



VILLAGE OF WARWICK
INCORPORATED 1867

RESOLUTION GRANTING SPECIAL USE PERMIT
FOR A THREE-FAMILY DWELLING AT 43 WHEELER AVENUE

WHEREAS, the applicant, Patrick Corcoran, owns certain real property located at 43 Wheeler Avenue, Warwick, New York; and

WHEREAS, the said property is located in a Central Business District ("CB"); and

WHEREAS, the applicant proposes to establish a three-family dwelling on the said property; and

WHEREAS, under the Village Zoning Code a three-family residential dwelling constitutes a "Multiple Residence"; and

WHEREAS, the Table of Use Requirements in the Village Zoning Code lists Multiple Residence as a use permitted in the CB District subject to grant of a special use permit from the Village Board and grant of site plan approval by the Planning Board; and

WHEREAS, the Planning Board, as lead agency in review of the project under the State Environmental Quality Review Act, has determined that it is a Type II (exempt) action; and

WHEREAS, by resolution dated April 11, 2023, the Village Zoning Board of Appeals granted variances to certain bulk requirements for the proposed development of the property; and

WHEREAS, the applicant has now applied to the Village Board for a special use permit pursuant to Village Code §145-127 for establishment of the proposed three-family home; and

WHEREAS, under the Village Code, an application for approval of a multiple dwelling must meet the standards set forth in in §145-120 as well at the particular requirements set forth in §145-127;

WHEREAS, the Village Board has duly noticed and held a public hearing on the application for a special use permit.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby make the following findings pursuant to Village Code §145-120.

A. The proposed development of the subject property as a three-family dwelling is of such location, size, and character that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is situated and will not be detrimental to adjacent properties. The subject property is located in a residential neighborhood and will help increase

the Village's stock of entry level housing. Given that the proposed development is a multi-family dwelling, the potential use of the property for short-term rentals presents concerns regarding consistency with the surrounding residential uses, but the applicant has addressed this concern by voluntarily agreeing to accept a prohibition on short term rentals as a condition of approval and a note on the approved site plan.

B. The proposed use and development of the subject property as a three-family dwelling does not pose any undue hazards to pedestrian and vehicular traffic. The Village Board has traffic safety concerns in regard to sight distances and on-street parking on Wheeler Avenue, but the proposed development should not significantly impact the same. Further, the applicant has voluntarily agreed to limit parking of vehicles to two vehicles per residence as a condition of approval and as a note on the approved site plan. In light of the available off-street parking on the property, this limitation should suffice to ensure that the proposed use and development of the subject property will not pose any undue hazards to pedestrian and vehicular traffic.

C. The location and height of buildings on the property will not be of such nature, size, appearance or location that they will hinder or discourage use or development of other properties in the neighborhood or the district. Most of the property in the neighborhood is already built out. The physical dimensions of the proposed construction, as shown on the site plan and the construction rendering, should not hinder or discourage use or development or re-development of other properties in the neighborhood or the district. However, the Village Board has concerns over changing the appearance of the property by removal of the existing bluestone sidewalks. The applicant has addressed this concern by voluntarily agreeing to preserve and maintain the existing bluestone sidewalks as a condition of approval and as a note on the approved site plan.

D. The proposed development of the property as a three-family dwelling will not result in a need for additional public facilities or services, or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right under applicable zoning. The applicant is constructing a three-family but built as, essentially, three attached single-family dwellings. As such, each dwelling unit will not result in a need for additional public facilities or services, or create such fiscal burdens upon the Village greater than those imposed by a single-family dwelling.

2. That the Village Board does hereby make the following findings in regard to the applicant's ability to meet the additional criteria set forth in Village Code §145-127:

A. The applicant does not meet the requirement that the subject property provides a minimum lot size of 22,500 square feet, but the applicant has obtained a variance from the ZBA allowing a minimum lot size of 6,800 square feet.

B. The applicant's satisfaction of the requirement that the multiple residence must be constructed to resemble a single-family dwelling is tenuous, but because of the AHDRB's approval of the proposed design the Village Board finds that it has been met. The design is essentially the same as three conjoined single-family homes and, therefore, it "resembles" a single-family home.

C. The applicant meets the requirement that the multiple residence must be consistent with the character of the immediate surrounding neighborhood on the grounds set forth above.

D. Village Code §145-127 goes on to state additional standards which must be met if the applicant proposes to construct multiple buildings on a lot, but here the applicant proposes only to construct a single residential structure with attached garages and on accessory buildings, so these considerations do not apply here.

3. That the Village Board hereby grants the requested special use permit subject to the following conditions:

(i.) Short term rentals of the dwelling units shall not be permitted, and the applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating that short term rentals of the dwelling-units shall not be permitted: and

(ii.) Each dwelling unit shall be limited to parking of two (2) vehicles inclusive of the off-street parking spaces on the subject property and in other off-street parking on Wheeler Avenue, and in other on-street parking in the Village inclusive of municipal parking lots. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same; and

(iii.) The owner(s) of the subject property shall, at its/their own expense, preserve and maintain the existing bluestone sidewalks on the property. The applicant shall prepare and submit to the Planning Board for approval a site plan containing a note stating the same.

Trustee McKnight presented the foregoing resolution as amended which was seconded by Trustee Foster,

The vote on the foregoing resolution was as follows:

APPROVED

Barry Cheney, Trustee, voting Aye

Carly Foster, Trustee, voting Aye

Thomas McKnight, Trustee, voting Aye

Mary Collura, Trustee, voting Aye

Michael Newhard, Mayor, voting Aye

I, RAINA ABRAMSON, Village Clerk of the Village of Warwick, in the County of Orange, State of New York HEREBY CERTIFY that the above motion was made at the regular meeting of the Village Board of the Village of Warwick duly called and held on Monday, November 20, 2023 and has been compared by me with the original minutes as officially recorded in the Village Clerk's Office in the Minute Book of the Village Board and is a true,

complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Warwick this 29th day of November 2023.

SEAL

A handwritten signature in black ink, appearing to read 'Raina', written over a horizontal line.

Raina M. Abramson, Village Clerk