

Memo

To: Village of Warwick Planning Board – Raina Abramson via email
From: Robert J. Dickover
CC: David Getz, P.E. via email
Date: 10/3/2023
Re: M&L Equity Auto, LLC / Elm Street and Orchard Street / M&L Equity Auto, LLC Lot Line Change Application

REVISED 10-3-23

I offer the following comments on the above captioned application submission.

1. I have previously issued an initial memorandum on this application upon which Village Engineer David Getz, P.E. made know to me that the residential lot will be reduced from 12,589 sf to 6,625 sf, where the Code requires a minimum of 20,000 sf for that lot.

Pursuant to the foregoing, the residential lot (210-11-5) is currently a non-conforming lot with respect to minimum lot size.

2. Village Code § 121-2” Definitions” provides that:

For the purpose of this chapter, the following terms shall have the meanings indicated:

LOT LINE CHANGE

Any alteration of the lot line(s) or dimensions of any lots, whether or not shown on a plat previously approved and filed in the Orange County Clerk's office, which alteration will result in land area becoming part of an existing adjacent lot, provided that no new lots are created. No lot line change shall create any nonconforming lots or make existing lots more nonconforming. No lot line change shall make an unimproved nonconforming lot into a conforming lot. A lot line change as defined herein shall not be deemed a subdivision.

In addition, Village Code § 121-3 “Statutory authority; Planning Board review required” provides:

This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law and applicable provisions of the Village Law of the State of New York. If an application for the alteration of lot lines or dimensions meets the definition of "lot line change" as set forth in this chapter, the Planning Board may determine that the application does not require subdivision approval. The Planning Board is hereby authorized upon such determination to direct the Planning Board Chairperson to sign lot line change plats subject to such conditions and requirements as the Planning Board deems necessary. No alteration

of lot lines or dimensions shall be made without the submission of an application and the review of the Planning Board as provided herein. If a proposed alteration of lot lines or dimensions does not meet the definition of "lot line change" as set forth herein, it shall be subject to subdivision review and determination.

{Underlining added for emphasis by author}

3. Pursuant to the foregoing Code provisions it appears that because the residential lot is currently a nonconforming lot with respect to minimum lot size and because the proposed "lot line change" would further reduce the lot size of the residential lot and thereby make it "more nonconforming" that this application cannot be treated as a "lot line change" and that if pursued a subdivision application will be required.
4. The applicant and its representatives may be provided a copy of this memorandum.

Respectfully,

Robert J. Dickover, Esq.