

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS
APRIL 11, 2023

The monthly meeting of the Village of Warwick Zoning Board of Appeals was held on Tuesday, April 11, 2023. Present were: John Graney, Jonathan Burley, Margaret Politoski, John Prego and acting ZBA attorney, Robert Dickover. Other's present were: Patrick and Hazel Corcoran.

The meeting was held in Village Hall.

A MOTION was made by Margaret Politoski, seconded by Jonathan Burley and carried to approve the minutes of the March 21, 2023 meeting. (4 Ayes)

CONTINUED

43 WHEELER AVE.

AREA VARIANCE

PATRICK CORCORAN

The Chairman opened the meeting to the public.

Mr. Truitt – Where the egress is?

Mr. Corcoran – There is already a curb cut.

Mr. Truitt – Will it be entirely paved?

Mr. Corcoran – Not necessarily, no. I want to leave as much green as I can leave and if I could do without these parking spaces it would be more.

Mr. Truitt – 3 units and 6 cars it looks like there will be a lot of shuffling.

Mr. Corcoran – There is enough space for all of the cars to get in and out.

Mr. Truitt – I will say openly that I am not opposed to developing the property and I think the Town needs more, smaller affordable units. Does 3 units seem tight to anyone else?

Mr. Prego – My problem is not the units or style, my problem is the amount of variances needed.

Mr. Graney – Percentage wise it is very gray...

Mr. Prego – And to set precedence here, it could open up the whole Town, in my opinion.

Mr. Corcoran – Originally I bought this lot because it was zoned CB. I got to know Keith, my daughter works for Clement, I bought a ring from Sara who lives across the street and so with all those neighbors I am trying to do the right thing and with that I decided to do residential and that is why I proposed this. I didn't make the zoning, I bought it as a CB lot...

Mr. Prego – An undersized lot.

Mr. Corcoran – Maybe so but still if I do a Central Business, I do not need any variances.

Mr. Burley – Right, but you came to the Board with this.

Mr. Prego – We know that Central Business is not going to be viable there and it is not going to be financially feasible there, so I do understand but the side yards are extensive.

Mr. Corcoran – I understand.

Mr. Graney – They are extremely so.

Mr. Prego – I have been on this Board for over 20 yrs., and I am shocked that the public isn't here in total opposition.

Mr. Truitt – Again, there are a lot of very large houses going up but there is a need for housing in Warwick, less expensive housing...

Mr. Burley – Right but not as a detriment to the community.

Ms. Truitt – I am concerned about traffic, is there a traffic study for this?

Mr. Prego – Not necessarily just minimum parking requirements.

Mr. Truitt – There is parking on this side of the curve.

Mr. Prego – I love the idea but...

Mr. Burley – It's substantial.

Mr. Corcoran – Please keep in mind that this property is less than 300ft. from the 12 hr. municipal lot.

Mr. Murphy – I understand that he is here because he wants to use it as residential and it could be residential/commercial if that doesn't work out here, he would just go to Planning. As you say commercial may or may not be feasible or economical and I get that too, no one will open up a factory there but maybe something else. Is the concern with the Board mostly the footprint of the building, is it the amount of housing or apts. or both?

Mr. Prego – It is the amount of variances.

Mr. Burley – The answer to your questions are right here on the plan.

Mr. Murphy – I have read them.

Mr. Prego – They are extensive and that is my only hang-up.

Mr. Murphy – Is it the number of variances or what it creates?

Mr. Graney – It is the percentages of variances, when you add it all up, it is just...The fear is, is that it sets a precedent and then the character and the charm of the Village can change like that. You let it happen to one nice little house or one nice little spot and then it happens all over and then you do not look like Warwick anymore. Is it business wise, is it a real kick, yes it is a real kick and I have great fear about it.

Mr. Murphy – There are single family houses on Cottage and there is a lot of 2 family on Cottage...

Mr. Prego – The lot next door has a nice, small cozy house on it and they want to knock it down and build another one just like this and then before you know it, it is the whole neighborhood because we set precedent. I know we need affordable housing, I would like my kids to stay in Warwick also but...

Mr. Murphy – Our fear is that if something residential is not approved there through variances and no matter what kind of residential is there it would need variances and it could, worse case scenario, it could potentially become a commercial property which would possibly go through and that would be worse for us as neighbors. I guess I am wondering is there something in between what Patrick has put down here and what you all feel is suitable and fit.

Mr. Graney- It is really not our place to give recommendations. When the meeting is over, I can say I would like to see a nice little 2 story cottage there or a nice little bungalow.

Mr. Murphy – So would we but we know that financially it is not going to happen.

Mr. Graney – But there are nice little bungalows on undersized lot in the Village, so if this can turn commercial then for the betterment of everyone let it be.

Mr. Corcoran – I just want to point out one thing, my setbacks are greater than both houses on either side of the property. My side setbacks are bigger, my front setback are bigger...

Ms. Corcoran – If it was a single family, the footprint would not have changed so the variances would have to be the same, right?

Mr. Graney – You would have a six bedroom house and that would be a lot.

Mr. Prego – But you wouldn't put a six bedroom house there, it would probably be a 3 bedroom.

Ms. Corcoran – But it would be the same footprint.

Mr. Prego – A single family meets the character of the neighborhood.

Mr. Corcoran – Yes but we are talking about variances.

Ms. Corcoran – After the last meeting he came home and said we can just put a commercial space there with apts. and I said that we should try one more time and see if they accept this.

Mr. Corcoran – I am not coming here and saying if this is rejected, we are going to build a commercial unit but this is what we are presenting to you.

Mr. Graney – I understand that it could be that...

Ms. Corcoran – We don't want to do that.

Mr. Prego – One thing that is in your favor is that there is no one here who is opposed to this. I would prefer a duplex because I think it fits better but ...

Mr. Graney – I do understand that every time you have to do this it is time involved and conversations, I understand but...

Mr. Corcoran – Long story short, I know I put forward a very good proposal, I think the houses are nice, everything I try to do in this Town is nice, but I am a business man and it is not viable to put a one family here and if I sold it someone else will put a commercial business here, it is just that simple.

Mr. Burley – That property has been for sale for a long time and I don't know if you are the original owner or newly purchased it but what we are looking at right now is what is right here in front of us. I was under the impression that you were going to come back with something a lot different than what you are showing right now after talking at the last meeting.

Mr. Corcoran – To come back with a Colonial that looks like a one family and to get 3 apts. into it, I would have to do 3 stories with sprinklers and if I have to do all of that then I would have to maximize the rent.

Mr. Burley – We are looking for something more desirable for the neighborhood and some that is not as substantial as the last proposal.

Mr. Brown – I am not speaking for the Planning Board but I was involved in the Comprehensive Master Plan and I wanted to point out that there is acknowledgement in the Plan from the

community that there is a desperate need for affordable housing and there is also a recommendation to address in the zoning code in the future what they call missing middle architectural standards with more specific recommendations on how a unit like that would fit into a surrounding neighborhood. I just wanted to point that out but that is not in the code yet.

Ms. Murphy – I understand you worrying about someone knocking down a house and putting up a 3 family as a precedence but if a lot is zoned residential does that mean just one family house or does it mean multi-family.

Mr. Corcoran – As we were saying, the neighbors are all here without complaints and I think unfortunately when I go to the Planning Board there will be a lot of complaints which I don't want to do but I am just trying to address the community issue.

Mr. Truitt – I am concerned about the number of units, but I don't want you to not be able to put something there...

Mr. Prego – The reality is that everyone will park on the street.

Ms. Murphy – Honestly, I don't think that the street can handle that.

Mr. Corcoran – We have the municipal lot within 300' and the CVS lot. They are allowed to park there too. If this doesn't get approved, I will have to go to the Planning Board for the commercial units and apts...

Mr. Murphy – A two unit is not economically feasible...

Mr. Corcoran – It just isn't and that is not what I bought the property for.

Ms. Murphy – We like the looks of this compared to a commercial use with 2 or 3 stories.

Mr. Murphy – There are not a lot of great options here for me and the neighbors. It could be a commercial/retail space with shops on the bottom and 2 stories of apts. above which would be disastrous. I understand the Boards prospectus of not wanting to create a precedent but the flip side or downside of that is you will be setting precedence for a bunch of commercial buildings going up on these lots.

Mr. Graney – It is already zoned, this is a very unique little spot.

Mr. Prego – With the zoning changing we are kind of getting handcuffed because they want the Village to change.

Mr. Murphy – Patrick is correct, if that property turned commercial I personally would be getting a lawyer and the whole neighborhood would be getting petitions to keep that from being commercial. But that is the way the process works, right now no one is complaining, we are not here waiving flags either but...

Mr. Corcoran – The only people you would be fighting is the Village...

Mr. Murphy – You are right.

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

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to declare the Zoning Board of Appeals as Lead Agency and to type this as a Type 2 Action under SEQ. (4 Ayes)

The Board went through the five criteria's:

- 1) Undesirable Change – No
- 2) Achieved by Another Method – No
- 3) Substantial – Yes, Numerically
- 4) Adverse Effect – Yes (3) No (1)
- 5) Self-Created – Yes

Mr. Prego – I came here initially thinking I was going to say no but I am changing my mind only because there is not the opposition that I expected. I expected a ton of opposition today and I don't see it. I think this is nice but I just don't think fits on that lot but I am willing to grant it.

Mr. Graney – I am not in favor.

Mr. Burley – I am in favor.

A MOTION was made by John Graney to deny the application as advertised, this motion was not seconded.

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to grant the variance as advertised for a 3 family dwelling with the following setbacks: (3 Ayes) {1 Nay – John Graney}

VARIANCES REQUESTED	REQUIRED	VARIANCES GRANTED
Min. lot area	22,500 sf	6,800 sf
Min. Lot width	125 ft	49.52 ft
Min Side Setback	25 ft	10 ft
Min. side yard	15 ft	10 ft
Min. Rear Setback	35 ft	10 ft
Min Street Frontage	90 ft	74.23 ft
Min. Lot depth	125 ft	120 ft

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

Respectfully submitted,

Maureen J. Evans,
Zoning Board of Appeals secretary