

VILLAGE OF WARWICK  
ZONING BOARD OF APPEALS  
SEPTEMBER 17, 2018

The monthly meeting of the Village of Warwick Zoning Board of Appeals was held on Monday, September 17, 2018. Present were: John Graney, John Prego, Jonathan Burley, John MacDonald, Lynn Ruvolo and Zoning Board attorney, Robert Fink. Others present were: Amy Puttaswamy, Nancy Heitman, Beau Kennedy, Jason McGovern, Ron Charlton, Ross Winglovitz, Thomas Scott and others.

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to accept the minutes of the April 16, 2017 meeting. (3 Ayes) {1 Abstention – Lynn Ruvolo}

26 VAN BUREN ST.                      AREA VARIANCE                      AMY PUTTASWAMY

The applicant submitted the mailing receipts.

Mr. Fink read the public hearing notice.

Ms. Puttaswamy – I would like to put a small addition to the existing porch and build a garage and be able to get to the garage through the porch and remove the barn. I park inside the barn now but it is behind the house in the back of the yard and pretty far from the house especially in the winter and bad weather.

Mr. Fink – Is there any way you could change it to require less variances?

Ms. Puttaswamy – I could put it behind the house but then I would not be able to get to from the inside of house so it would be almost like parking in the barn like I do now.

Mr. Prego opened the public portion of the hearing.

Ms. Nancy Heitman – I own 28 Van Buren and I think it is a very close.

Ms. Puttaswamy – Which side are you on?

Ms. Heitman – I own the 2 family next door.

Ms. Puttaswamy – Is it the property that has part of your shed on my property?

Ms. Heitman – I am not sure but all the properties there are like that. I just think the building is too close.

Mr. MacDonald – How big is the garage?

Ms. Puttaswamy – It is a one car garage.

Mr. Prego – It is 12 x 20 ft.

A MOTION was made by John Prego, seconded by John MacDonald and carried to close the public hearing. (4 Ayes)

The Board reviewed the criteria's:

- 1) Undesirable – No
- 2) Adverse Effect – No
- 3) Achieved by Another Method – Feasible but no
- 4) Substantial – Yes, numerically
- 5) Self-Created – Yes

A MOTION was made by John Prego, seconded by John MacDonald and carried to declare this an Unlisted Action with no adverse impacts under SEQR. (4 Ayes)

A MOTION was made by Jonathan Burley, seconded by John Prego and carried to grant the application as advertised for a proposed extension to the existing porch to attach to a proposed one car garage. (4 Ayes)

FORESTER AVE.

AREA VARIANCE

KENNEDY COMPANY LLC

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Mr. Fink read the public hearing.

Mr. Fink instructed the Board and the applicant that this project is also before the Village of Warwick Planning Board and the Village Board along with the Zoning Board of Appeals and although the Board may open the meeting and the public hearing, the Board cannot take any action until the Village of Warwick Planning Board which declared Intent to be Lead Agency, declares itself Lead Agency under the SEQR process.

Mr. Graney arrived.

Mr. Winglovitz–The applicant is purchasing the property and applying for a Special Use Permit from the Village Board for a multi-family type of development. Unfortunately we don't have a TND overlay here in this zone. It is a U shape building, we are proposing a total of 40 apartment units, 12 one bedroom and 28 two bedroom apartments. There is one way in on the south side which will go around the building and a one way exit on the north side near the American Legion. The entrance on the opposite side will give the ability to access the parking area in the rear that services the gym and the few uses that are in Mechanical Rubber. The idea is to have a very attractive building that shields the view of the Mechanical Rubber building and is consistent with other buildings visually in the Village. A TND architect was specifically picked to design this building. In the front they will be 2 story, 2 bedroom units and will set-up like traditional townhouses in a Colonial neighborhood. They will be different colors and they step down with

the grade, there is a grade drop from the right to the left hand side. We did meet with the ARB and they really liked the plans. There was an initial meeting where they did not like the plan and then there was a second meeting after the architect was retained and I think they were impressed with the plans and how we were dealing with the site and the consistency with the architecture.

This application requires 3 different Boards to review it, we have made an initial presentation to the Planning Board where they did declare Intent to be Lead Agency and we made a subsequent application to the Village Board because they have to grant a Special Permit and we wanted to get in front of this Board just to get your feedback on any of the issues before we proceed. If there is anything that this Board would like us to address we would like to know about it moving forward as we are developing the plan later on. There are a number of variances required some are improving the situation because there is a lot of existing encroachments into the existing yard. We are actually improving the yard even though the buildings are forward. The buildings are forward as part of a TND where they recommend a setback of about 10ft. or a little greater. I think we are 18.5 ft. to the building but very consistent with TND architectural design standards. The building will be setup around a courtyard and have access into the courtyard from the existing sidewalk, it is very pedestrian friendly. They did look at the buildings regarding height and the Building Inspector determined that there were no variances required. In the developmental coverage there is a slight increase and we have actually added more parking then we need by code but we wanted to have some extra parking should the Legion need it since they will be losing their parking area. The floor area ratio, obviously there is nothing there now but we are proposing .48 and that is due mostly because of the layout of the buildings and the number of units we are proposing. The unit density is consistent with the zoning...

Mr. Fink – Did you say the proposed maximum floor area ratio was .48? We have .45, am I incorrect?

Mr. Winglovitz – The plan says .48 but since we have time I will check that out.

Mr. Fink – Okay.

Mr. Winglovitz – The rear yard is already non-existent because the pavement crosses the property boundary. We will improve the pavement in some areas and/or cut it back but there is still access so it is 0 (zero) now and it will be 0 (zero) when we are done.

Mr. Fink – The initial question always is, is it practical to make it smaller so that the variance request would make it less?

Mr. Winglovitz – I don't think we believe it is practical 1) from a design perspective in order to create this type of traditional neighborhood design, the building needs to be forward so that really impacts the front yard and the front setback and it is consistent with the Village's TND overlay district. 2) The development coverage, there is only a slight increase and that is because we are providing additional parking to supplement the parking in the area specifically for the Legion. We could cut it back but we do not think it is in the best interest of the Village but we certainly could reduce the parking area to the required number of spaces. 3) The building coverage, based on the density and what we need to do to be able to make this a viable project economically we cannot reduce the unit count with any significance. That is really what drives the building coverage, the unit count and the size of the units.

Mr. Fink – The Board is looking forward to some input from the Planning Board and judging that based upon what this Board sees when it goes out to examine the project.

Mr. Winglovitz – We have had some comments regarding the impact to the neighbors and I know the applicant has reached out to the neighbors to talk about fencing and I don't think there is any problem providing fencing as a screen along the propertyline.

Mr. MacDonald – These are rentals?

Mr. Kennedy – Yes, they are essentially setup as townhomes...

Mr. MacDonald – As far as the scenic view, you determine what it is going to look like, it will not be a purchaser?

Mr. Kennedy – No it is dictated by the ARB and our design team.

Ms. Ruvolo – What will the one bedrooms look like?

Mr. Kennedy – Interior wise...

Ms. Ruvolo – No the exterior.

Mr. Winglovitz – I do not have the elevation for the side so we can't show you yet.

Mr. Kennedy – But they are consistent with the front to some extent and again that is something we go to the ARB with to make sure they are happy with the design.

Mr. Winglovitz – They will have garages underneath on the side so you can get into your apartment internally to the building.

Mr. Kennedy – There will not be any decks.

Mr. MacDonald – There will be a community area?

Mr. Kennedy – Yes.

Mr. MacDonald – Any facilities planned?

Mr. Kennedy – Not at this time, just a nice green area with benches and it is close to the park.

Mr. Burley – How does Mechanical Rubber gain access?

Mr. Kennedy – The same way as they always have...

Mr. Winglovitz – And they will have an easement access to get to their loading dock.

Mr. MacDonald – The Fire trucks can make these turns?

Mr. Winglovitz – Yes.

Mr. Prego opened the hearing to the public.

Mr. Thomas Scott -70 Forester Ave. – The front setback, is that going to be 18 ft. or 12 ft. and is it from the edge of the road or is it from the sidewalk that is already there?

Mr. Prego – It is from wherever that right of way is.

Mr. Winglovitz – It is 18.5ft. from the right of way.

Mr. Scott – Is the right of way the road?

Mr. Winglovitz – The right of way goes about from the middle of the sidewalk.

Mr. Scott – My house is almost 25ft. from the road and most of the houses are so if it too close, will it stand out?

Mr. Prego – It is probably going to be about 24ft. from the road, judging from the width of the sidewalk. Is there green on the side of the sidewalk?

Mr. Kennedy – I believe there is a little sliver of green.

Mr. Prego – So it is probably about 24ft. from the road. So it is probably about the same as yours.

Mr. Scott – Will there be trees in the front?

Mr. Winglovitz – We have not gotten to the landscaping but I am sure there will be a street scaping along here with trees to be consistent with the Village.

Mr. Scott – The exit is going to face right into my house.

Mr. Winglovitz – No, we looked at that because Mr. Kennedy was concerned about that and it actually lines up right between your house and the neighbor's house.

Mr. Scott – That is where it is right now.

Mr. Winglovitz – We will put a stake in there so you can see exactly where it is.

Mr. Scott – I just want to make sure you are not too close to the road because it will stand out, we are not in the city. That is the only concern I have.

Mr. Fink – I don't know whether the applicant will be coming back next month or not so if anyone is interested in what the ZBA is doing please check with the secretary a day or two before the meeting to see if they are before us or not. I think it will probably depend upon the progress that the Planning and Village Board is making. We are at a standstill until the Planning Board does something with SEQR. It is really up to the applicant when or if they want to come back so this is adjourned without date. I normally recommend that if it takes several months to re-publish and send it regular mail to let everyone know that it is going back on but unless it is delayed many many months there is no more notice.

A MOTION was made by John Prego, seconded by John MacDonald and carried to adjourn the meeting. (5 Ayes)

Respectfully submitted;

Maureen J. Evans,  
ZBA secretary