

TOWN OF WARWICK
ZONING BOARD OF APPEALS
JANUARY 22, 2018

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Diane Bramich

Kevin Shuback

Chris Daubert

Attorney Robert Fink

PUBLIC HEARING OF Warwick Pet Lodge - for property located at 54 Jessup Road, Warwick, New York and designated on the Town tax map as Section 29 Block 1 Lot 14.22 and located in an RU District for a variance of the Bulk Area requirements of the Code allowing one side setback of 182 (+/-) feet and the second side setback of 289.7 (+/-) feet where 300 feet are required for the purpose of construction of a 6,000 square foot dog kennel with a proposed 1,000 square foot apartment.

Postponed to the March 26, 2018 ZBA Meeting.

PUBLIC HEARING OF Colleen & Matthew Weisgarber - for property located at 19 Baron Drive, Warwick, New York and designated on the Town tax map as Section 95 Block 3 Lot 13 and located in an RU District for a variance of Section 164-41.C(4)(f) permitting a 6 foot high fence within the front yard setback where only 4 feet are permitted. **Continued from the November 27, 2017 ZBA Meeting.**

CHAIRMAN JANSEN: This is the continued Public Hearing of Colleen & Matthew Weisgarber. We went through most of this last meeting.

ATTORNEY FINK: Yes, we got the County in.

CHAIRMAN JANSEN: The Public Hearing is still open. Does anyone from the public wish to address this application? No, the Public Hearing is now closed.

ATTORNEY FINK: Will the proposed variance cause an undesirable change to the character of the neighborhood or be a detriment to nearby properties?

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Can the benefit sought by the applicant be achieved by any other feasible method?

CHAIRMAN JANSEN: Not really because of how the lot is situated.

MR. SHUBACK: No.

ATTORNEY FINK: Is it a substantial variance?

MR. SHUBACK: No.

MS. BRAMICH: No.

CHAIRMAN JANSEN: Four feet to six feet, no.

ATTORNEY FINK: Will this have an adverse effect or impact on physical or environmental conditions?

MR. MALOCSAY: No.

MR. SHUBACK: No.

ATTORNEY FINK: Is the alleged difficulty self-created?

MS. BRAMICH: Yes.

MR. MALOCSAY: Yes.

ATTORNEY FINK: Would someone care to type this as “Unlisted”
with no adverse environmental impact?

MR. MALOCSAY: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: All in favor? (5 ayes) Motion carried.

ATTORNEY FINK: Does anyone care to move that the variance be
granted as advertised?

MR. MALOCSAY: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: All in favor? (5 ayes) Motion carried.

PUBLIC HEARING OF Harry Pharr & Ann Fitzpatrick - for property located at southeast corner of Waterbury Road & 1 Points of View, Warwick, New York and designated on the Town tax map as Section 42 Block 1 Lot 82.222 and located in an RU District for a variance of the Bulk Area Requirements of the Code reducing front setback to 28 feet where 75 feet are required for the purpose of construction of a 7' 2" X 14' 4" storage shed.

CHAIRMAN JANSEN: Please identify yourself for the record. Briefly tell the board what it is you are trying to do.

MR. PHARR: I am Harry Pharr. We don't have a basement and have very limited storage. The only really logical and feasible place to put this storage shed, what we think, is our side yard. We feel it would be very inconspicuous in this spot. It would be up against the tree line. It's a small shed which is much better than the current unsightly plastic tarps to cover firewood, tools, etc. It's really going to be a big improvement. It is cedar-sided with a metal roof and rolling barn doors in the front: a much neater solution to our outdoor storage. It's a typical Warwick country road. This is not out of character for the neighborhood. We have a pre-existing, non-forming lot. Because we have a pond, a tennis court, and the septic system this is the only place really available.

ATTORNEY FINK: I guess the biggest question is why can't you put this shed somewhere over here?

MR. PHARR: This is where the septic system is located. It's a little easier to see here on a color copy.

MR. SHUBACK: Is this a pre-fab or are you building it?

MR. PHARR: I'm building it.

MR. SHUBACK: So you're going to want to put footings and everything and don't want to put it on top of the septic system.

MR. PHARR: Correct.

ATTORNEY FINK: Where is the neighbor located whose letter states they don't approve of this application? I believe it was 36 Waterbury Road. Where are they in conjunction with your property?

MR. PHARR: That is across the street. Here are some photographs taken from different vantage points on the property. This particular photo shows what their view would be of our property and the proposed shed. As you can see, their yard is pretty well vegetated as well.

CHAIRMAN JANSEN: They would have a hard time seeing it.

MR. PHARR: Exactly.

ATTORNEY FINK: What color will it be?

MR. PHARR: I would say earth tone or wood tone. We are not painting the wood. We will stain it, but no paint. Our plan is to make it unobtrusive and to back it up near the trees.

CHAIRMAN JANSEN: Any further questions from the board? No, let's open the Public Hearing. Would anyone from the Public like to address this application? As mentioned earlier, one neighbor [Patricia Dempsey, 36 Waterbury Road] opposed this application via letter as she feels it changes the look of a country road. No others? Let's close the Public Hearing.

ATTORNEY FINK: Will the proposed variance cause an undesirable change to the character of the neighborhood or be a detriment to nearby properties?

MS. BRAMICH: No.

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No, it will be well screened.

ATTORNEY FINK: Can the benefit sought by the applicant be achieved by any other feasible method?

MS. BRAMICH: Not really.

MR. SHUBACK: No.

MR. MALOCSAY: No.

ATTORNEY FINK: Is it a substantial variance?

MR. SHUBACK: Yes.

MS. BRAMICH: Yes.

MR. MALOCSAY: Yes.

ATTORNEY FINK: Will this have an adverse effect or impact on

physical or environmental conditions?

MR. MALOCSAY: No.

MR. SHUBACK: No.

ATTORNEY FINK: Is the alleged difficulty self-created?

CHAIRMAN JANSEN: Yes.

MR. SHUBACK: Yes.

MS. BRAMICH: Yes.

MR. MALOCSAY: Yes.

ATTORNEY FINK: Would someone care to type this as "Unlisted"
with no adverse environmental impact?

MR. SHUBACK: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: All in favor? (5 ayes) Motion carried.

ATTORNEY FINK: Does anyone care to move that the variance be
granted as advertised?

MS. BRAMICH: So moved.

MR. SHUBACK: Seconded.

CHAIRMAN JANSEN: All in favor? (5 ayes) Motion carried.

OTHER CONSIDERATIONS:

CHAIRMAN JANSEN:
November 27, 2017 meeting.

Motion to approve the ZBA Minutes from the

MS. BRAMICH:

So moved.

MR. MALOCSAY:

Seconded.

CHAIRMAN JANSEN:

All in favor? (5 ayes) Motion carried.
Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]