

**PLANNING BOARD
VILLAGE OF WARWICK
NOVEMBER 2, 2023
AGENDA**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:00 P.M.
MAXIMUM OCCUPANCY- 40**

**Call to Order
Pledge of Allegiance
Roll Call**

1. Introduction by Zoning Board of Appeals Chairman, John Graney.

Applications

1. **Public Hearing – 4 Woodside Drive**

**ZONING BOARD OF APPEALS
VILLAGE OF WARWICK, NEW YORK**

A Public Hearing before the Zoning Board of Appeals of the Village of Warwick will be held on Thursday, the 2nd day of November 2023 commencing at 7:00 pm at 77 Main Street, Village of Warwick, New York to consider the following application:

APPLICATION OF DOUGLAS BERRY for property located at 4 Woodside Drive, Warwick, New York, designated on the Village tax map as Section 204, Block 1, Lot 1.2, and located in the R (Residential) District, for variances from the Bulk Area Requirements of the Zoning Code to reduce the required side yard setback from 20 feet to 10.1 feet and the total side yard setback from 50 feet to 34.9 feet. The variances are sought for the purpose of constructing an addition on an existing single-family residence.

The above application is available for inspection at the office of the Board of Appeals, 77 Main Street, Warwick, New York. Persons wishing to appear at such hearing may do so in person or by attorney or other representative. Communications in writing in relation thereto may be filed with the Board or at such hearing.

JOHN GRANEY,
CHAIRMAN
Dated: October 27, 2023

Discussion

1. Zoning Board of Appeals Rules of Meeting Procedure.

Executive Session, if applicable

Adjournment

RECEIVED

SEP 25 2023

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS
P.O. BOX 369
WARWICK, NEW YORK 10990
(845) 986-2031 EXT. 7

VILLAGE OF WARWICK
CLERK

Instructions for completing an application for a variance from the Zoning Board of Appeals for the Village of Warwick.

- 1) The application consists of two (2) pages. You will need to submit eight (8) copies of the application.
- 2) The following information shall be included:
 - (a) A copy of your survey or plot plan, showing street(s), setbacks, buildings and dimensions and any other details or exhibits applicable to the situation.
 - (b) A copy of the Denial received by either the Building Inspector or Village of Warwick Planning Board.
 - (c) A completed Environmental Assessment Form (Short EAF)

After completing the application, return all copies to the Zoning Board of Appeals along with a check in the amount of \$ 100 made payable to the Village of Warwick. Your application will then be forwarded to the ZBA attorney and may also be required to be reviewed by the Orange County Dept. of Planning (see attached). The ZBA attorney will prepare a Notice of Public Hearing for publication in the official Village newspaper.

A copy of the notice will be supplied to you and/or your attorney/representative as designated, to act on your behalf, along with a list of property owners within three hundred (300) feet of the property lines and their mailing addresses where the variance is being requested. It is the responsibility of the applicant to mail the notice to the property owners by certified, return, receipt and submit the receipts at the meeting.

The applicant shall be responsible for the Zoning Board attorney's time and any other consultants time spent on your application.

Applications must be submitted one (1) month prior to a meeting. The Zoning Board of Appeals meetings are held the third (3rd) Monday of the month (subject to change)

253

Rec. 9/25/23

(RA)

1) The applicant hereby appeals to the Board of Appeals of the Village of Warwick from:

a. ☒ An order, requirement, decision, or determination made by the Building Inspector

b. ☐ Other: _____

2. Has an application been made for a Building Permit or a Certificate of Occupancy?
☒ Yes ☐ No If "Yes", attach a copy of the application and/or copy of Order, Requirement, Decision or Determination of the Building Inspector denying or revoking same.

3. State whether the applicant has made an application for a prior variance of any kind affecting the premises:

☐ Yes ☒ No

4. The names and addresses of all owners, including husband and wife, as the case may be, of property abutting that is held by the applicant and all other owners within 300 feet from the exterior boundaries of the property set forth above, as the names of said owners appear on the last completed assessment roll of the Village of Warwick, are annexed hereto. These property owners must be notified by Certified Receipt Mail at least five (5) days prior to the Public Hearing in accord with Article IX, Section 9.3.3 Village of Warwick Zoning Ordinance as amended.

5. Has this Board rendered a decision upon a request for the same or similar relief sought herein for this property?

☐ Yes ☒ No

If Yes when? _____

6. If the lands or buildings are within five hundred (500) feet of any of the following five items, circle the applicable number:

- 1) Boundary of the Town of Warwick
- 2) Boundary of any existing or proposed State or County Park or other Recreation area
- 3) Right-of-Way of any existing or proposed State or County Parkway, Thruway, Expressway, Road or Highway
- 4) Right-of-Way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines
- 5) Boundary of any existing or proposed State or County owned land on which a public building or institution is or is proposed to be situated.

Petition

Applicants Signature [Signature]

AREA VARIANCE

The following information is submitted to support of the application (the law does not require that all of the questions be answered in the negative to obtain a variance)

- 1) Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the variance(s) you request?
Yes X No

State the reason for your answer: THE ADDITION WILL MAINTAIN THE

CHARACTER OF THE NEIGHBORHOOD. ALSO THE NEIGHBORING HOUSE IS 41' FROM
PROPERTY LINE

- 2) Can the benefit you seek be achieved by some feasible method, other than the variance(s) Yes X No

State the reason for your answer: THE ADDITION IS FOR TAKING CARE OF OUR

ELDERLY PARENTS AND EXPANDING THE GARAGE FOR THEM IS NECESSARY.

- 3) Is the requested variance(s) substantial? Yes X No

State the reason for your answer: WE ARE ASKING TO BUILD 10.1' FROM PROPERTY LINE AND 51.1'

FROM NEXT HOME

- 4) Will the proposed variance(s) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes X No

State the reason for your answer: AS SHOWN BY DRAWINGS, THE

ADDITION WILL FIT RIGHT IN OUR NEIGHBORHOOD

- 5) Is the alleged difficulty self-created? Yes X No State the reason for your answer: IN ORDER TO CARE FOR OUR PARENTS NOW, AND

INTO THE FUTURE WE NEED THIS ADDITIONAL SPACE.

Proposed Expansion – 4 Woodside Dr.

Hello!

Thank you for considering this zoning variance for the expansion of our home. We are looking to expand in order to have my elderly parents live with us. The expansion is necessary to give them a garage and first floor living space so we can care for them. The apartment will not have a separate entrance and will be connected to our home.

The expansion will extend our current garage, add a floor above and go behind into our backyard.

The architect has worked with us so that the expansion will look like it belongs in the neighborhood.

We have already spoken to our neighbor nearest to the expansion and she has verbally agreed for us to build 10.1' from our property line if permitted. Please also note that the distance from our property line to the beginning of our neighbor's home/garage is 41'...so it will not look too close together.

Please see the survey attached and the proposed expansion sketched on it.

We great appreciate you taking the time to see what we have planned and hope that you will see that this expansion will not only add to the essential character of the surrounding neighborhood, but also relieve unnecessary hardship for our property and family.

Thank you!

Doug, Resa, Lucy & Robbie Berry (and Nana and Papa)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information																		
Name of Action or Project: EXPANSION ON BERRY HOME - 4 WOODSIDE DR.																		
Project Location (describe, and attach a location map): 4 WOODSIDE DR. WARWICK, NY 10990																		
Brief Description of Proposed Action: THE EXPANSION TO 4 WOODSIDE WILL PROVIDE LIVING + GARAGE SPACE FOR BERRY'S ELDERLY PARENTS WHO NEED CARE.																		
Name of Applicant or Sponsor: DOUGLAS BERRY		Telephone: 845 499 6620 E-Mail: dstu23@me.com																
Address: 4 WOODSIDE DR.																		
City/PO: WARWICK		State: NY	Zip Code: 10990															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: PERMIT FROM VINTAGE OF WARWICK		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action?		.487 acres																
b. Total acreage to be physically disturbed?		.02232 acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres																
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>DOUGLAS BARNY</u>		Date: <u>9.25.23</u>
Signature: <u>[Signature]</u>		

PRINT FORM

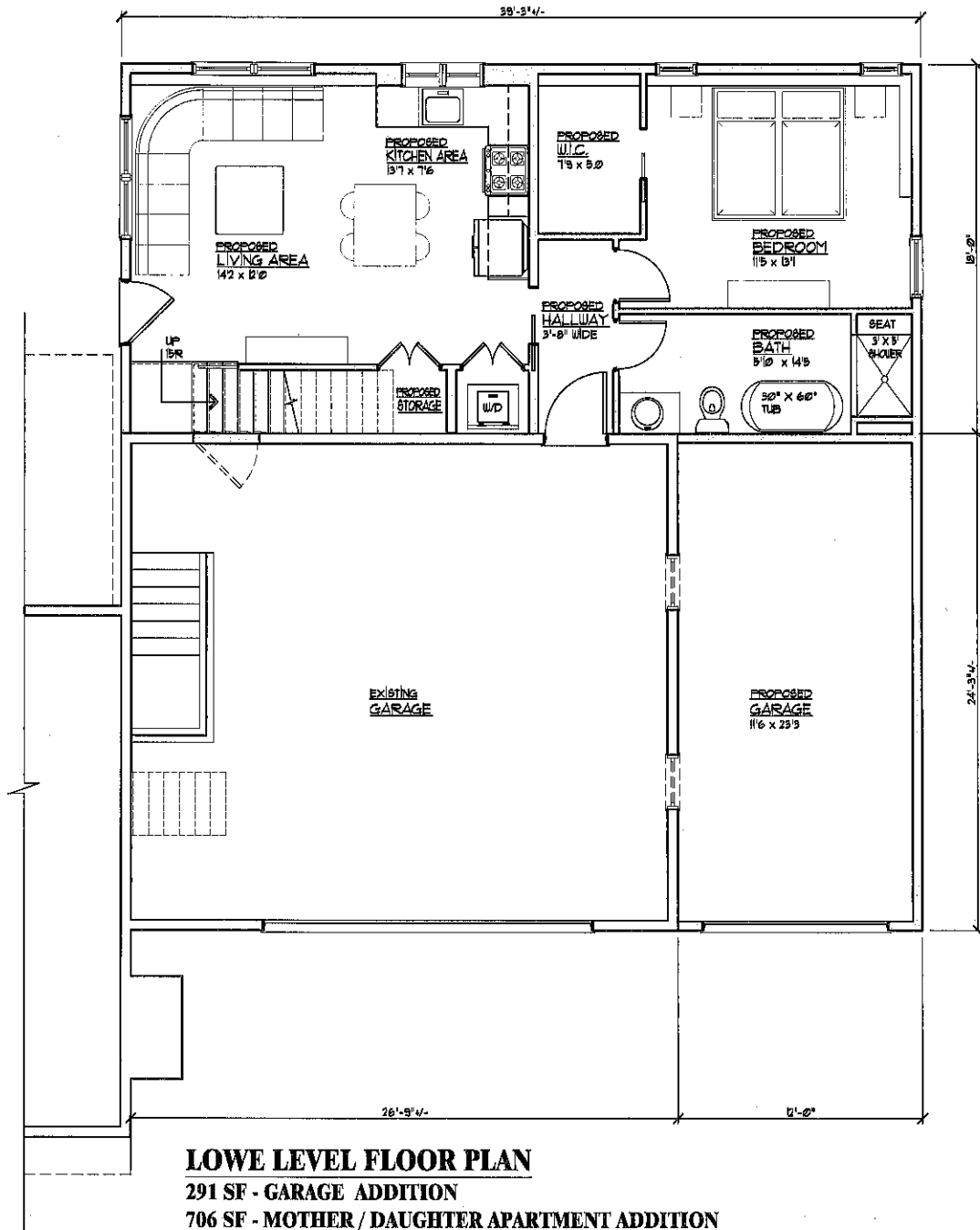


FRONT ELEVATION

PROPOSED ADDITION TO:
BERRY RESIDENCE
4 WOODSIDE DRIVE WARWICK, NY

THOMAS J. FIOLA - ARCHITECT

P.L.L.C.
(845) 928-9367 - tjfiarchitect@yahoo.com



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77 Main Street
Post Office Box 369
Warwick, New York 10990
www.villageofwarwick.org



(845) 986-2031
FAX (845) 986-6884
mayor@villageofwarwick.org
clerk@villageofwarwick.org

VILLAGE OF WARWICK
INCORPORATED 1867

9/25/2023

RE: Proposed addition to existing house will infringe into the minimum side yard setback of 20ft.

Mr. Berry,

As discussed in the Building Department office regarding your proposed addition to your existing house, you intend to construct the addition into the existing minimum 20 feet required by Village Code for the side yard setback as noted in the Village Code Bulk Table requirement for single family dwellings. Because of this infringement into the required setback, an Area Variance will be required from the Zoning Board of Appeals which leads to the Building Permit application for this construction to be denied.

The Zoning Board of Appeals application shall be completed and submitted at your earliest convenience.

Respectfully,

Boris Rudzinski
Village of Warwick Building Inspector/Code Enforcement
77 Main Street/PO Box 369
Warwick, NY 10990
Phone: (845) 986-2031
Email: building@villageofwarwick.org

Village of Warwick Building Department
77 Main Street/PO Box 369
Warwick, NY 10990
(845) 986-2031 Ext. 107 FAX (845) 987-1215
building@villageofwarwick.org

BUILDING PERMIT APPLICATION

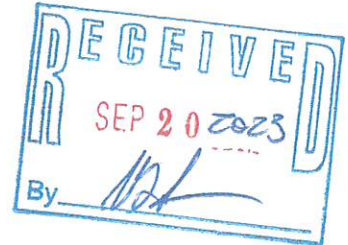
Date: 9/19/23

Property Owner Information:

Name: DOUGLAS BERRY
Street Address: 4 WOODSIDE DR.
City/State and Zip: WARWICK, NY 10990
Telephone Number: _____ Cell: 845 499 6620
Email: dstu23@me.com

Contractor Information:

Name: OLAF HAAKENSTAD
Street Address: PO BOX 606 JOHNSON, NY
City/State and Zip: JOHNSON, NY
Telephone Number: _____
Email: norwegianbuilder@gmail.com Cell: 717 673 3154



Architect or Engineer Information:

Name: THOMAS FIOLA
Street Address: 99 SUMMIT AVE.
City/State and Zip: CENTRAL VALLEY, NY 10917
Telephone Number: 845 928 9367

Location of Proposed Construction:

Street Address: 4 WOODSIDE DR. WARWICK, NY 10990
Is this location in a floodway? NO Is this location in a flood zone? NO

Proposed Construction (use the back of this page if more space is needed):

PLEASE SEE ATTACHED INFO

Estimated Cost of Construction:

\$ 250,000

Permit Fee (basic)

Additional Fee: \$150 ok #218

Additional Fee: _____

\$

\$

\$

*See Village of Warwick Schedule of Fees

*See Village of Warwick Schedule of Fees

*See Village of Warwick Schedule of Fees

Total Fee

\$ 150

I certify that I am the property owner, or an agent of the owner, of the address listed on this application, and that the information provided is true and correct. I certify that I understand the terms of this application as stated on the information sheet and agree to all terms.

Date: 9/19/23 Property Owners Signature: _____

4 WOODSIDE



2 WOODSIDE



NF MOUNT ALPERNO RESIDENCE CORPORATION

S39°52'20"W
21.47'

VIL. AND TOWN OF WARWICK 204-1-1.2
ORANGE CO, NEW YORK

S17°02'05"W

99.93'

S68°19'00"E

LOT 2

N68°19'00"W

CA = 0.487 ACRE

SURVEY FOR

BERRY

LOT 2 ON "SALVATORE AND ROCCO
GARCIA" FILED OCT. 1, 1982 AS
MAP NO 6038

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7208, sub-division 2, of the New York State Education Law.

Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies.

Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only in the person(s) for whom the survey is prepared and shall be limited to the company, governmental agency and lending institution listed herein.

Certifications are not transferable in additional institutions or subsequent owners.

Offsets to property line shown are not intended to be used in the location of fences, retaining walls, pools, buildings or additions or any other construction or planting and should not be used for such purposes.

Survey shown is subject to the findings of a current and accurate title search.

Sub-surface structures, where not visible, will not be shown and their location and details will not be certified.

CERTIFIED TO:

• DOUGLAS BERRY
• RESA BERRY

• KEY BANK NATIONAL ASSOCIATION ISACA, ATIMA

• AM TRUST TITLE INSURANCE COMPANY

WOODSIDE DR

Jeffrey W. Donnellon NYS LS No. 049352

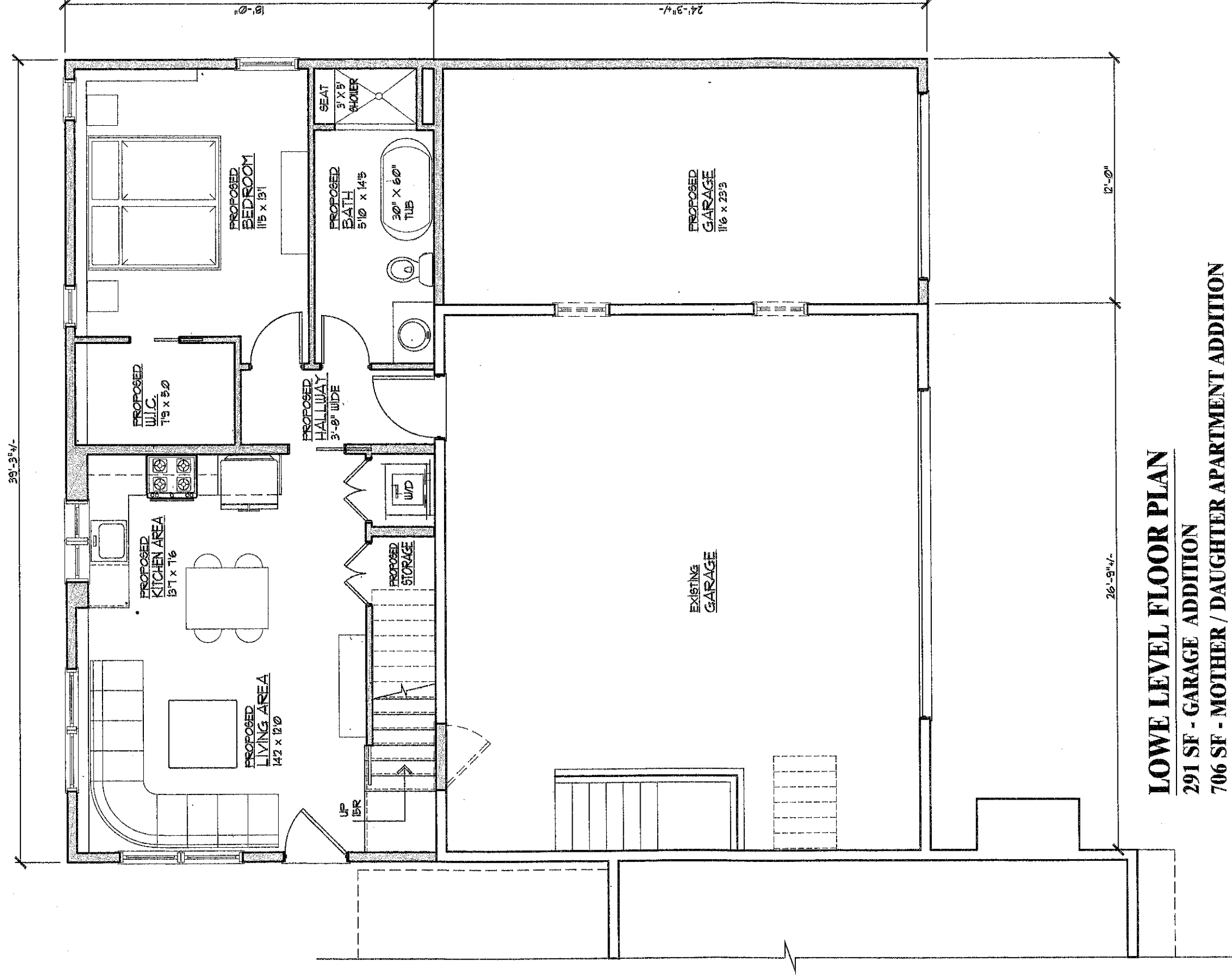
AUGUST 20, 2020

SCALE 1" = 30'

HAND-DRAWN JWD

20-161

Jeffrey W. Donnellon NYS
Professional Land Surveyor
347 East Searsville Road
Montgomery NY 12549



LOWE LEVEL FLOOR PLAN

291 SF - GARAGE ADDITION

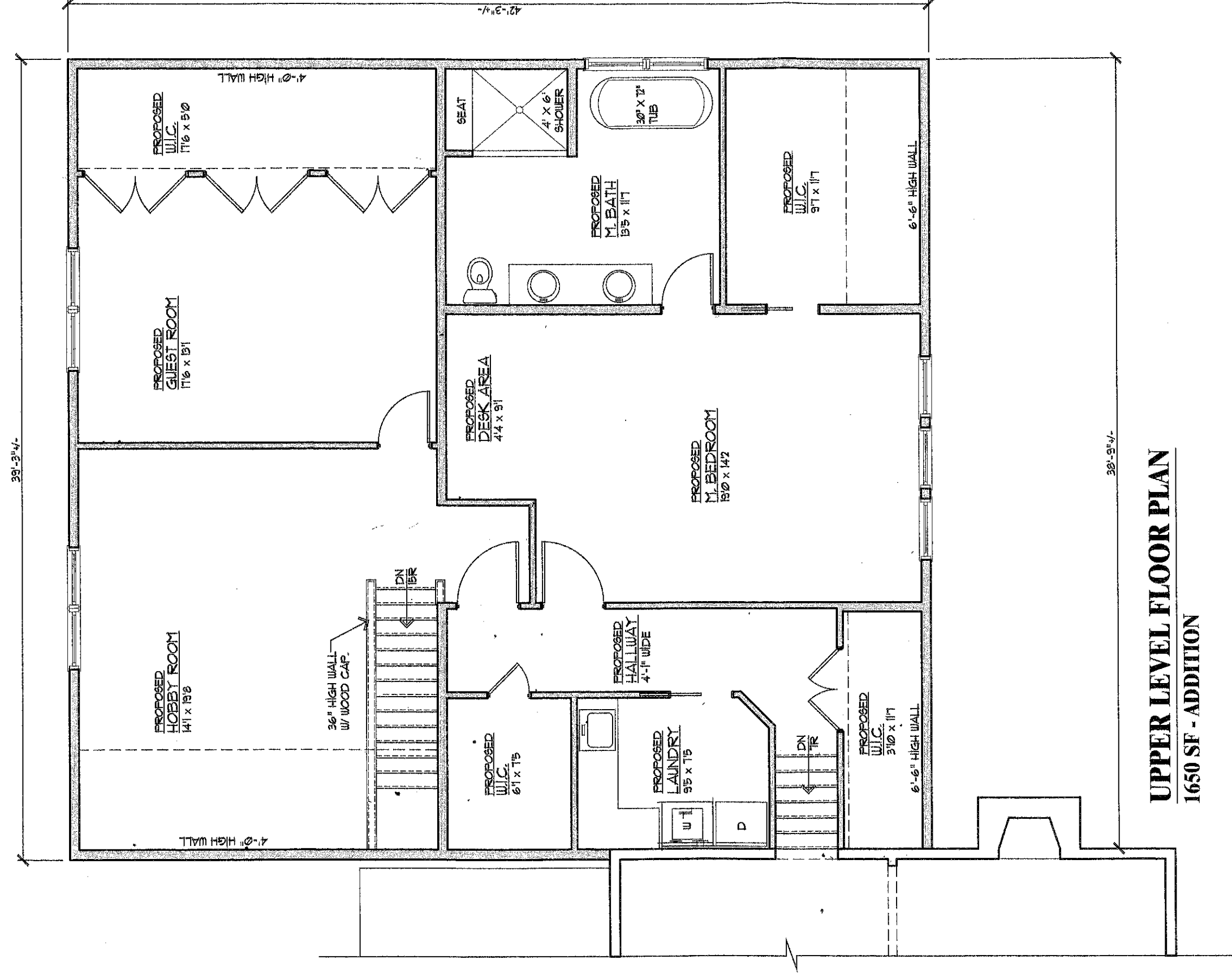
706 SF - MOTHER / DAUGHTER APARTMENT ADDITION

PROPOSED ADDITION TO:
BERRY RESIDENCE
4 WOODSIDE DRIVE WARWICK, NY

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P.L.L.C.

(845) 928-9367 - tjarchitect@yahoo.com



UPPER LEVEL FLOOR PLAN
1650 SF - ADDITION

PROPOSED ADDITION TO:
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4 WOODSIDE DRIVE WARWICK, NY

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