

**ZONING BOARD
VILLAGE OF WARWICK
MAY 28, 2024
Minutes**

**LOCATION:
VILLAGE HALL
77 MAIN STREET, WARWICK, NY
7:00 P.M.
MAXIMUM OCCUPANCY- 40**

The Regular Meeting of the Zoning Board of Appeals of the Village of Warwick was held on Tuesday, May 28, 2024, at 7:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairman John Graney, Board Members: John Prego, Jonathan Burley and Margaret Politoski. Absent was Wayne Greenblatt. Also present was Planning Board Secretary, Kristin Bialosky and ZBA Attorney, Ashley Torre. Others present: Frances and Neil Sinclair, Lloyd Jeffords, Joe Irace, David and Amy Sliter, Lalia and Pete Proulx, Natasha and Ron Walkowicz, Beth Eurich and Herman Eurich.

The Zoning Board of Appeals Chairperson called the meeting to order.
The Planning Board Secretary held the roll call.

Acceptance of Minutes

A **MOTION** was made by John Prego, seconded by Margaret Politoski carried for the Acceptance of Minutes: March 26, 2024.

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

A **MOTION** was made by John Graney, seconded by John Prego carried for the Acceptance of Minutes: April 23, 2024.

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Margaret Politoski Aye

John Prego Aye

Applications

1. **18 Galloway Rd. – Sliter - Area Variance – Review of Draft Decision -**
<https://villageofwarwick.org/18-galloway-rd-zba/>

Discussion:

Ashley Torre the Village's Zoning Board Attorney stated at the last Zoning Board meeting she read the balancing test to the Board and prepared the written decision based on those discussions. Ms. Torre stated the Decision which variances requested conditioned upon the applicant obtaining approval from the Planning Board for the proposed lot line change within six months of the date of that decision. Ms. Torre asked the ZBA board if they had any revisions or any questions regarding the Decision and the ZBA Board did not.

A **Motion** was made by John Prego, seconded by Jonathan Burley for the Approval of the Decision for 18 Galloway Rd.

The vote on the foregoing Decision was as follows: **APPROVED**

John Graney, ZBA Chairperson voting	<u>Aye</u>
Jonathan Burley, ZBA Member, voting	<u>Aye</u>
John Prego, ZBA Member, voting	<u>Aye</u>
Margaret Politoski, ZBA Member, voting	<u>Aye</u>

2. **9 Campbell Rd. - Area Variance – Review of Draft Decision -**
<https://villageofwarwick.org/9-campbell-rd-zba/>

**ZONING BOARD OF APPEALS
VILLAGE OF WARWICK, NEW YORK
NOTICE OF PUBLIC HEARING
CONTINUATION OF PUBLIC HEARING LEFT OPEN ON APRIL 23, 2024**

A Public Hearing before the Zoning Board of Appeals of the Village of Warwick will be held on Tuesday, the 26th day of March 2024 commencing at 7:00 pm at 77 Main Street, Village of Warwick, New York to consider the following application:

APPLICATION OF LAILA AND PETER PROULX for property located at 9 Campbell Road, Warwick, New York, designated on the Village tax map as Section 213, Block 1, Lot 8, and located in the R (Residential) District, for variances from the Bulk Area Requirements of the Zoning Code to (1) reduce the minimum lot area from 20,000 square feet to 8,125 square feet; (2) reduce the minimum lot width from 100 feet to 65 feet; (3) reduce the front yard setback from 35 feet to 31 feet; (4) reduce the side yard setbacks for the proposed residence from 20 feet to 12 feet and 18 feet; (5) reduce the total side yard setback for the

proposed residence from 50 feet to 30 feet; (6) reduce the side yard for the garage from 10 feet to 6 feet, 7 inches; (7) reduce the rear yard for the garage from 10 feet to 5 feet; (8) reduce the street frontage from 80 feet to 65 feet; (9) increase the maximum development coverage from 35% to 43%, (10) increase the floor area ratio from 0.25 to 0.27; and (11) to reduce the required setback distance between a principal and accessory building under Village Code § 145-62.B from 22 feet to 16 feet. The variances are sought for the purpose of constructing a single-family residence and to keep an existing garage that does not comply with the Zoning Code.

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
DATED: MARCH 5, 2024

Discussion:

Chairperson John Graney called up the Applicants and Board member John Prego stated at the last meeting the Public Hearing was left open to allow the attorney for the Sinclair's to make some comments as the Sinclair's attorney was not present at the last ZBA meeting. Ms. Torre stated this is the continuation of the public hearing that was left open. Chairman John Graney asked the Public if they had any comments:

1. Mrs. Sinclair asked the applicants if the drawing presented at the meeting tonight is a different drawing presented from the previous meeting. The architect, Joe Irace stated it was the same drawing presented at the last ZBA meeting. Mrs. Sinclair asked if the home was going to look as presented in the drawing and Joe Irace stated this is going to be what they will go by. Mrs. Sinclair stated this is a bitter pill for them to swallow as it is a long nasty history, however, understanding that there has to be some compromise.
2. Loyd Jeffords stated that there is a 10-foot distance between the property line and the edge of the existing garage. The applicants then expressed it will be 10 feet once the garage is scaled back.
3. Joe Irace stated the plan is to simplify the structure by reducing its size and changing its shape. This involves cutting off four feet of rafters and floor joists, removing a couple of trusses, and getting rid of the barn-like wings to make it a regular-shaped building. The new design will feature siding with an arts and crafts look while ensuring the garage remains functional and meets the 10- foot setback requirements. Mr. Irace went on to explain they are requesting approval for a rectangular box structure of 1,980 sq. feet for the house. While the final design includes a recessed area and lacks an exact footprint, this initial request allows for flexibility in adjustments. The final size does not exceed 1,980 sq. feet.

Chairman John Graney asked if there were others to speak about this project and there was not.

9 Campbell Rd. - Area Variance - A motion was made to close the public hearing

A MOTION was made by John Prego, seconded by John Graney

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

9 Campbell Rd. - Area Variance - Classify this as a Type II Action under SEQR

A MOTION was made by John Prego, seconded by Jonathan Burley to Classify this as a Type II under SEQR.

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

ZBA Attorney, Ashley Torre stated that the area variance balancing test for this application was discussed at the last ZBA meeting and asked the Board if they had anything further to add on those deliberations. The board added no comment. Ms. Torre prepared a written decision for the application granting the variances that are consistent with the amended plan. Ms. Torre read the certain conditions in the variance decision. Number one the dwelling and a garage shall be constructed and modified in compliance with the site plan prepared by Irace architecture and titled proposed residence for the Proulx's last revised April 15, 2024, including compliance with the example of their proposed look style, scale, color and shape shown on the plan. Two the applicant shall obtain site plan approval from the planning board within six months of the date of this decision. Three, the applicant shall have proper measures in place to handle the stormwater runoff from the additional impervious area to the satisfaction of the planning board. For the garage it shall only be used as an accessory garage to the single-family dwelling and shall not be used for residential or business purposes. Five, the portion of the garage being removed shall include removing the concrete pad and restoring that area to its natural condition. And six the applicant shall obtain building permits and commence and diligently pursue construction within six months of the date of this decision or the variances shall become null and void pursuant to village code section 145 152 L. Ms. Torre asked the Board if they had any modifications or revisions to the decision and if not that it would be appropriate to adopt a motion to approve the decision for nine Campbell Road. The Board did not have any modifications or revisions to the Decision.

A **Motion** was made by John Prego, seconded by Jonathan Burley for the Approval of the Decision for 9 Campbell Rd.

The vote on the foregoing Decision was as follows: **APPROVED**

John Graney, ZBA Chairperson voting

Aye

Jonathan Burley, ZBA Member, voting

Aye

John Prego, ZBA Member, voting Aye
Margaret Politoski, ZBA Member, voting Aye

3. **21 Woodside Dr. – Area Variance - <https://villageofwarwick.org/21-woodside-drive-zba/>**

**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 28th day of May 2024 commencing at 7:00 pm at 77 Main Street, Village of Warwick, New York to consider the following application:

APPLICATION OF NATASHA WALKOWICZ SHEA for property located at 21 Woodside Drive, Warwick, New York, designated on the Village tax map as Section 203, Block 2, Lot 3, and located in the R (Residential) District, for a variance from the Bulk Area Requirements of the Zoning Code to reduce the side yard setback from 20 feet to between 12.1 feet and 15 feet. The variance is sought for the purpose of constructing an addition on an existing single-family residence.

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
DATED: MAY 10, 2024

Discussion:

Chairperson Graney read the above public hearing notice. After doing so the Applicant Mrs. Walkowicz explained where they would be doing the addition on the plans. Mrs. Walkowicz explained the addition on the left side of her property was in need of a variance – the purpose would be for a master bedroom and bathroom as well as a closet. The Home is pre-existing and the addition would be squaring off the property. She stated they had a structural engineer come in when they bought the house, and they will have French drains in and will make sure water is not discharged into their neighbor's property. Mrs. Walkowicz stated she wants to be a good neighbor.

21 Woodside Drive. - Area Variance - A motion was made to Open the public hearing

A MOTION was made by John Prego, seconded by Jonathan Burley

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

Discussion:

1. Beth and Herman Eurich came up and expressed their issue is with the water and was concerned that water would be discharged into their property and wanted to make sure this was not going to be the case. She presented photos to show how the property was sloped. They are asking the applicants that the water gets drained out to the road and not to their front yard or basement. Mrs. Walkowicz stated there would be a drain system that naturally goes into the road.

No written comments were submitted.

21 Woodside Drive. - Area Variance - A motion was made to Close the public hearing

A MOTION was made by John Prego, seconded by Jonathan Burley

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

21 Woodside Drive. - Area Variance - Classify this as a Type II Action under SEQR

A MOTION was made by John Prego, seconded by John Graney to Classify this as a Type II under SEQR.

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

ZBA Attorney, Ashley Torre read the five-part area variance balancing test to the Board. Ms. Torre asked if the Board would authorize her to write the Decision consistent with the Boards discussion and the Board agreed they would read the Decision at the June 25th Zoning Board Meeting.

21 Woodside Drive. - Area Variance – ZBA Attorney to Draft Decision

A **MOTION** was made by John Prego, seconded by John Graney to have Ms. Torre prepare a draft Decision.

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

ZBA Attorney, Ashley Torre stated she will prepare a draft Decision for 21 Woodside Drive for the Board to take action on at the next ZBA meeting.

Adjournment

A **MOTION** was made by John Prego, seconded by John Graney, and carried to adjourn the regular meeting at approximately 7:30 p.m.

The vote on the foregoing **motion** was as follows: **APPROVED**

John Graney Aye

Johnathan Burley Aye

Margaret Politoski Aye

John Prego Aye

Kristin A. Bialosky, Planning Board Secretary