

# **MEETING WILL TAKE PLACE AT VILLAGE HALL @ 7:00PM**

VILLAGE OF WARWICK  
ZONING BOARD OF APPEALS  
AGENDA

**JUNE 27, 2023**

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63 WHEELER AVE.

AREA VARIANCE

WESTERN ADDITION LLC

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Next scheduled meeting: July 25, 2023

## **MAX OCCUPANCY - 40**

**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 Tuesday, the 27th day of June 2023 commencing at 7:00 pm at 77 Main Street, Village of Warwick, New York to consider the following application:

APPLICATION OF WESTERN ADDITION LLC for property located at 63 Wheeler Avenue, Warwick, New York, designated on the Village tax map as Section 210, Block 5, Lot 3, and located in the CB (Central Business) District for (1) variances from the Bulk Area Requirements of the Zoning Code to reduce the minimum lot area from 40,000 square feet to 23,943 square feet; the minimum lot width from 100 feet to 63 feet; the front yard from 15 feet to 5.3 feet in order to allow parking in the required front yard; the rear yard setback from 40 feet to 3 feet; the rear yard from 20 feet to 3 feet; the rear yard adjacent to a residential district from 35 feet to 4.8 feet; the side yard setback from 20 feet to 12.7 feet; the side yard from 20 feet to 5.5 feet in order to allow parking in the required side yard; the side yard adjacent to a residential district from 40 feet to 19.8 feet; and the street frontage from 100 feet to 61.5 feet; and (2) variances from the off-street parking requirements to reduce the minimum number of required parking spaces from 26 to 15 and to reduce the minimum driveway aisle width for 60° parking from 14 feet to 12 feet. The variances are sought for the purpose of converting an existing commercial building into a proposed Café/Market/Bistro and Boutique Hotel (The Stables at Flour & Feed).

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



Steven M. Neuhaus  
County Executive

## Orange County Department of Planning

124 Main Street  
Goshen, NY 10924-2124  
Tel: (845) 615-3840  
Fax: (845) 291-2533

David E. Church, AICP  
Commissioner  
www.orangecountygov.com/planning  
planning@orangecountygov.com

### Cover Sheet: NYS General Municipal Law §239-l, m, and n Referral

This cover sheet should be completed by the local board having jurisdiction. Referrals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning. Please include all materials that are part of a "full statement" as defined by NYS GML §239(m), i.e. "all materials required by and submitted to the referring body as an application". Please return this cover sheet and the Full Statement to the Orange County Department of Planning.

Referral ID No.: County Use Only

**Municipality:** Warwick, Village

**Local Referring Board:** Planning Board

**Applicant:** Western Addition LLC

**Project Name:** Western Addition LLC

**Location of Project Site:** 63 Wheeler Ave

**Tax Map No.:** 210-5-3

**Tax Map No.:**

**Tax Map No.:**

**Local File No.:**

**Size of Parcel(s):** 0.55

**Zoning District:** Central Business

**Reason for County Planning Review:** within 500ft. of a State Rt. 94

#### Type of Review:

- ☐ Comprehensive Plan Update/Approval
- ☐ Zoning Amendment
  - ☐ Zoning District Change, from to
  - ☐ Ordinance Modification, cite section:
- ☐ Local Law:
- ☐ Site Plan, non-residential sq.ft. proposed:  
Which approval is the applicant seeking? ☐ SKETCH / ☐ PRELIMINARY / ☐ FINAL
- ☐ Subdivision, number of lots proposed:  
Which approval is the applicant seeking? ☐ SKETCH / ☐ PRELIMINARY / ☐ FINAL
- ☐ Special Use Permit:
- ☐ Lot Line Change:
- ☐ Variance: ☒ AREA / ☐ USE
- ☐ Other:

Local Board comments/elaboration: 4 unit boutique hotel with a small market and bistro

Maureen J. Evans

6/1/2023

ZBA, secretary

Name/Signature of local official

Date

Title

Municipal Contact Phone No.: 845-986-2031 ext. 7

If you would like the Applicant to be cc'd on this letter, please provide the Applicant's address:

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

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JOHN GRANEY,  
CHAIRMAN

ZONING BOARD OF APPEALS  
VILLAGE OF WARWICK, NEW YORK

Petition

Name WESTERN ADDITION LLC info@lowlandfeedny.com

Address 63 WHEELER AVE. Tele: 1(951)587-5727

City & State WARWICK, NEW YORK Zip: 10990

Location of Property VILLAGE OF WARWICK - 63 Wheeler Ave.

Zone or Use CENTRAL BUSINESS DISTRICT - USES (M, K)

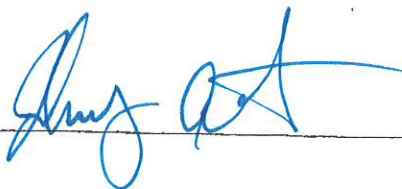
Section 210 Block 5 Lot 3

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: PLANNING BOARD

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.

## 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 ☒ No

State the reason for your answer: PROJECT IS AN ASSET TO THE

COMMUNITY

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

State the reason for your answer: PROJECT IS SUBJECT TO

PRE-EXISTING CONDITIONS

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

State the reason for your answer: NUMERICALLY

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

State the reason for your answer: \_\_\_\_\_

- 5) Is the alleged difficulty self-created? ☒ Yes ☐ No State the reason for your answer: \_\_\_\_\_

PROPERTY WAS PURCHASED AS IS.

## **Flour & Feed Narrative**

Flour & Feed, a curated dine-in Café/Market/Bistro and a Boutique Hotel (The Stables at Flour & Feed) located at 63 Wheeler Avenue, Warwick NY. The Market will feature quality staple and specialty groceries such as local produce, fresh eggs, American farmstead cheese, and house-baked goods. We will offer light fare for breakfast and lunch. Alongside local provisions, the Market will serve coffee and natural wine. During the evening hours, the fare will flip over to a tapas style menu to complement a wine focused beverage program.

*Market hours of operation: Monday – Thursday (8am-8pm), Friday (8am-4pm)*

*Bistro hours of operation Friday – Saturday (5pm-9pm)*

*Hotel bookings 3-night minimum available Monday – Sunday*

The “Stables at Flour & Feed” will be overseen by the Owners. The hotel will operate in a zero-contact manner. Guests will have a predetermined access code to enter their rooms. The hotel will also have a small lobby, separate entrance from the Market/Bistro. Owners will be on site to facilitate any guest services and be present in the event of an emergency.

Three (3) Employees will be needed for daily operations.

The outdoor areas will have minimal activity, whereas the garden will be used primarily for hotel guests.

The hours of operation will be consistent throughout the year.

The “grange hall” will remain empty or for storage - usage pending future review.





**MaureenE**

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**From:** Sara Lustberg <slustberg@degrawanddehaan.com>  
**Sent:** Monday, June 5, 2023 11:59 AM  
**To:** MaureenE  
**Cc:** Brock DeGraw  
**Subject:** RE: 63 Wheeler  
**Attachments:** FLOUR&FEED NARRATIVE.pdf

Hi Maureen,

Attached is a revised narrative for the 63 Wheeler spaces, and square footages you requested below:

**Market -** 430sf  
**Bistro -** 753sf  
**Kitchen -** 569sf  
**Total GLA -** 1752sf

**Hotel Rooms -**

**RM1 -** 360sf  
**RM2 -** 303sf  
**RM3 -** 542sf  
**RM4 -** 304sf

Let us know if you need anything else!  
Thanks,

Sara Lustberg

**DEGRAW &  
DEHAAN**  
ARCHITECTS

55 NORTH STREET, SUITE 101  
MIDDLETOWN, NEW YORK 10940  
PHONE: 845.343.8510 x20  
FAX: 845.956.9513  
EMAIL: [slustberg@degrawanddehaan.com](mailto:slustberg@degrawanddehaan.com)  
WEB: [www.degrawanddehaan.com](http://www.degrawanddehaan.com)

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**From:** Brock DeGraw <bdegrow@degrawanddehaan.com>  
**Sent:** Thursday, June 1, 2023 12:52 PM  
**To:** Sara Lustberg <slustberg@degrawanddehaan.com>  
**Subject:** FW: 63 Wheeler

To: Village of Warwick Zoning Board of Appeals  
Village of Warwick

Date: June 9th, 2023  
Re: 63 Wheeler Avenue

To all whom it may concern,

Please see below in red regarding necessary zoning variances

**§ 145-41 Bulk Table Requirements**

Use Groups: K (eating & drinking establishment) M (Hotels & Motels)

Bulk Requirements	Required	Proposed
Lot Area	40,000 sq. ft. min.	23, 943 sq. ft.*
Lot Width	100 ft. min.	63 ft.*
Front Yard	15 ft. min.	5.3 ft. (parking)**
Rear Yard Setback	40 ft. min.	3 ft.*
Rear Yard	20 ft. min.	3 ft.*
Rear Yard Res. Adj.	35 ft. min.	4.8 ft.*
Side Yard Setback	20 ft. min.	12.7 ft.*
Side Yard	20 ft. min.	5.5 ft (parking)**
Side Yard Res. Adj.	40 ft. min.	19.8 ft.*
Street Frontage	60 ft. min.	61.5 ft.*

**§ 145-70 Off Street Parking and Loading Requirements**

Parking Req. (K)	12 per / 1,000	1,752 GLA
Parking Req. (M)	1 per Sleeping Unit	4 Sleeping Units
	1 per Employee	1 Employee
Total Parking Spaces	26 Required	15 Provided**
One-Way Aisle Width	14 ft. min.	12 ft.**
60° Parking		

\* Denotes An Existing Non-Conformance

\*\* Denotes A Proposed Non-Conformance

**Variances Requested**

Article V §145-50 – To allow parking in the required yards.

Article VII §145-70 A.3 – Minimum Number of Parking Spaces Required (26). Proposed spaces (15)

Article VII §145-70 A.5 – Minimum Drive Aisle Width for 60° Parking. 14' Required. 12' Proposed

Application Type: Zoning Board of Appeals Submission

Address: 63 Wheeler Ave.

Thank you

# Short Environmental Assessment Form

## Part 1 - Project Information

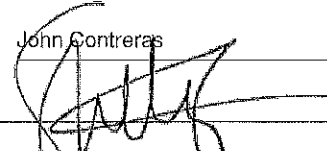
### Instructions for Completing

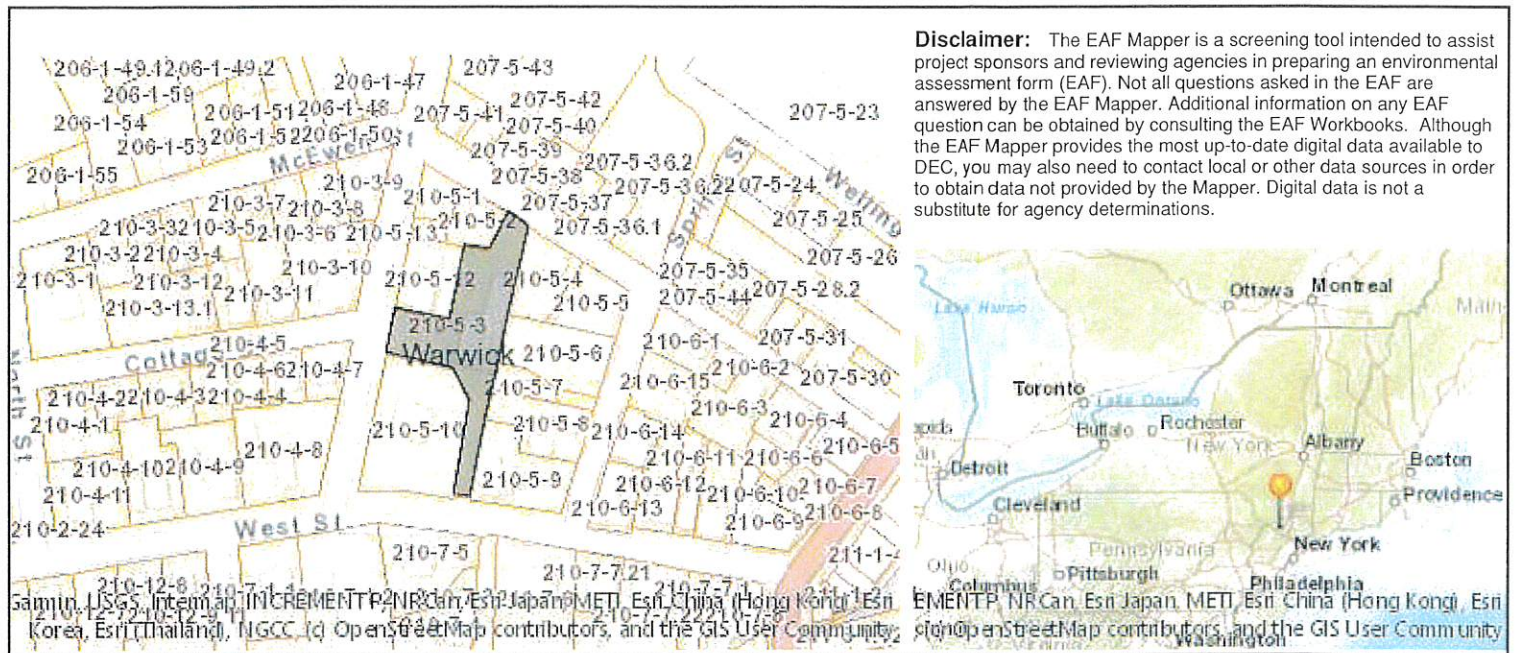
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Western Addition LLC			
Project Location (describe, and attach a location map): 63 Wheeler Avenue, Village of Warwick			
Brief Description of Proposed Action:  See attached			
Name of Applicant or Sponsor:  John Contreras		Telephone: 951-587-5727  E-Mail: shelleygarry@yahoo.com	
Address: 12 Black Walnut Drive			
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.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.55 acres	
b. Total acreage to be physically disturbed?		0.40 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.55 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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	YES	
	<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?	NO	YES	
If Yes, identify: _____	<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 services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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? Indiana Bat	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?            b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
Existing storm drains in McEwen Street and West Street		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>John Contreras</u> Date: <u>04/25/2022</u> Signature:  Title: <u>Owner</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes - <b>WITHIN 600'-ft. of HISTORIC DISTRICT</b>
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat - <b>NO TREES TO BE REMOVED</b>
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes - <b>26 RAILROAD AVE IS REMEDIATION SITE</b>