

**TOWN OF WARWICK  
ZONING BOARD OF APPEALS  
FEBRUARY 28, 2011**

**Members Present:**

**Mr. Jan Jansen, Chairman**

**Mr. Mark Malocsay, Co-Chairman**

**Mr. Kevin Schuback**

**Mr. Norman Paulsen**

**Attorney Robert Fink**

**Members Absent:**

**Mrs. Diane Bramich**

**Chairman Jansen called the meeting to order at 7:30 P.M.**

**CHAIRMAN JANSEN:**  
**minutes of the January 24, 2011 meeting?**

**Are there any additions or corrections to the**

**\*\*Correction to page 3, should be the Public Hearing of THOMAS & DEIRDRE HAMLING , (the last name of the applicant was left out). \*\***

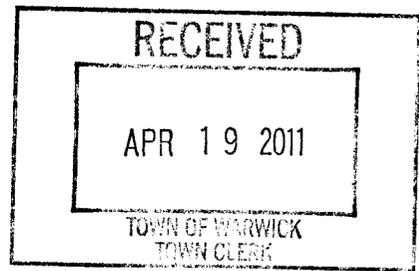
**MR. MALOCSAY:**  
**above mentioned correction.**

**I motion to approve the minutes with the**

**MR. SCHUBACK:**

**I second it.**

**All in favor, motion carried**



Public Hearing of **ERIK BARMAN** – for property located at 1902 Lakes Road, Monroe, New York and designated on the Town tax map as Section 67 Block 1 Lot 4 for a variance of Section 164.41.A (1) permitting construction of a 24 foot X 33 foot 4 inch garage in the front yard setback 28(+/-) feet from the front line.

**CHAIRMAN JANSEN:** Please identify yourself and briefly explain to the Board why you're seeking this variance.

**MR. BARMAN:** My name is Erik Barman and I need this for two reasons. One would be that we live at the bottom of a mountain and there's a run-off and all the water comes down so we'd like to move the building a little further out about 6 feet. The second reason is that we want to move it further away from our neighbors.

**CHAIRMAN JANSEN:** I have a letter from one of your neighbors, Martha McCabe. "I reside at 1903 Lakes Road, directly across the road from Erik Barman. I have reviewed the plans for the garage and I have no objections. I'm happy to have neighbors who want to improve their property and I hope the variance application will be quickly granted." Does the Board have any questions for Mr. Barman?

**MR. PAULSEN:** So you want to move it up there to keep it away from your seasonal stream?

**MR. BARMAN:** Yes.

**CHAIRMAN JANSEN:** Is there anyone here from the public that would like to address this application? No? Any other questions from the Board? No? The public hearing is closed.

**ATTORNEY FINK:** Is this going to create an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

**MR. MALOCSAY:** No, all the lots in the area are small; it would be well within the character of the neighborhood.

**ATTORNEY FINK:** Can it be achieved by any other feasible means?

**MR. MALOCSAY:** No it would be closer to stream without the variance.

**ATTORNEY FINK:** Is it a substantial variance?

**MR. MALOCSAY:** Numerically yes but again, if you look at the neighborhood then no.

**ATTORNEY FINK:** Is this going to have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

**MR. SCHUBACK:**

**No.**

**ATTORNEY FINK:**

**Is it self created?**

**MR. SCHUBACK:**

**Yes.**

**MR. MALOCSAY:**  
**environmental impact.**

**I motion that this is an Unlisted Action with no**

**MR. PAULSEN:**

**I second it.**

**CHAIRMAN JANSEN:**

**Any discussion; all in favor?**

**All in favor (Four Ayes), motion carried.**

**MR. MALOCSAY:**

**I motion to grant the variance as advertised.**

**MR. SCHUBACK:**

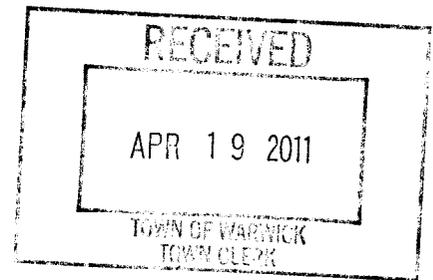
**I second it.**

**CHAIRMAN JANSEN:**

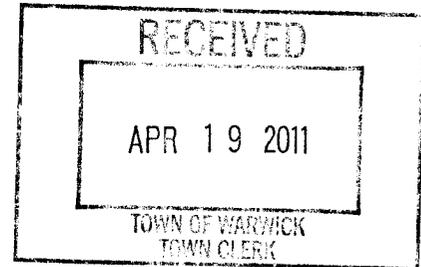
**Any discussion; all in favor?**

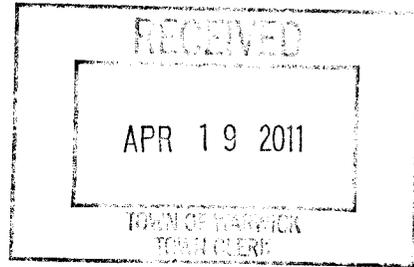
**All in favor (Four Ayes), motion carried.**

Public Hearing of RICHARD BRADY- for property located at 201 Brady Road, Warwick, New York and designated on the Town tax map as Section 64 Block 1 Lot 54 and located in an MT District for a variance of Section 164.40 N and 164.45 permitting a 2 lot subdivision where proposed Lot 2 is 2.9 acres and 5 acres are required, and Section 280-a of the Town Law permitting a residence on a private road. *Continued to the next ZBA meeting.*

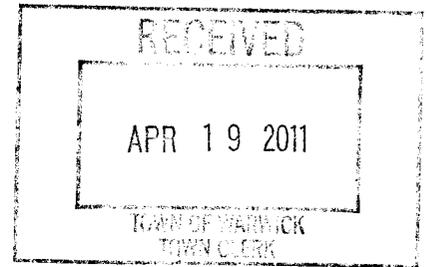


Public Hearing of **THOMAS & DEIRDRE HAMLING**- for property located at 83 Four Corners Road, Warwick, New York and designated on the Town tax map as Section 23 Block 1 Lot 64.1 and located in an RU District for a variance of Section 164.40 N of the Town Code reducing 1 side setback from 42 (+/-) feet for the purpose of construction of an attached garage and den to an existing single family residence. *Continued to the next ZBA Meeting.*

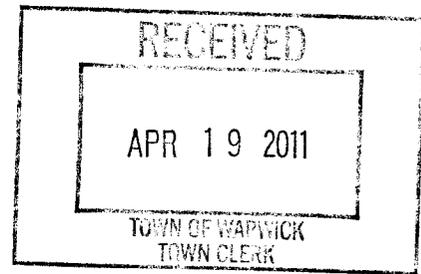




Public Hearing of ARLENE BEDROSS-for property located at 201 Pine Island Turnpike, Warwick, New York and designated on the Town tax map as Section 29 Block 1 Lot 42.2 and located in an RU District for a variance of Section 164.46 J, Special Conditions 16 & 101, allowing 2 horses on a lot with 1.5 acres where 4 acres are required, a housing shed 60 (+/-) feet from the lot line where 150 feet are required and a penning area 15 (+/-) feet from the lot line where 50 feet are required. *Continued to the next ZBA Meeting.*



Public Hearing of JOHN JOHANSEN/LONGHOUSE CREEK DESIGN INC. #2-for property located at 1302 Rt 17A, Greenwood Lake, New York and designated on the Town tax map as Section 66 Block 1 Lot 66.2 and located in an MT District for a variance of Section 164.40 N reducing front setback to 0 (+/-) feet where 100 feet are required for the purpose of construction of a porch extending 48 inches from the front of the existing building, replacing an existing planter which extends 43 inches from the front of the existing building. *Continued to the next ZBA Meeting.*



Public Hearing of EMANUELE INTORRELLA – (AMENDED APPLICATION), for property located at 34 West Cove Road, Sterling Forest, New York and designated on the Town tax map as Section 76 Block 1 Lot 52 for a variance of Section 164.41.A.(1) permitting construction of a 12 foot X 20 foot shed in the front yard setback 6 (+/-) feet from the front line and 3 (+/-) feet from 1 side line or in the alternative, permitting the existing shed or a smaller new shed with the same setbacks. *Continued from the 1/24/2011 Meeting.*

**CHAIRMAN JANSEN:** Did you decide to go with the larger shed?

**MR. INTORRELLA:** I would like to have that option but I'm not sure if I can change the dimensions later on once I speak to the builder. I'm not sure how that works.

**ATTORNEY FINK:** You could always go smaller, the critical factor is the setback.

**MR. PAULSEN:** You should pick the biggest one you want and if we grant it you could change the size to a smaller one.

**CHAIRMAN JANSEN:** As long as it doesn't go closer to the front setback or closer to the side setback. Is there anyone here from the public to address the application? Are there any other questions from the Board? No? The public hearing is closed.

**ATTORNEY FINK:** Is this going to create an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

**MR. MALOCSAY:** No.

**ATTORNEY FINK:** Can this be achieved by any other means?

**MR. MALOCSAY:** There is already an existing shed there.

**CHAIRMAN JANSEN:** Apparently it is not a big concern because no-one is here from the public to oppose it and no-one has written in about it.

**ATTORNEY FINK:** Presumably it could, but there's already an existing one. Is it a substantial variance?

**MR. MALOCSAY:** Yes.

**ATTORNEY FINK:** Is this going to have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

**MR. MALOCSAY:** No.

**ATTORNEY FINK:** Is it self created?

**MR. MALOCSAY:** Yes; I motion that this is an Unlisted Action with no environmental impact.

**MR. SCHUBACK:**

**I second it.**

**CHAIRMAN JANSEN:**

**All in favor; any opposed?**

**All in favor (Four Ayes), motion carried.**

**MR. MALOCSAY:**

**I motion to grant the variance of 6 feet from the front yard and 3 feet from the sideline, the existing shed be permitted with the option of being replaced by new shed with the same setbacks, maximum of 240 square feet.**

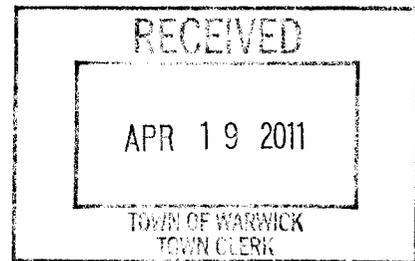
**MR. SCHUBACK:**

**I second it.**

**CHAIRMAN JANSEN:**

**All in favor; any opposed?**

**All in favor (Four Ayes), motion carried.**



Public Hearing of SAUFROY FAMILY IRREVOCABLE LIVING TRUST – for property located on the north side of Denton Lane, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 30.21 for continuation of a variance of Section 280-a of the Town Law granted on 10/27/2008, or, in the alternative, a new variance allowing a single family dwelling on a private road on proposed Lot 1 of a proposed 2 lot subdivision.

**CHAIRMAN JANSEN:** Now you've been before us many times; what brings you here tonight?

**MAUREEN COZAD:** I have no idea. My partner was supposed to meet me here tonight with all the information and they've not arrived yet.

**ATTORNEY FINK:** They're looking to extend a previously granted 280-a.

**CHAIRMAN JANSEN:** Or in the alternative, a new variance but I don't think they need one.

**ATTORNEY FINK:** Basically what we need to know is have there been any changes?

**MS. COZAD:** Not that I'm aware of.

**ATTORNEY FINK:** See the problem here is you've gotten the variance but for whatever reason, you've been unable to subdivide the property yet. Do you want to continue it for another 2 years or a longer period of time?

**MS. COZAD:** How about 5 years?

**MR. MALOCSAY:** What is somebody else comes along to do a subdivision on Denton Lane? If I remember correctly, they're getting close to being "maxed" out on a private road. What if somebody comes along faster and does a subdivision?

**ATTORNEY FINK:** Are you referring to the capacity of the road?

**MR. MALOCSAY:** Yes.

**ATTORNEY FINK:** That has nothing to do with the road, that has to do with the number of lots, subdivided off of a master lot.

**MR. MALOCSAY:** So back to the original question; what if somebody comes along and can subdivide their lot sooner?

**ATTORNEY FINK:** I would think that it would be up to the Planning Board to consider each application and even though this Board has granted a variance allowing a subdivision on a private road, if the capacity doesn't exist because it exceeds 19, then

presumably they won't allow it. So maybe you should reconsider bringing the extension request back to two.

**MS. COZAD:**

That's fine.

**CHAIRMAN JANSEN:**

The public hearing is closed.

**MR. MALOSCAJ:**  
environmental impact.

I motion that this is an Unlisted Action with no

**MR. SCHUBACK:**

I second it.

**CHAIRMAN JANSEN:**

Any discussion; all in favor?

All in favor (Four Ayes), motion carried.

**MR. MALOSCAJ:**  
extending the 280-a variance for another two years.

I motion that the variance be granted

**MR. SCHUBACK:**

I second it.

**CHAIRMAN JANSEN:**

Any discussion; all in favor?

All in favor (Four Ayes), motion carried.

Meeting Adjourned.



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Frances N. Sanford ZBA Recording Secretary