

**ZONING BOARD
VILLAGE OF WARWICK
APRIL 23, 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, April 23, 2024, at 7:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Board Members: John Prego, Jonathan Burley and Margaret Politoski, absent was Chairman John Graney and Wayne Greenblatt. Also present was Planning Board Secretary, Kristin Bialosky and ZBA Attorney, Ashley Torre. Others present: Barbara Katz, Lucia Aloï, Frances Sinclair, Neil Sinclair, Jeffrey Green, Joe Irace, Kerry Boland, David Sliter, Amy Sliter and Lalia and Pete Proulx.

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

Designating Acting Chairperson in Chairperson John Graney's absence

A **MOTION** was made by Jonathan (Wes) Burley, seconded by Margaret Politoski to designate the most senior member of the Zoning Board, John Prego, as Acting Chairperson for the April 23, 2024, meeting.

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

John Prego Aye Margaret Politoski Aye

Jonathan (Wes) Burley Aye

Applications

1. **9 Cambell Road - Area Variance - <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 MARCH 26, 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

Acting Chairperson, Mr. John Prego stated that the project was before the board 15 years ago and stated the garage was built without permits and the board asked the former owners to relocate the garage but that was never done. Mr. Prego clarified that a different property owner is now the applicant for the project. The applicant's architect, Joe Irace explained that the applicants were in front of the ZBA Board last month and he understood there were concerns and comments regarding the existing garage. He discussed changes made to address concerns regarding the existing garage and proposed home. Mr. Irace explained the garage was built without a permit and encroached on the setbacks. To address this, the applicants will reduce the garage's size and design, which have both been adjusted since the last meeting, with the new design reflecting an arts and crafts style. Mr. Irace emphasized efforts to reduce the footprint, mass and setbacks of both structures to comply with regulations and community feedback. Board member Mr. Burley stated that the applicants complied with the board's request to decrease the footprint of the house and that the existing garage is not in compliance. Acting Chairperson, Mr. Prego stated that the garage will meet the requirements now that they have reduced its footprint, and the garage was the biggest complaint from the community not the house. ZBA Attorney, Ms. Torre stated there are no longer setback variances required for the garage, with the new plan presented but the applicants still require a variance for the distance between the garage and the home, establishing the height of the garage is going to be 16 feet by 22 feet making that variance the same. The other variance related to the garage would be the lot coverage, and the applicant is still seeking although being reduced. Mr. Irace discussed the house structure's distance from the road to the front porch, which is roughly 31 feet. They laid out the measurements and found they respected the front regulations. However, due to lot size limitations, they are respectfully requesting a variance to accommodate a wider home structure. They emphasize the need for a wider space for practical reasons. Mrs. Proulx explained that they will not be storing any landscaping equipment from their business in the garage as they have their own shop in Tuxedo where they store all the equipment. Mr. Proulx stated he would be driving his personal truck home. They will be storing a personal weedwhacker and a lawnmower in the garage. Acting Chairperson, Mr. Prego invited

the public to come and speak as the Public Hearing was left open from the last ZBA meeting. He stated again that the ZBA is in existence to offer the applicants relief from Zoning Laws as Zoning laws are changing constantly. This is why Zoning Boards exist. Lots are undersized to begin with and when lots were initially subdivided there was different Zoning in place. ZBA Attorney, Ms. Torre clarified that the variances needed are eight and originally the applicants were seeking eleven variances.

Public Comments:

1. Barbara Katz stated she has a letter outlining 6 variances and wanted to know if it was typical of people building to seek 6 variances.
2. Kerry Boland shared insights into the unique history of her home and neighborhood. Ms. Boland highlights the narrow property lines and the absence of a garage, emphasizing the ample space between houses and the presence of greenery. Ms. Boland expressed concern about potential setbacks for new construction, advocating for accurate measurements and consideration of the neighborhood's character and existing residents. She believes it's possible to create beautiful, respectful additions while preserving the area's charm and history.
3. Fran Sinclair addressed the applicants regarding an ongoing issue with the garage. She clarifies that her concern is not personal but rather stems from the situation with the barn, which has been problematic for some time. Mrs. Sinclair illustrates the proximity of the neighbors' garage to her property line, emphasizing how closely the garage was built to her home causing inconvenience. She references her own property, highlighting a long-standing structure to demonstrate the close quarters. She wanted to know why the ruling of 2009 is being totally ignored. She is concerned that the house and garage are going to be too close to her property line. Ms. Sinclair expressed frustration regarding the 2009 decision. Ms. Sinclair mentions that she and her husband do not want to prolong the issue but simply want to understand why something that happened in 2009 is being disregarded. Despite acknowledging the quality of the rendering, they are puzzled as to why a specific garage is being permitted to stay, even if it is reduced in size.

It was clarified by the ZBA attorney that the decision is not being ignored and after Ms. Torre's review from the 2009 proceeding the prior applicants were seeking to convert the garage into a single-family dwelling at one point. Explaining the prior applicant did discuss keeping the garage "as is" and in addition proposed constructing a single-family dwelling in the center of the property. The prior applicant agreed, and all agree that they would either remove the garage or relocate it to the center of the property and convert it to a single-family home. With the current application, Mr. and Mrs. Proulx are not proposing to keep the garage "as is" they are proposing to change it. Therefore, it is not the exact same application that was before the board back in 2009. The Proulx's are not seeking to keep the garage "as is" they are seeking to reduce the size and to modify the design as well. Ms. Torre stated they did obtain similar setbacks for the house itself back in 2009, but the new applicant has changed the design as well. Ms. Torre clarified that that decision was not being ignored, but there are different aspects of what they're proposing now that weren't proposed at that time.

4. Ms. Alois stated her concern that if these variances are allowed, and that home is built, the

home would be very close to the other home. She questioned: what stops anybody else here, my property included, from building a home on that property, and then having it look like Queens eventually, that is Ms. Aloï's concern. Ms. Aloï stated that she had no intention of losing value in her home, that she worked very hard to make beautiful.

5. Neil Sinclair expressed that he has spent a lot of money in attorney fees to defend their property line and community. He wanted to read the correspondence sent by his attorney, who was not able to attend the meeting and he did so.

The applicant's architect, Joe Irace notes changes in building regulations over time, aiming to address overcrowding concerns. They mention practical constraints, like small lot sizes, making adherence to regulations challenging. They discuss the role of a variance board in reviewing cases and providing advice based on existing conditions, acknowledging the need to balance ideal standards with practical realities. Mr. Irace clarified that the house is in the center of the property having twelve feet on one side and 22 feet on the other. They will be respecting the property line. The garage will be 10 feet from the property line and be a two-car garage. The applicants are not going to put in a basement, it will be built on a slab. It was established that the house will be in line with the current homes on the street.

Ms. Torre stated that a letter from the Sinclair's attorney was received and asked the ZBA Board to consider the request by the Sinclair's attorney to leave the public hearing open and go through the factors and have Ms. Torre draft a decision for the next ZBA meeting. Therefore, making everything discussed set forth and clear what is exactly is proposed to be approved by the ZBA Board.

Acting Chairperson John Prego stated out of courtesy to the attorney and to the neighbors that the public hearing can remain open until the next meeting.

9 Cambell Road - Area Variance – Adjourn the Public Hearing to May 28, 2024– Seeking Variances

A **MOTION** was made by John Prego, seconded by Jonathan Burley to **Adjourn the Public Hearing to May 28, 2024**

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

John Prego Aye Jonathan (Wes) Burley Aye

Margaret Politoski Aye

Ms. Torre asked the Board if they had any requests to change the plans presented and the Board stated no and Ms. Torre asked the Board if she could discuss the five factors and then she would draw up a draft decision for the next ZBA meeting on May 28th.

2. **18 Galloway Rd. – Area Variance** – <https://villageofwarwick.org/18-galloway-rd-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 23rd day of April 2024 commencing at 7:00 pm at 77 Main Street, Village of Warwick, New York to consider the following application:

APPLICATION OF AMY B. SLITER for property located at 12 and 18 Galloway Road, Warwick, New York, designated on the Village tax map as Section 213, Block 8, Lots 6, 7 and 9, and located in the R (Residential) District, for two variances from the Bulk Area Requirements of the Zoning Code to (1) reduce the required side yard from 10 feet to between 5.6 feet and 8.5 feet and (2) reduce the required side yard from 10 feet to 8.2 feet. The variances are sought for two greenhouse structures in connection with a proposed lot line change to consolidate three tax lots into two lots.

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: APRIL 5, 2024

Acting Chairperson Mr. Prego, read the public hearing above.

18 Galloway Rd. – Area Variance - A motion was made to open the public hearing

A MOTION was made by John Prego, seconded by Margaret Politoski

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

John Prego Aye Jonathan Burley Aye Marge Politoski Aye

There was no one that wanted to speak from the Public.

18 Galloway Rd. – Area Variance - A motion was made to close the public hearing

A MOTION was made by John Prego, seconded by Margaret Politoski

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

John Prego Aye Jonathan Burley Aye Marge Politoski Aye

The applicants, Mr. & Mrs. Sliter explained they want to align property lines with existing infrastructure. After conducting a survey, it was discovered that the shop parking lot extended into the house's front yard, and the house porch encroached on the greenhouse side due to historical neglect of property boundaries. This situation highlights the necessity of organizing the business and property matters properly, especially if there are plans to sell or divide the properties in the future. Mr. & Mrs. Sliter presented the drawing of what they were proposing as lot line changes. The lots would go from three to two lots.

18 Galloway Rd. – Classify this as a Type II under SEQR requiring No Environmental Review

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 Prego Aye Jonathan Burley Aye Marge Politoski Aye

ZBA Attorney, Ashley Torre noted that the application was referred to the Orange County Planning Department under general municipal law because the property is located on Route 17A. The OCPD did submit their response saying that it's a local determination and OCPD has no comments on the application therefore the Board can walk through the balancing test and then Ms. Torre stated she would prepare a written decision that will be presented at the next meeting.

Adjournment

A MOTION was made by John Prego, seconded by Marge Politoski, and carried to adjourn the regular meeting at approximately 8:30 p.m.

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

John Prego Aye Jonathan Burley Aye Marge Politoski Aye

Kristin A. Bialosky, Planning Board Secretary