

DETERMINATION OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF WARWICK, NEW YORK

WHEREAS, PATRICK CORCORAN has applied to the Board for several variances of the Bulk Area Requirements of the Code, and

WHEREAS, a public hearing(s) on this application was held at 77 Main St., Warwick, New York on 3/21/23 and 4/11/2023; and

WHEREAS, at said hearing(s) all interested parties were given an opportunity to be heard, the Board finds the following:

FINDINGS OF FACT

1. Applicant is the owner of the premise located at 43 Wheeler Avenue, Warwick, New York, designated on the Village tax map as Section 207 Block 5 Lot 1.
2. The application was originally made for area variances to allow construction of a 3-family residence in the CB zoning District whereby the applicant sought to reduce the Bulk Area Requirements of the Code as follows:
 - a) reducing Lot Area from 22,500 sq. ft. to 6,800 sq. ft.;
 - b) reducing Lot Width from 125 ft. to 49.52 ft.;
 - c) reducing Side setback from 25 ft. to 7 ft.;
 - d) reducing Side yard setback from 15 ft. to 5 ft.;
 - e) reducing Rear setback from 35 ft. to 5 ft.;
 - f) reducing Rear yard setback from 10 ft. to 5 ft.;
 - g) reducing Street Frontage from 90 ft. to 49.52 ft.; and
 - h) reducing Lot Depth from 125 ft. to 120 ft.
3. Upon review the application was amended to seek approval to reduce the Bulk Area Requirements of the Code as follows:
 - a) Reducing Lot Area from 22,500 sq. ft. to 6,800 sq. ft.;
 - b) Reducing Lot Width from 125 ft. to 49.52 ft.;
 - c) Reducing Side setback from 25 ft. to 10 ft.;
 - d) Reducing Side yard setback from 15 ft. to 10 ft.;
 - e) Reducing Rear setback from 35 ft. to 10 ft.;
 - f) Reducing Street Frontage from 90 ft. to 74.23 ft.; and
 - g) Reducing Lot Depth from 125 ft. to 120 ft.
4. An inspection of the site, and the evidence and testimony as summarized from the meeting show that:
 - A. An undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variances because the immediate structures and uses in the neighborhood are residential and creation of a new residential structure will be in-keeping therewith.

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B. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the variances because in order to build the three-family structure with adequate square footage the building needs to be as large as is proposed and therefore the variances are required.

C. The requested variances are numerically substantial being as follows:

AMENDED VARIANCES REQUESTED	REQUIRED	PROPOSED	SIZE OF VARIANCE	PERCENTAGE VARIANCE
Min. lot area	22,500 sf	6,800 sf	15,700 sf	69.78%
Min. Lot width	125 ft	49.52 ft	75.48 ft	60.38%
Min Side Setback	25 ft	10 ft	15 ft	60%
Min. side yard	15 ft	10 ft	5 ft	33.33%
Min. Rear Setback	35 ft	10 ft	25 ft	71.43%
Min Street Frontage	90 ft	74.23 ft	15.77 ft	17.52%
Min. Lot depth	125 ft	120 ft	5 ft	4%

D. The proposed variances will not have an adverse effect or impact upon the physical or the environmental conditions in the neighborhood or district because the neighborhood is substantially residential in character and use. Further, pursuant to the uses allowed in the CB zoning district a structure could be constructed and used for commercial purposes that would have even smaller setbacks which if pursued would bring that use even closer to the neighboring residential properties resulting in a greater negative impact upon the residential neighbors than that proposed by the residential use.

E. The alleged difficulty is self-created because the applicant can pursue other permitted uses that do not require the area variances.

F. These area variances should be granted based upon a consideration of the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

G. The minimum variances necessary and adequate and at the same time, will preserve and protect the character of the neighborhood and the health, safety and welfare of the community have been requested.

- Several members of the public were heard during the public meeting. The concerns expressed included general comments about the number of units being created, the potential impact on traffic and parking, and the size of the building proposed for construction. Nevertheless, the general consensus of the public heard, most of whom were residential neighbors to the proposed structure, was that they were not opposed to the project for the reason that it would have less negative impact upon their properties

the project for the reason that it would have less negative impact upon their properties than an otherwise permitted commercial structure that could be constructed on the site which is in the CB zoning district.

6. The proposed action is a Type II action and no further environmental review is required.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that the application for variances, as amended, of the Bulk Area Requirements of the Code are granted as recited above and within, to wit:

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

The foregoing resolution was submitted by John Graney, seconded by John Prego and voted upon as follows:

MEMBER	FOR RESOLUTION	AGAINST RESOLUTION	ABSTAINED	ABSENT
John Graney		X		
John Prego	X			
Wes Burley	X			
Wayne Greenblatt				X
Margaret Politoski	X			

Dated: Warwick, New York
April 11, 2023


JOHN GRANEY, Chairman

To appeal this decision, an appeal pursuant to Article 78 of the CPLR must be taken within 30 days of the filing of the decision with the Office of the Village Clerk (Warwick Code Section 145-153).