

**ZONING BOARD OF APPEALS
VILLAGE OF WARWICK**

NOTICE OF HEARING

A public hearing before the Zoning Board of Appeals of the Village of Warwick will be held on the 20th day of April, 2021 commencing at 7:30 PM at **132 Kings Highway, Town of Warwick, New York** to consider the following applications. Please take notice that due to the Covid-19 virus, the meeting may be held by a virtual Zoom meeting. The Village's website should be reviewed prior to the meeting, and if it is to be held by virtual Zoom, instructions on how to participate in the meeting will be posted on the Town's website.

SOUTHSTREET PROPERTY INC. for property located at 72 South Street, Warwick, New York and designated on the Village tax map as Section 213 Block 5 Lot 4 and located in an R District for a variance of the Use Requirements of the Code permitting use of the premises as a donut shop.

The above application is open to inspection (by Appointment Only) 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
Village of Warwick, ZBA

ZONING BOARD OF APPEALS
VILLAGE OF WARWICK, NEW YORK

Petition

Name Ac South St. Prop. Inc.

Address 72 South St. Tele: 845-406-7277

City & State Warwick N.Y. Zip: 10990

Location of Property 72 South St.

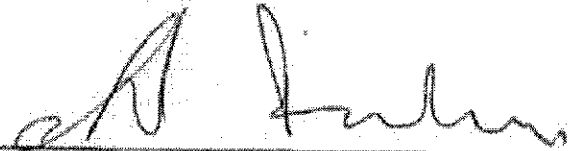
Zone or Use _____

Section 213 Block 5 Lot 4

Applicant is _____ Owner _____ Tenant _____ Other _____
Attorney
Or
Representative _____ Tele _____

THIS APPLICATION WILL NOT BE ACCEPTED UNLESS ACCOMPANIED BY:

- A) Survey or Plot Plan showing street(s), set-back(s), building(s) and dimensions
- B) Any other details or exhibits applicable to the situation
- C) State the hardship and/or practical difficulty involved. (Attach additional sheets if necessary)

Applicants Signature 

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? 2019

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.

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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 I - Project and Sponsor Information			
Donut Shop			
Name of Action or Project:			
Donut Shop			
Project Location (describe, and attach a location map):			
72 South St. Warwick N.G.			
Brief Description of Proposed Action:			
Change of use.			
Name of Applicant or Sponsor:		Telephone: 845-406-7277	
South St. Properties Inc.		E-Mail: Jorge66@optonline.net	
Address:			
62 West Ridge Rd. 1			
City/PO:		State:	Zip Code:
Warwick		N.G.	10990
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
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.			<input type="checkbox"/> <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ ACRES	
b. Total acreage to be physically disturbed?		_____ 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.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" 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 checked="" type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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	YES	
	<input checked="" type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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	YES	
	<input checked="" type="checkbox"/>	<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"/>	
	<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 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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES			

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
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
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Shab Fenehi</u> Date: <u>2-17-21</u> Signature: <u>[Signature]</u>		

PRINT FORM

USE VARIANCE

You must prove unnecessary hardship to obtain a use variance. In order to prove unnecessary hardship, you must prove all of the following:

- 1) You cannot realize a reasonable return on the property. The lack of return must be substantial and demonstrated by competent financial evidence. Can you show a lack of a substantial return? Yes No

What financial evidence are you presenting? No rent received for over 10 months.

- 2) The alleged hardship relating to the property in question must be unique and not applicable to a substantial portion of the district or neighborhood. Is your hardship unique and not applicable to a substantial portion of the district or neighborhood? Yes No

State the reason(s) for your answer: Building was originally built for Larry's Deli, ^{is not} ~~is~~ suitable for residential (vac space) have had the space empty for over 6 months. Property is assessed as commercial, pays tax as commercial-mix use.

- 3) The requested use variance, if granted, will not alter the essential character of the neighborhood. Yes No

The requested use variance, if granted, will alter the essential character of the neighborhood. Yes No

State the reason(s) for your answer: The space has always been used as some sort of commercial use. New use will be

- 4) The alleged hardship cannot be self-created. Is your hardship self-created? Yes No

State the reason(s) for your answer: Purchased this property as mix used, have tried to rent for about 6 months, and have not been successful. Before proceeding with current lease, ck with zoning dept. was told that a change of use Application would be required.

Village of Warwick Planning Board
Change of Use Waiver Application

For Office Use Only:

Action Date: 2/9/21 Date Received: _____
Fees Paid/Armt: 150.- Received By: _____

Has the ZBA granted any variances or special permits for this property? 4
(Attach a copy of any variance or special permit to this application)

Please include a copy of the most recent or previously approved Site Plan.

Owner's Name: South Street Property Inc.
Address: P.O. Box 498
Warwick, N.Y. 10990
Telephone: Home: _____ Business: 845-406-7277

Applicant's Name: Kyle Cosmillo
Address: 286 Cascade rd.
Warwick N.Y. 10990
Telephone: Home: 201-248-2733 Business: _____

Tax Map ID: _____
Section: 213 Block: 5 Lot(s): 4

Project Location: 72 South ST.

Zoning District: R Parcel Area (SF/Acres): 0.156 ac. (6450 sq. ft.)

Applicant to complete the following questions:

1. Identify the EXISTING & PROPOSED category of use(s) of the property & building (Check all that apply):
See Section 145-30 Use Table for uses within each category (Included as Attachment 1

EXISTING		PROPOSED	
Type of Use		Type of Use	
Residential	<input type="checkbox"/>	Residential	<input type="checkbox"/>
Mixed Uses	<input checked="" type="checkbox"/>	Mixed Uses	<input checked="" type="checkbox"/>
General Uses	<input type="checkbox"/>	General Uses	<input type="checkbox"/>
Business and Service Uses	<input type="checkbox"/>	Business and Service Uses	<input type="checkbox"/>

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Village of Warwick Planning Board
Change of Use Waiver Application

7. Are there any EXISTING easements for access, drainage, sewer/water utility lines, underground/above ground utility rights-of-way, street rights-of-way, etc.? (Y/N) If yes, identify each by type, size, and location:

NO

(**All existing easements & ROWs should be shown on the property survey submitted with this application**)

8. Will any of the EXISTING easements identified above be altered, changed, or effected by the proposed change of use? (Y/N): NO

If the project is located within the Historic District it must be referred to the Village of Warwick AHDRS

9. Are there any physical changes proposed to the interior of the building? (Y/N) (Describe): NO

10. Is the property located wholly or partially within a FEMA designated Floodplain (Y/N)?
(FEMA Floodplain maps available for review at Village Hall)

*360710463E

11. Identify the total EXISTING and PROPOSED water and sewer usage rates for each use in gallons per day (GPD):
(See Water Billing Clerk for past data) (See Attachment 3 for standard usage rates)

	Existing Use	Proposed Use
Water Use (GPD)	<u>200 gpd</u>	<u>120 GPD</u>
Sewer Use (GPD)	<u>200 gpd</u>	<u>160 GPD</u>

12. Is on-street parking available near the site? (Y/N): Yes

13. Is a Municipal Parking Lot available within 300-FT of the site? (Y/N) Identify Location: No

14. Identify the number of on-site parking spaces Provided for the EXISTING and PROPOSED use(s):

	Existing Use	Proposed Use
# Spaces Provided	<u>2</u>	<u>2</u>

15. Identify the total EXISTING and PROPOSED number of persons occupying the site as employees, customers, or otherwise:

	Existing Use	Proposed Use
# Employees	<u>2-3</u>	<u>2</u>
# Customers	<u>40 Daily</u>	<u>40 Daily</u>
# Other Users		

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Creation Date: February 22, 2010

Revised: April 2, 2010

Village of Warwick Planning Board
Change of Use Waiver Application

2. Identify the EXISTING & PROPOSED use(s) of the property and building (Complete the following table):

Building Story	Existing Use	Existing Area (SF)	Proposed Use	Proposed Area (SF)
First Floor	Day Cleaning Laundry	1000	TO GO coffee/donut	1000
Second Floor	Residential	800	Residential	800
Third Floor				

Describe the PROPOSED use(s): TO GO made to order mini donuts, candy, ice cream, coffee, milkshakes, chocolate covered treats.

3. Identify the Specific Use and Use Group that applies to the proposed use(s): TO GO coffee, milkshakes **AK**
(See Section 145-31 for the Use Table and specific uses - Included with this form as Attachment 1)

4. Is the property located within the Historic District? (Y/N): NO

5. Are there any physical changes proposed to the property or exterior of the building? (Y/N) (If Yes, Describe. If No, skip Questions 6, 7, & 8): NO

6. Complete the following table for the applicable Bulk Zoning Requirements for the proposed use/use group:
(See Chapter 145 ZONING, Article IV BULK REQUIREMENTS of the Village of Warwick Code - Attachment 2)

	Required	Existing	Proposed
Min Lot Area (SF)	22,500	6920 SF	6920 SF
Lot Width (FT)	125	85	85
Front Setback (FT)	40	20.5	20.5
Side Setback (FT)	25	8.8	8.8
Total Side Setback (FT)	60	8.8	8.8
Side Yard (FT)	15	8.8	8.8
Side Yard w/in 25' of a R Zone			
Rear Setback (FT)	35	5.5	5.5
Rear Yard (FT)	10	5.5	5.5
Rear Yard w/in 25' of a R Zone			
Street Frontage (FT)	90	85	85
Max Height (FT)	25	31	31
Development Coverage (%)	35%	63%	63%
Building Coverage (%)			
Floor Area Ratio (F.A.R.)			
Lot Depth (FT)			
Livable Floor Area/Unit (SF)			
Lot Area/Dwelling Unit (FT)			
Bedrooms/Acre Lot Area	3	3	3

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16. Identify the number of deliveries per day for the EXISTING and PROPOSED use(s):

	Existing Use	Proposed Use
# Deliveries/Day	2-3	less than 1

17. Identify the number, location, and size of loading spaces for the EXISTING and PROPOSED use(s):

	Existing Use	Proposed Use
# Loading Areas	1	1
Loading Area Size	18w x 36L	18w x 36L
Loading Location	front of Bldg.	Front of Bldg.

18a. Identify the amount of solid waste/garbage generated by the EXISTING and PROPOSED use(s):

	Existing Use	Proposed Use
Cans of Waste Generated/Wk.	1-2	1-2

18b. Identify the method of solid waste disposal for the EXISTING and PROPOSED use(s):

	Existing Use	Proposed Use
Waste Disposal Method	Once a week One can	Once a week One can

County Waste (i.e. How often is waste collected? Will individual cans or a dumpster be used?)

18c. Identify the location of any outdoor storage of solid waste for the EXISTING and PROPOSED use (S):

	Existing Use	Proposed Use
Outdoor Waste Storage Location	Left of Bldg	Left of Bldg.

19. Will the PROPOSED use increase the location, amount of, and intensity of exterior lighting? (Y/N):

If YES, Describe:

20. Will there be any change in the existing drainage or stormwater detention areas? (Y/N) If YES, Describe:

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Village of Warwick Planning Board
Change of Use Waiver Application

21. Will there be any increase in demand of municipal services such as fire, police, ambulance, school services, etc? (Y/N): (N) If yes, please describe: _____

22. Will the proposed use routinely produce odors? (Y/N) If YES, Describe: Possible, coffee

23. Will the proposed use produce operating noise exceeding the local ambient noise levels? (Y/N) (N)
If YES, Describe: _____

24. Identify the hours of operation for the EXISTING and PROPOSED use(s):

Hours of Operation	Existing Use	Proposed Use
	10am-6pm	11am-6pm

26. Are any other outside agency approvals required for the PROPOSED use? (Y/N) If yes, list all approvals: ORANGE County health Dept.

****Applicant to certify that the above information is complete and correct. All required information must be completed in order for the Change of Use Waiver Application to be heard at a Planning Board meeting****

Signature of Applicant: _____

Date: 1/9/2021

Signature of Owner/Agent: _____

Date: 1/9/2021

To be completed by the Village of Warwick Planning Board Secretary:

****Note: The Planning Board Secretary is authorized to review this application for completeness purposes only. Once the application has been deemed complete it will be forwarded to the Planning Board for formal action.****

1. Has the information in this Waiver Application been reviewed for completeness? (Y/N): (N) 1/21/2021

2. Has the Applicant submitted a current certified property survey? (Y/N): (N) Yes

[Signature]
Signature of Planning Board Secretary

1/21/2021
Date

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