

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

WHEREAS, 22 SPRING STREET, LLC has applied to this Board for a variance of the Bulk Area Requirements of the Code, and

WHEREAS, a public hearing on this application was held at 77 Main Street, Warwick, New York on 6/21/10 and continued on 10/18/10 and 12/22/10, and

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

FINDINGS OF FACT

1. Applicant is the owner of premises located at the corner of McEwen Street and Spring Street, Warwick, New York, designated on the Village tax map as Section 207 Block 5 Lot 35.

2. The application has been made for a variance of the Zoning Law allowing a 2 story addition to an existing commercial building, which addition will be 3.8 feet at its closest point to 1 side setback and 1.6 feet from the front line at its closest point.

3. An inspection of the site, and the evidence and testimony as summarized from the meeting(s) 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. The setbacks are similar to those in the neighborhood. It may also be that a front setback is not needed because the front setback does not appear to be greater than the average setback of the 2 nearest neighboring structures located on the same side of the street within 150 feet of the applicant's building (Note 1, Table of Bulk Requirements).

B. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the variances.

C. The requested variances are not substantial, although reduction of the side yard variance would appear to be numerically substantial.

D. The proposed variances will not have an adverse effect or impact upon the physical or the environmental conditions in the neighborhood or district.

E. The alleged difficulty was self-created.

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.

4. The proposed action is an Unlisted action and will not result in any significant adverse environmental impact for the reasons hereinbefore set forth.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that it is determined, based on the information and analysis presented to the Board, that the proposed action will not result in any significant adverse environmental impact.

The foregoing resolution was submitted by John Prego and seconded by Wes Burley
For the Resolution Against the Resolution Abstaining Absent

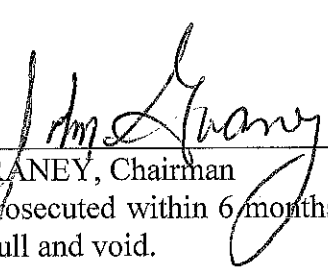
John Graney, Chairman	X			
John Prego	X			
Wes Burley	X			
Matthew Blaskovich				X
Daniel O'Leary	X			

NOW, THEREFORE, BE IT RESOLVED, that the application for a variance of the Bulk Area Requirements of the Code allowing a 2 story addition to an existing commercial building, which addition will be 3.8 feet at its closest point to 1 side setback and 1.6 feet from the front line at its closest point be granted.

The foregoing resolution was submitted by John Prego and seconded by John Graney
For Resolution Against Resolution Abstaining Absent

John Graney, Chairman	X			
John Prego	X			
Wes Burley	X			
Matthew Blaskovich				X
Daniel O'Leary	X			

Dated: Warwick, New York
December 22, 2010



JOHN GRANEY, Chairman

Unless construction is commenced and diligently prosecuted within 6 months of the date of the granting of a variance, such variance shall become null and void.

Construction cannot commence until a building permit is issued and Planning Board approval obtained.

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? ☐ Yes ☒ No

If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. ☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
None

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? ☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? ☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Village of Warwick Zoning Board

John Graney Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

12/22/10
Date

Chairman

Title of Responsible Officer

Signature of Preparer (if different from responsible officer)

Reset