

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS
MARCH 21, 2023

The monthly meeting of the Village of Warwick Zoning Board of Appeals was held on Tuesday, March 21, 2023. Present were: John Graney, Jonathan Burley, Margaret Politoski, Wayne Greenblatt and acting ZBA attorney, Jay Myrow. Other's present were: Patrick and Hazel Corcoran.

The meeting was held in Village Hall.

A MOTION was made by Margaret Politoski, seconded by Wayne Greenblatt and carried to approve the minutes of the December 20, 2022 meeting. (4 Ayes)

<u>43 WHEELER AVE.</u>	<u>AREA VARIANCE</u>	<u>PATRICK CORCORAN</u>
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A MOTION was made by Jonathan Burley, seconded by Wayne Greenblatt and carried to waive the reading of the public hearing notice due to no public attendance. (4 Ayes)

Mr. Corcoran – The site is located on the corner on Wheeler and is zoned Central Business but it is a residential neighborhood. I am proposing a 3 family dwelling but it is 3- 2 bedroom apts. We show 2 parking spaces per bedroom with a permeable driveway for drainage. We have Village water and sewer.

Mr. Graney – Is this a play area?

Mr. Corcoran – Reading through the ordinance it says to add a play area if there was space.

Mr. Graney – Or it could be a communal area or communal garden or something.

Mr. Corcoran – Yes.

Mr. Graney – So each one of these apts. is going to have a little patio too with steps that come down and then is the whole back yard fenced in?

Mr. Corcoran – Yes, it is not a high fence but there is a fence there now along with portions of 6ft. fence along the side.

Mr. Graney – A 2 family versus a 3 family seems to have a less negative impact with the neighbors but there are no neighbors in the audience.

Secretary – I did have a few neighbors come to my office to review the plans and the neighbors who did come had positive comments about this.

Mr. Burley – The concern I have is the design, is this the design?

Mr. Corcoran – Yes.

Mr. Burley – With the fact that it almost touches the next property, it looks like 7ft on one side and 5ft. on the other, correct?

Mr. Corcoran – Yes.

Mr. Burley – You have a 6,800sq. ft. lot and for multi-family 22,500sq. ft. is required which is almost 25% which is a major concern. It looks more like a condo and to me that is a detriment to the other houses in the community. If the design was more of like a Colonial with less units, I think that would be more suitable for the area. To me the design is undesirable and the fact that you have 3 units on a 6,800sq.ft. lot.

Mr. Corcoran – If you look at my percentages are still under 35%, I am at 33%. I think I know what you are saying, that if I make it look different then what I presented...

Mr. Burley – I think the design by itself looks more like condos than a house.

Mr. Graney – I am in agreement.

Ms. Politsky – Is there a way that you could make it not look like row houses.

Mr. Graney – You could change the elevation.

Mr. Myrow – Is there an existing house on this lot?

Secretary – No, it is a vacant lot.

Mr. Myrow – Is your concern more aesthetics than...

Mr. Burley – Aesthetics as well as substantial as far as the variance itself.

Mr. Myrow – If they came in with a far more aesthetically pleasing design but it was still the same size with the same setbacks would you feel differently about the application?

Mr. Burley – No and leaving aesthetics out of it, the requested variance, numerically is substantial.

Mr. Corcoran -The neighboring house is up against the property line, the houses across the street, their front is literally 8ft. from the property line.

Mr. Burley – Are there any other 3 families in the area?

Mr. Corcoran – I don't know.

Mr. Graney – I don't think so. I am in agreement that it is a lot, aesthetics have nothing to do with it, this is the wrong Board for it, but numerically, I have to think there is a different way, even be it a 2 family. I think if you were to come in with a 2 family which would be 4 cars you would be able to put in a different size building, a different style and if you want to keep you square foot apts. the same you could just remove the middle and it would be a more pleasing looking building, I think you would do good things for the Village.

Mr. Greenblatt – I tend to agree.

Mr. Burley – The Village is in need of apts. without a doubt but we want to make sure that we stay in line with the Village laws in regards to what is required. If their requirement is 22,500 sq.ft. and if this were to pass, we have to look at how many other of these are we going to have in the Village? So, we run into an issue with the character of the Village and these laws are put into place so that the character of the Village is maintained.

Mr. Corcoran – I understand what you are saying but if I went with the Central Business zone what would I be allowed to do?

Mr. Burley – I don't know but we are faced with this right now.

Mr. Corcoran – I know a little bit about it and I know the coverage is way greater, I think the coverage is something like 80% for commercial which I do not want to do but a single family house will not work here for the amount of money I have invested and I know that is not your problem and I am not trying to pass that onto you but...

Mr. Myrow – How many square feet are each of these units?

Ms. Corcoran - 1,044 sq. ft.

Mr. Myrow – They are 2 levels?

Ms. Corcoran – Yes.

Mr. Corcoran – What would you guys like to see here?

Mr. Burley – That would be up to you. The only thing we are saying is that this is substantial. So, you should probably go back to the drawing board and if you would like to present it to the Board again we will review it.

Mr. Myrow – This Board has to weigh whether the benefit to you of granting the variance will outweigh any perceived detriment to the Village. They have to consider at least 5 factors and one of them is if the variance is substantial and another is whether it would have an adverse effect on the character of the neighborhood. It sounds to me like you have a little push back from the Board and as a matter of law I can tell you that the numerical variation you have to meet are so substantial that if this Board were to rule against you and I were to give them legal advice, I would have to say that they have every right to do it because it is so substantial. It doesn't mean that you are not entitled to a variance but I think the task you are being given with the opportunity is to come back with a plan that reduces the intensity of this use and if that means you have to swallow one unit, you will have to consider that. If you can find a way to squeeze 3 units into a smaller building and decrease the footprint or come in and show what the predominant development of the neighborhood is. If every lot in your immediate neighborhood has houses that go right up to within 5ft. of the lot line you can point that out to the Board and the Board could consider that because they may not find it substantial if it was absolutely consistent with the neighborhood, but I have a feeling that, that is not the case. But that is something for the Board to consider or dismiss.

Mr. Graney – We have been doing this for awhile and I don't think we have ever done anything to this magnitude.

Mr. Burley – No, I think the closet thing was for a single family.

Mr. Graney – Just because the neighborhood is not jumping up and down about it doesn't mean that it should be.

Mr. Corcoran – I know you are saying to come back and present something else and we will do that but can I get some guidelines because...

Mr. Burley – We are not builders, the only guidelines we can give you is for you to come back with something that could potentially please the Board of which is obviously something that is not so substantial and in my open opinion if you want to add in some aesthetics, something that is in line with the neighborhood. There are Colonials and Victorians in the area or something like that.

Mr. Myrow – Did an architect do this drawing or is it stock drawings.

Mr. Corcoran – We did them ourselves.

Mr. Myrow – The elevations should be fairly easy to change.

Mr. Corcoran – I have no problem doing that but I need them to tell me what to do.

Mr. Myrow - What the Board can't tell you is what would be acceptable as a variance. They can only look at what you present.

Ms. Corcoran – It looks like the setbacks are like 5 and 7ft. and it looks like most of the residences around there especially this one is only 6.4 from the property line. I think the biggest

Mr. Myrow – What is the area needed for a single family?

Secretary – 20,000 sq. ft.

Mr. Myrow – It is still substantial.

Ms. Corcoran – If the issue is the lot area required versus proposed or a multi-family. But in Central Business it is only 5,000 sq.ft....

Mr. Graney – It is substantial for that square footage of a building. It doesn't mean that it is not a lot that you couldn't put a nice little house in the middle of and follow the rules totally.

Mr. Myrow – But they would still be way short on the lot area. Is there a provision in your Code that non-conforming small lots are allowed to put a single family dwelling on it no matter what.

Secretary – No.

Mr. Burley – Not far from here, just past McEwen on Wheeler one was granted for a single family.

Mr. Myrow – To me it seems that if you could bring in a building that looks like a single family and somehow squeeze two families into it...

Mr. Burley – Exactly.

Mr. Myrow – That is what you are entitled to build.

Ms. Corcoran – Do we need a garage?

Mr. Myrow – No.

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

A MOTION was made by Margaret Politoski, seconded by Wayne Greenblatt and carried to adjourn until May 16, 2023. (4 Ayes)

A MOTION was made by Margaret Politoski, seconded by Wayne Greenblatt and carried to adjourn the meeting. (4 Ayes)

Respectfully submitted;

Maureen J. Evans,
ZBA secretary