encourages permeable surfaces. Mr. Getz inquired if the patio was pavers or something permeable like that. Jeff DeGraw said that it would make a lot of sense. Mr. Getz said that if they were going to put a pipe in, they would have to find a way to spread that out and not have it concentrated.

Dave Getz discussed report item number 7 regarding signs. Mr. Getz said that if any signs are proposed at this time, the Board would like to see details and locations. Jeff Degraw said that they are going to pass at this time and would come back when they're ready for the sign application.

Dave Getz said that some comments they had last time were that the grading plan didn't agree with the landscaping plan as far as the curb lines being parallel to the property lines. He sees that the landscaping plans have been updated, and they provide more lighting information showing that the fixtures are of a shielded type.

Jesse Gallo confirmed that the light fixtures can be adjusted in the future if there is an issue with a neighbor.

Dave Getz asked if the applicant would like to describe the style and character of the light fixtures that they have in mind. Jeff DeGraw said that stylistically, they might want to do something a little bit different, but with the same lighting specs, same everything else. The fixture might be a little simpler and cleaner and more subtle. Jeff DeGraw confirmed that the style of the fixtures should be addressed with the Architectural Review Board. Dave Getz inquired if they will be going back to the ARB and Jeff DeGraw replied that they do since they made a very preliminary presentation to get them familiar with the project.

Kerry Boland asked if any of the space will be used for outdoor dining. John Contreras replied, 'No, not at this time.'

Dave Getz stated that he noticed in the narrative it says no live music is planned at this time. Kerry Boland added that she liked the hours too and feels it's very respectful of the neighborhood.

Dave Getz explained that the project will need a public hearing.

Village Clerk, Raina Abramson, asked about the ARB's recommendations for final colors, fixtures, etc. should be received by the Planning Board. Jesse Gallo stated that the Planning Board can have their approval conditioned on the ARB. Robert Dickover said that the report to the Planning Board is recommendation only, so the Planning Board is bound by it or not bound by it they take those comments into consideration. Mr. Dickover said that the Planning Board typically looks for the recommendations beforehand or as part of the public hearing, but not always. He said that he believes in the past, they've always had it beforehand and doesn't know that they've ever made an approval condition on an ARB report. Mr. Dickover asked the applicant where they were in the ARB process.

Jeff DeGraw said that they've been there and received a preliminary thumbs up, but there are details to be considered. Mr. DeGraw said that the ARB was much in favor of the project, they liked the direction and design, but they need to provide the specifics on paint color and other odds and ends.

Mr. Dickover said that this will work to schedule a public hearing and if the applicant has the ARB input, great, but if not, the Planning Board can keep the public hearing open for that.

Robert Dickover said that lead agency was declared back in September and the Planning Board did reserve on how to type the action. Mr. Dickover said that he believes it's a type two action, whether it's under three different definitions, or just one is the rehabilitation of a structure in kind on the same site, whereas the construction or expansion of a primary nonresidential structure of less than 4000 square feet. Mr. Dickover said he didn't see square footage on the plan but does see some areas laid out in square footage will take you under the 4000, but if it doesn't meet that definition, it's also the reuse of a commercial structure where the use is permitted under the zoning. So, Mr. Dickover said the Board can make its choice, but that it's a type two action in his opinion, they Board can type it accordingly which would conclude the Planning Board's environmental review.

Jesse Gallo said he's comfortable with the last choice. Bill Olsen confirmed that it's a type 2 and they don't have to go through SEQRA.

### **63 Wheeler Ave. Site Plan Application – Type 2 Action Under SEQRA**

A **MOTION** was made by Bill Olsen, seconded by Kerry Boland and carried to classify the application of the Western Addition, LLC as a type two action under SEQRA.

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

Jesse Gallo Aye Bill Olsen Aye Bryan Barber Aye

Scot Brown Aye Kerry Boland Aye

### **63 Wheeler Ave. Site Plan Application – Schedule of Public Hearing**

A **MOTION** was made by Bryan Barber, seconded by Scot Brown and carried to schedule a public hearing on the 63 Wheeler Avenue application for November 14, 2023.

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

Jesse Gallo Aye Bill Olsen Aye Bryan Barber Aye

Scot Brown Aye Kerry Boland Aye

Jesse Gallo said that after the mailing and proof of mailing, at the public hearing the Planning Board will listen to the public comments, the applicant is going to the ARB, so the application will be pending discussion and recommendations from the ARB.

5. **8 West Street** – <https://villageofwarwick.org/8-West-Street/>

Change of Use Waiver Application.

**Discussion**

Jesse Gallo said that originally a site plan application was submitted and then a change of use application. He stated that the Building Inspector interpreted the project as being a site plan application.

Dave Getz asked the applicant, Keith Yodice, to describe the changes he will be making.

Keith Yodice stated that there will be no structural or physical changes whatsoever, except for the front aesthetics, and obviously, interior aesthetics, but nothing structural. On the interior they are expanding one bathroom by making a part of a closet an ADA compliant bathroom. Keith also stated that they have their own parking lot so he felt the change of use would be easy.

Mr. Yodice said that he wants to take the front and make it beautiful by adding pavers, a white pergola coming off the front and a little partition fence.

Mr. Yodice stated that he felt that this makes sense in the in the space with a very relaxed environment being next to a residential house, since there's still a residence between Halligans and 8 West Street. Mr. Yodice said that it will be a very tamed atmosphere, very quiet and reserved.

Bill Olsen asked if there will be any food preparation. Mr. Yodice said that they were going to do a build your own charcuterie board, a charcuterie menu, so there's no prep required for that. He will consult with the Department of Health on requirements.

Mr. Yodice stated that there will be 14 outdoor seats, so approximately 50 seats in total including the outdoor and indoor seating. Mr. Olsen inquired about the fence around the outdoor seating area. Mr. Yodice said it will be a little picket fence, nothing above 3 feet.

Kerry Bolland inquired if the establishment would just sell wine or wine and beer. Mr. Yodice said they will just sell wine. Ms. Boland also asked the applicant to explain a bit further about the proposed business. Mr. Yodice said that he wants to incorporate industrial elements, such as exposed brick and metal, with chic decor to create a unique and inviting space. He intends to have jazz music and maybe a piano, but mainly a very quiet and relaxed atmosphere. There will be beautiful wine dispensary machines for tasting and a wine bar.

Kerry Boland asked about the tenants upstairs and parking. Mr. Yodice said that there is currently one vacant studio apartment upstairs that includes its own rear entry and parking spot. Mr. Yodice also explained that parking in the rear lot may be used for customers. Mr. Yodice said that the spots in the lot are well used. Jesse Gallo asked about

the utility pole near the middle of the entrance. Mr. Yodice said that it was a question for Orange and Rockland.

Jesse Gallo inquired about the property boundary lines. Mr. Yodice said it was a strange boundary line but believed the entrance to the parking lot was part of this property.

The applicant and the Board discussed the construction of the pergola. Scot Brown asked for clarification on what triggers a site plan.

Rob Dickover that that he believes that the Building Inspectors determined that a site plan application is required. He explained that what triggers a site plan it typically outdoor construction, a pergola, a fence, maybe parking issues, maybe screening is going to be required if there's adjoining residential properties.

Bill Olsen said that he'd like to see a site plan. Mr. Yodice stated that the Building Inspector had him believe the site plan would be waived. Mr. Yodice inquired about the requirements of a site plan. Dave Getz explained that they would want to see the footprint of the pergola, to see any proposed changes, including the pavers and they would want to see any changes to the existing conditions. Rob Dickover added that there will be lighting issues, including lighting at access and egress ways. Mr. Yodice said that the two lights to the entryway are existing. Mr. Dickover explained that that would be something to show on the site plan.

Mr. Yodice explained that his architect is months out and he'd like to finish the project this year. He explained that he can do the site plan himself and prepare drawings, and that the survey will not be changed.

Bill Olsen said the plan should include how big the pergola is going to be and where parking is in the back. Mr. Yodice reiterated that nothing is going to change except for the pergola, fencing and pavers which take up the exact same footprint that exists there. He stated that nothing will be passing any borders that isn't already, he's just putting something up to delineate those borders.

Scot Brown inquired if there are hard criteria other than the Building Inspectors recommendation that this project needs a site plan.

Discussion ensued about the requirements of a site plan and whether it is required for this project. Bryan Barber explained that eight years ago there was a change of use from the barbershop to the pharmacy. The discussion continued about whether the application requires a site plan application or a change of use application. Scot Brown inquired if the Planning Board could act on the change of use.

### **8 West Street - Change of Use Application – Motion Withdrawn**

A **MOTION** was made by Scot Brown, seconded by Bryan Barber, to act on the change of use application for 8 West Street.

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

Jesse Gallo \_\_\_\_ Bill Olsen \_\_\_\_ Bryan Barber \_\_\_\_

Scot Brown \_\_\_\_ Kerry Boland \_\_\_\_

Jesse Gallo expressed concern that the change of use application requires a copy of the most recent or previously approved site plan which the Planning Board doesn't have.

Bill Olsen suggested the Board work their way through the change of use application. It was discussed that the only exterior work proposed is the pergola, outdoor seating, fence and pavers. Outdoor seating was further discussed. Bryan Barber stated that this project doesn't seem to require a site plan application, but that it should be a change of use with the applicant seeking a building permit for the addition.

Jesse Gallo said that in the applications current state, it needs a site plan application, however if Mr. Yodice is amendable to removing the pergola, etc. Mr. Yodice explained that the Building Department asked that he complete a separate building application for the pergola and patio since it had to go before the ARB for approval. A separate building permit application was required to begin the work inside of the building.

The Planning Board decided to review the change of use application. Scot Brown said that he was happy to amend his previous motion to include revisions if the Board would like to take the pergola out of the application and approve it without the pergola. Jesse Gallo asked the Planning Board Attorney if the Board is ok to proceed. Robert Dickover explained that if the applicant agrees to amend his application for the change of use to eliminate the construction of the pergola and the paved stone area, he believes the Board could then move on the change of use site plan waiver application; however, the applicant has to agree to amend.

Keith Yodice confirmed that then he'll work with the Building Inspector on his own and given a building permit to do then it doesn't have to come before the Planning Board again, just the ARB. Mr. Yodice agreed to amending the application.

Jesse Gallo confirmed that the Planning Board will review the change of use waiver of site plan application as stated by the applicant that it would be revised.

Village Engineer, Dave Getz, and Village Attorney, Robert Dickover, left the meeting after it was determined that the Board received the legal and engineering guidance on the application.

The Planning Board carefully reviewed and discussed the Change of Use Site Plan Waiver Application submitted for 8 West Street. The Planning Board agreed to add as a condition of approval the payment of the \$150 application fee that has been historically

implemented for change of use applications. Scot Brown wanted to clarify that his previous motion has been withdrawn.

**8 West Street – Approval of Change of Use Site Plan Waiver Application**

A **MOTION** was made by Scot Brown, seconded by Bryan Barber, and carried to approve the reviewed change of use application for 8 West Street with modifications as discussed, pending payment of the application \$150 fee.

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

Jesse Gallo Aye Bill Olsen Aye Bryan Barber Aye

Scot Brown Aye Kerry Boland Aye

Village Clerk, Raina Abramson, confirmed the next steps since the change of use site plan waiver application has been approved, is that Mr. Yodice now has the authority to proceed with no exterior changes. It will be up to the Building Inspector to authorize a building permit; therefore, the project must be on the next ARB agenda on November 7. Ms. Abramson asked Mr. Yodice to bring a sketching, drawing, or whatever he can to the ARB, including the sign application.

Mr. Yodice said that the sign is proposed to be placed in the exact location as the existing sign. Bryan Barber explained that the file for 8 West Street included comments that the existing sign was to be removed in 1996 so the current sign as is violates code.

Raina Abramson explained the current sign application process according to the Code, including the streamlined process recently determined by the mayor. Ms. Abramson also explained that sign alterations in the Historic District must go to Boris, then the AHDRB, then back to Boris for approval.

**Adjournment**

A **MOTION** was made by Scott Brown, seconded by Kerry Boland, and carried to adjourn the regular meeting at approximately 9:45 p.m.

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

Jesse Gallo Aye Bill Olsen Aye Bryan Barber Aye

Scot Brown Aye Kerry Boland Aye

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Raina M. Abramson, Village Clerk