VILLAGE OF WARWICK ZONING BOARD OF APPEALS JULY 15, 2019

The monthly meeting of the Village of Warwick Zoning Board of Appeals was held on Monday, June 17, 2018. Present were: John Graney, Jonathan Burley, John MacDonald and Zoning Board attorney, Robert Fink. Others present were: Joseph Marsh, Ron Charlton, Keith Woodward, William Frank and others.

The Board recited the Pledge of Allegiance.

The Board could not accept the minutes of the June 17, 2019 meeting due to a lack of quorum.

35 WEST STREET AREA VARIANCE JOSEPH MARSH

The Board waived the reading of the public hearing notice due to the lack of public attendance. Mr. Marsh - I would like to put a pre-fab garage for storage, storing yard materials and my cars. I have an old house and I can not stand up in the basement so that option is out. The old church which is now a gym is my neighbor and all of the windows facing me are painted so it should not affect them.

Mr. Burley - So you will come up the driveway and enter the garage through here?

Mr. Marsh - Yes, straight into the garage.

Mr. Fink - The question is could you do it with less or a different configuration.

Mr. Graney - He can't go wider there is no space.

Mr. Burley - It is in line with the driveway but it is very close to the property line is there any way the garage could be moved over? The survey shows a rock wall can that be moved. Mr. Marsh - Not really it is not a manmade rock wall it is a natural rock ledge so the garage really can't go over any further and the church is just as close to the property line, it could actually be closer to me than the garage would be to them.

A MOTION was made by Jonathan Burley, seconded by John MacDonald and carried to close the public hearing. (3 Ayes)

The Board reviewed the criteria's:

Undesirable Change - No
Achieved by Another Method - No
Substantial - Numerically
Adverse Effect - No
Self-Created - Yes

A MOTION was made by John MacDonald, seconded by John Graney and carried to declare this an Unlisted Action under the SEQR process. (3 Ayes)

A MOTION was granted by Jonathan Burley, seconded by John MacDonald and carried to grant the variance as advertised permitting a 12ft. x 32ft. 2-car garage 3(+-)ft. from the side setback where 20ft. are required and 3(+-)ft. from the side yard setback where 10ft. are required and 10(+-)ft. from the dwelling where 15ft. are required.

FORESTER AVE.AREA VARIANCE77 FORESTER AVE. LLC

Mr. Graney read the public hearing notice.

Mr. Fink - This is a rather unique section in a Zoning Code which I have never seen before. Mr. Frank - There were prior variances granted in January and nothing has changed since then this issue was discovered because we have two tax parcels that were conveyed on one deed. There is the town property where Mechanical Rubber is and then this parcel and it was determined that a subdivision was required and that is how the section of code regarding the driveway came up.

Mr. Woodruff - When the property was originally established around the 1940's it predated all zoning codes and requirements so it is a well established pre-existing, non-conforming use. The Board agreed.

Mr. MacDonald - This is the only access to this property other than through the park...

Mr. Frank - Yes, the driveway is their driveway and is used. The Planning Board sent us to the ZBA. The Planning Board in addressing the site plan and assuming we receive the variance, the Planning Board is required to approve the traffic flow as part of the site plan.

Mr. Fink - If this Board grants the variance it just in effect makes it legal to do. That does not mean that the Planning Board is not going to review it and make whatever conditions to be required and they also make a determination that it not be used for whatever reason, i.e. traffic. Mr. Graney opened the public portion of the meeting.

Mr. Wache - I bought 85 Forester and I am the resident right next to the property and I am here just keeping up with the project.

Mr. Scott - I live right across the street and the traffic going into Mechanical today is minimal compared to what it used to be. There used to be tractor trailers 2 or 3 times a day and now it is 1 or 2 a week. UPS and FEDEX trucks go in about once or twice a day and they are not big trucks. There is also a gym in back which rents space and there is minimal traffic there too. Mr. Fink - At this time we will have to continue the public hearing because we have not received the comments from the OCDP.

A MOTION was made by John MacDonald, seconded by Jonathan Burley and carried to continue the public hearing until August 8, 2019 at 7:30pm.

A MOTION was made by John Graney, seconded by Jonathan Burley and carried to adjourn the meeting. (3 Ayes)

Respectfully submitted;

Maureen J. Evans, ZBA secretary