

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

WHEREAS, DOUGLAS BERRY ("Applicant") has applied to this Board for variances from the Bulk Area Requirements of the Zoning Code, and

WHEREAS, a public hearing on this application was held at 77 Main Street, Warwick, New York on November 2, 2023, and

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

FINDINGS OF FACT

1. Applicant is the owner of premises located at 4 Woodside Drive, Warwick, New York, designated on the Village tax map as Section 204, Block 1, Lot 1.2.

2. The application has been made for variances from the Bulk Area Requirements of the Zoning Code to reduce the required side yard setback from 20 feet to 10.1 feet and the total side yard setback from 50 feet to 34.9 feet. The variances are sought for the purpose of constructing a 2,647 square foot addition on an existing single-family residence.

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, nor will a detriment to nearby properties be created by the granting of the area variances. The proposed addition will maintain the character of the existing dwelling and neighborhood. Although it will encroach into the side yard setback, the addition will be located 51.1 feet from the dwelling on the adjacent property. The new living space will have direct access to the remainder of the dwelling at various points and the layout is such that it cannot readily be converted to a separate apartment or dwelling unit.

B. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than the area variances. The variances are sought to provide additional living space for the Applicant's parents to reside with his family, including an additional parking space for them. The expansion will extend the existing attached garage with an additional floor above and will extend into the back yard.

C. The requested variances are 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. As noted above, the variances will allow for the construction of additional living space, which will maintain the character of the existing dwelling and neighborhood, be located 51.1 feet from the neighboring dwelling, have direct access to the existing dwelling, and have a layout such that it cannot be readily converted to a separate apartment or dwelling unit.

E. The alleged difficulty is 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 a Type II action under the State Environmental Quality Review Act ("SEQRA") (*see* 6 N.Y.C.R.R. § 617.5(c)(16)¹, and, thus has "been determined not to have a significant impact on the environment or [is] otherwise precluded from environmental review under [SEQRA]." 6 N.Y.C.R.R. § 617.5(a).

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that it is determined, based on the information and analysis presented to the Board, that the proposed action is a Type II action under SEQRA, requiring no further environmental review.

The foregoing resolution was submitted by John Graney and seconded by Jonathan Burley

	For the Resolution	Against the Resolution	Abstaining	Absent
John Graney	X			
John Prego	X			
Jonathan Burley	X			
Margaret Politoski	X			
Wayne Greenblatt	X			

¹ Under 6 N.Y.C.R.R. § 617.5(c)(16), the following is considered a Type II action under SEQRA: "granting of individual setback and lot line variances and adjustments." *See also*, 6 N.Y.C.R.R. § 617.5(c)(17) (providing that "granting of an area variance for a single-family, two-family or three-family residence" is a Type II action).

NOW, THEREFORE, BE IT RESOLVED, that the application for variances from the Bulk Area Requirements of the Zoning Code permitting construction of a 2,647 square foot addition on an existing single-family dwelling with a side yard setback of 10.1 feet where 20 feet is required and a total side yard setback of 34.9 feet where 50 is required be granted.

The foregoing resolution was submitted by Jonathan Burley and seconded by John Prego

	For the Resolution	Against the Resolution	Abstaining	Absent
John Graney	X			
John Prego	X			
Jonathan Burley	X			
Margaret Politoski	X			
Wayne Greenblatt	X			

Dated: November 2, 2023
Warwick, New York

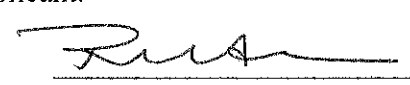


JOHN GRANEY, Chairman

Unless construction is commenced and diligently pursued within 6 months of the date of the granting of a variance, such variance shall become null and void. (VL 145-152L)

Construction cannot commence until a building permit is issued.

I, Raina Abramson, Village Clerk, do hereby certify that the foregoing Determination was filed in the Office of the Village Clerk on November 8, 2023, and copies provided to the Building Inspector and mailed to the Applicant.



RAINA ABRAMSON, CLERK
VILLAGE OF WARWICK, NEW YORK