

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

WHEREAS, WESTERN ADDITION LLC ("Applicant") has applied to this Board for variances from the Bulk Area Requirements and off-street parking requirements of the Zoning Code, and

WHEREAS, a public hearing on this application was held at 77 Main Street, Warwick, New York on June 25, 2023, 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 63 Wheeler Avenue, Warwick, New York, designated on the Village tax map as Section 210, Block 5, Lot 3.

2. The application has been made for variances from the Bulk Area Requirements and off-street parking requirements of the Zoning Code to reduce (i) the minimum lot area from 40,000 square feet to 23,943 square feet; (ii) the minimum lot width from 100 feet to 63 feet; (iii) the minimum required front yard from 15 feet to 5.3 feet in order to allow parking in the required front yard; (iv) the minimum rear yard setback from 40 feet to 3 feet; (v) the minimum rear yard from 20 feet to 3 feet; (vi) the rear yard within 25' of a residence district boundary from 35 feet to 4.8 feet; (vii) the minimum side yard setback from 20 feet to 12.7 feet; (viii) the minimum side yard from 20 feet to 5.5 feet in order to allow parking in the required side yard; (ix) the side yard within 25' of a residence district boundary from 40 feet to 19.8 feet; (x) the minimum street frontage from 100 feet to 61.5 feet; (xi) the minimum number of required parking spaces from 26 to 15; and (xii) the minimum driveway aisle width for 60° parking from 14 feet to 12 feet. The variances are sought for the purpose of converting an existing commercial building into a proposed Café/Market/Bistro and Boutique Hotel (The Stables at Flour & Feed).

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 variances are necessary because of preexisting conditions that are nonconforming under the current Zoning Code for the proposed new use, and site conditions that limit the number and layout of off-street parking. The Applicant is not changing the footprint or height of the existing building on the site and has proposed the maximum amount of parking spaces that the property can accommodate. Additionally, the Applicant's project will enhance the character of the neighborhood by improving and making use of a property and building that has fallen into disrepair.

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 due to preexisting conditions that are nonconforming under the current Zoning Code for the proposed new use, and site conditions that limit the number and layout of off-street parking.

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 are needed due to preexisting conditions that are nonconforming under the current Zoning Code for the proposed new use, and the Applicant is not changing the footprint or height of the existing building. The Applicant has maximized the off-street parking that can be accommodated on the property and off-street parking is also available in the nearby Spring Street parking lot.

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 under the State Environmental Quality Review Act ("SEQRA"), 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 and a Negative Declaration is hereby issued.

The foregoing resolution was submitted by John Prego and seconded by Margaret Politoski

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

NOW, THEREFORE, BE IT RESOLVED, that the application for (i) variances from the Bulk Area Requirements of the Zoning Code to reduce the minimum lot area from 40,000 square feet to 23,943 square feet; the minimum lot width from 100 feet to 63 feet; the front yard from 15 feet to 5.3 feet in order to allow parking in the required front yard; the rear yard setback from 40 feet to 3 feet; the rear yard from 20 feet to 3 feet; the rear yard adjacent to a residential district from 35 feet to 4.8 feet; the side yard setback from 20 feet to 12.7 feet; the side yard from 20 feet to 5.5 feet in order to allow parking in the required side yard; the side yard adjacent to a residential district from 40 feet to 19.8 feet; and the street frontage from 100 feet to 61.5 feet; and (ii) variances from the off-street parking requirements to reduce the minimum number of required parking spaces from 26 to 15 and to reduce the minimum driveway aisle width for 60° parking from 14 feet to 12 feet be granted.

The foregoing resolution was submitted by John Prego and seconded by Wayne Greenblatt

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

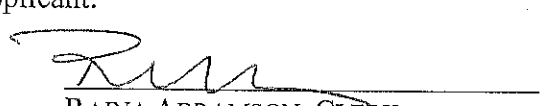
Dated: June 27, 2023
Warwick, New York


JOHN GRANEY, Chairman

Unless construction is commenced and diligently pursued withing 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 July 11, 2023, and copies provided to the Building Inspector and mailed to the Applicant.


RAINA ABRAMSON, CLERK
VILLAGE OF WARWICK, NEW YORK

Agency Use Only [If applicable]	
Project:	63 Wheeler Avenue
Date:	6-27-23

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

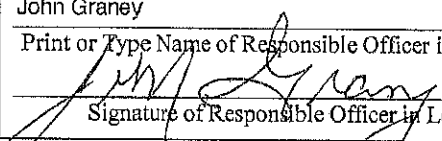
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	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.
Village of Warwick Zoning Board of Appeals	June 27, 2023
Name of Lead Agency	Date
John Graney	Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM