

Not approved

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS
JANUARY 21, 2020

The monthly meeting of the Village of Warwick Zoning Board of Appeals was held on Tuesday, January 21, 2019. Present were: John Graney, Jonathan Prego, Jonathan Burley, Scot Brown and Zoning Board attorney, Robert Fink. Others present were: Hazelyn & Patrick Corcoran, Robert Krahulik, Susana Hull, Catherine DeCesare & Michael Bertolini.

The Board recited the Pledge of Allegiance.

A MOTION was made by Jonathan Burley, seconded by John Prego and carried to accept the minutes of the October 19, 2019 meeting. (3 Ayes) {1 Abstention - Scot Brown}

37 HIGH STREET AREA VARIANCE HAZELYN & PATRICK CORCORAN

The Board waived the reading of the public hearing notice due to the lack of public attendance.

Mr. Corcoran - We purchased this house with the intention of renting it and in the middle of renovating we found that the foundation has been compromised and even the inside was not worth saving and that the house just needs to come down. Then we decided as long as we were going to take it down we would try and build a house and move into it ourselves.

Mr. Fink - All single family homes need 2 parking spaces.

Mr. Corcoran - We believe we have the room for the two parking spaces in the front.

Mr. Graney - There are issues with the curb cut and parking in the front yard setback. The cars should be in the driveway which appears can be widened. Which side does the driveway come down?

Mr. Fink - The right or east side.

Mr. Graney - So the stairs are in the way. On the other side there is more room, can you move the stairs to the other side? Then you could use the driveway.

Ms. Corcoran - We can do that but then we would have less than 25ft. for the front yard setback.

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Mr. Corcoran - Where the stairs are now is further away from the street.

Ms. Corcoran - The house sits at an angle.

Mr. Graney - Foot wise I don't know how much of a difference it is going to make because you are already coming for a variance for that anyway. If you move your stairs over to the opposite side then you can get more than one car off the road and you can go all the way down the side.

Ms. Corcoran - We can maybe shift the house.

Mr. Graney - Will you save the foundation?

Mr. Corcoran - No.

Ms. Corcoran - There is actually no foundation there.

Mr. Burley - You are looking for an 8.3ft. side yard.

Mr. Corcoran - But we were trying it keep the same as it is right now.

Mr. Burley - What is the setback from the steps?

Ms. Corcoran - About 4ft.

Mr. Burley - So, it's 4ft. not 8.3ft.

Mr. Corcoran - We could push the house over and put the stairs on that side as well.

Mr. Burley - Then you would meet that 8.3ft.

Ms. Corcoran - So if we move the house slightly over and put the steps on the other side then we would have 10 ft. and we could use the driveway.

Mr. Graney - Then you could drive all the way down the side of the house. I think visibly it is a better solution. Where do we go from here?

Mr. Fink - As we sit here do you know exactly the setbacks you need? Or would you like to come back after speaking with your architect? Do you plan on starting this in the next month?

Mr. Corcoran - I plan on starting in the Spring.

Mr. Fink - I suggest that you sit down with your architect and make sure you have the dimensions correctly and then come back here.

Mr. Corcoran - Do you see anything else that you think I should change.

Mr. Prego - I don't have an issue with the rest of the variances.

Mr. Fink - Can the house be smaller?

Ms. Corcoran - We have 5 children.

Mr. Brown - The depth is what caught my eye.

Ms. Corcoran - Yes, it will be a small backyard.

Mr. Burley - It is in the Village, we all have small backyards.

Ms. Corcoran - I don't think it is that small though.

Mr. Fink - You just have to show us another plan with the setbacks.

Mr. Graney - What about developmental coverage?

Mr. Fink - Right now it is not an issue, there is gravel there but if they were to pave the driveway the applicant will have to look at the square footage of the lot and how much of the lot you have covered with house and pavement.

Mr. Corcoran - What is the allowed percentage?

Secretary - 35%.

Ms. Corcoran - I know with the house we are well under that but we wanted to put pavers in the backyard but they are impervious.

Mr. Bertolini - Will the little house stay?

Mr. Graney - No, they are going to build a new house.

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Mr. Bertolini - Do they have a drawing of the new house? We need to see what they are putting up before they can take this house down.

Secretary - They are before this Board to see if they can be granted variances and they will go before the ARB when the house has been designed, they can't design the house until they know how big or small the house can be.

Mr. Bertolini - I don't want the house torn down until they have come before the ARB with their plans.

Mr. Corcoran - We were thinking of giving a nod to the local architecture and the fire house up the street with the mansard roof, we want to do an old style brick building...

The applicant showed Mr. Bertolini a picture similar to what they are proposing.

Mr. Bertolini - That looks fine, I just don't want to see a contemporary house because it would be antagonistic to the rest of the architectural that is around there. All you have to do is walk up and down Church St. which is the next street over and there are all sorts of little houses to get some ideas. There is also a brick building with mansard roof, there is lots of stuff. The ARB can even help you with the design of it.

The application was tabled so the applicant can re-configure the proposed dwelling and the new proposed setbacks are established.

18 RAILROAD AVE.

INTERPRETATION/
AREA VARIANCE

18 RAILROAD AVE. REALTY LLC

The public hearing was waived due to lack of public attendance.

The applicant is seeking a variance from section (145-70.A1) - Permanent off-street parking and loading spaces shall be provided in all districts in accordance with the standards set forth (a-h). The applicant is before the Village of Warwick Planning Board purposing 7-1 bedroom apts. on the 3rd floor of an existing restaurant in which the Board interprets the Code 145-70.A1,1.b & 1.c to require the applicant provide 11 parking spaces owned in fee. The applicant was referred to the Zoning Board of Appeals to request a variance from the provision that parking spaces be permanent.

The Board went through the criterias:

- 1) Undesirable - No
- 2) Achieved by Another Method - No
- 3) Substantial - No
- 4) Adverse Impact - No
- 5) Self-Created - No

The consensus of the Board is that a variance is not required for any provisions of sub-section(s) 1, (2 or 3) because they are only "recommended maximums" subject to the authority and discretion of the Planning Board to apply in accordance with the stated purpose of section 145-70A.

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Although an interpretation is a Type II action, the Board determined that the action did not have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law.

A MOTION was made by John Graney, seconded by Jonathan Burley and carried for the following determination: The applicant would be entitled to the variance that parking spaces need not be permanent, however, a variance of the provisions of Section 145-70.A1(2 or 3) are not reviewable in the first instance by the Zoning Board of Appeals because they are "recommended maximums" as provided in Section 145-70A, not obligatory, and variations from the provisions of Sub-Sections 1, (2&3)(including dispensing with the requirement that parking spaces be permanent) are within authority and discretion of the Planning Board to apply in accordance with the stated Purpose of Section 145-70A. Accordingly, this matter is returned to the Planning Board further action in accordance with this decision. (4 Ayes)

A MOTION was made by John Prego, seconded by Scot Brown and carried to adjourn the meeting. (4 Ayes)

Respectfully submitted;

Maureen J. Evans,
ZBA secretary