

UNAPPROVED

**ZONING BOARD OF APPEALS
VILLAGE OF WARWICK
NOVEMBER 2, 2023**

The Monthly Meeting of the Zoning Board of Appeals of the Village of Warwick was held on Thursday, November 2, 2023, at 7:00 p.m. in Village Hall, 77 Main Street, Warwick, NY. Present was: Chairman, John Graney, Board Members: Johnathan Burley, John Prego, Margaret Politoski, and Wayne Greenblatt. Also present, was Village Clerk, Raina Abramson and ZBA Attorney, Ashley Torre. Others present: Douglas Berry.

The Zoning Board of Appeals Chairman, John Graney, called the meeting to order. The Village Clerk held the roll call.

Applications

1. Public Hearing – 4 Woodside Drive

**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 Thursday, the 2nd day of November 2023 commencing at 7:00 pm at 77 Main Street, Village of Warwick, New York to consider the following application:

APPLICATION OF DOUGLAS BERRY for property located at 4 Woodside Drive, Warwick, New York, designated on the Village tax map as Section 204, Block 1, Lot 1.2, and located in the R (Residential) District, 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 an addition on an existing single-family residence.

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 GRANAY,
CHAIRMAN
Dated: October 27, 2023

Discussion

Applicant Douglas Berry explained the proposed project to the Board. The Board engaged in a discussion over the layout. Concerns were raised over the possibility of

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future owners creating code violations with how easily the layout of the renovation could create an illicit two-family home. Ultimately, the concerns were dismissed.

Seeking Variances, 4 Woodside Drive - Opening of Public Hearing

A **MOTION** was made by John Prego, seconded by Jonathan Burley, and carried to open the public hearing for 4 Woodside Drive.

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

John Graney Aye Johnathan Burley Aye John Prego Aye

Margaret Politoski Aye Wayne Greenblatt Aye

Discussion

There were no public comments.

Seeking Variances, 4 Woodside Drive - Closure of Public Hearing

A **MOTION** was made by John Prego, seconded by Margaret Politoski, and carried to close the public hearing for 4 Woodside Drive.

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

John Graney Aye Johnathan Burley Aye John Prego Aye

Margaret Aye Wayne Greenblatt Aye

Type II Action Under SEQR – 4 Woodside Drive

A **MOTION** was made by John Graney, seconded by Johnathan Burley, and carried to classify the application for 4 Woodside Drive as a Type II action under SEQR.

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

John Graney Aye Johnathan Burley Aye John Prego Aye

Margaret Aye Wayne Greenblatt Aye

Discussion

ZBA Attorney, Ashley Torre, explained that the application was now required to be referred to the county planning under general municipal law because it's within 500 feet of a municipal boundary or another trigger. She proceeded to outline the area variance balancing test, which weighs the benefit to the applicant against the detriment to the

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health, safety, and welfare of the neighborhood if the variance were granted. Torre discussed the five factors to consider:

Whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created by granting the variance; the Board did not believe it would.

Second, whether the benefit could be achieved by some other feasible method for the applicant to pursue other than an area variance, the Board agreed there was no other way.

Third, that the requested variances were substantial; the Board agreed that they were.

Fourth, whether the requested variances would have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; the Board agreed there was no adverse effect.

Lastly, whether the difficulties were self-created; the Board believed that they were.

Ms. Torre suggested that, based on the Board's discussion of the factors, if they wanted to take action that evening, they could consider a motion to grant the area variances. The variances were for reducing 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.

Area Variance – 4 Woodside Drive

A **MOTION** was made by John Prego, seconded by John Graney, and carried to approve the area variances for reducing 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. for 4 Woodside Drive.

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

John Graney Aye Johnathan Burley Aye John Prego Aye

Margaret Aye Wayne Greenblatt Aye

Discussion

1. Zoning Board of Appeals Rules of Meeting Procedure.

Village Clerk, Raina Abramson, went over the Meeting Procedure policies and discussed some edits that had been changed since the document was last circulated and emphasized the importance of appointing a vice chairman.

Both Ms. Abramson and Ms. Torre explained the background of the meeting procedure and clarified that its purpose was to provide guidance and structure for all the boards.

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Rules and Meeting Procedure - ZBA

A **MOTION** was made by John Graney, seconded by Wayne Greenblatt, and carried to adopt the Village of Warwick Zoning Board of Appeals Rules of Meeting Procedure.

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

John Graney Aye Johnathan Burley Aye John Prego Aye

Margaret Aye Wayne Greenblatt Aye

A discussion occurred amongst the Board and Village Clerk, Raina Abramson, and ZBA Attorney Ashley Torre on various topics such as some of the changes and restructuring that have been occurring within the Building and Planning department, changes to the Schedule of Fees, possible changes to applications based on ZBA member feedback, escrow, the reorganization of records, and general housekeeping.

Adjournment

A **MOTION** was made by Johnathan Burley, seconded by John Graney, and carried to close the monthly meeting to adjourn the regular meeting at approximately 7:50 p.m.

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

John Graney Aye Johnathan Burley Aye John Prego Aye

Margaret Aye Wayne Greenblatt Aye

Raina M. Abramson, Village Clerk