

TOWN OF WARWICK
ZONING BOARD OF APPEALS
MAY 21, 2018

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Kevin Shuback

Diane Bramich

Chris Daubert

Attorney Robert Fink

PUBLIC HEARING OF Warwick Pet Lodge (Cathy Bauman) - 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 a proposed dog kennel and grooming business. **Continued from April 23, 2018 ZBA Meeting.**

Postponed to the June 25, 2018 ZBA Meeting.

PUBLIC HEARING OF Warwick Pioneer Farm, LLC - for property located at 65 State Route 94S, Warwick, New York and designated on the Town tax map as Section 52 Block 1 Lot 26.2 and located in an SL District for a variance of the Bulk Area Requirements of the Code for a lot area variance for proposed Lot 3 of a proposed 4 lot subdivision reducing acreage from 3 acres (required) to 1.5 acres and for a variance of Section 280-a of the Town Law providing access to a municipal highway for proposed Lot 3 over a driveway. **Continued from April 23, 2018 ZBA Meeting.**

CHAIRMAN JANSEN: This is the continued Public Hearing of Warwick Pioneer Farm, LLC. I believe we were waiting to hear back from the County on this.

ATTORNEY FINK: Yes, we got the County in.

CHAIRMAN JANSEN: We're all set. Do you have anything you would like to add or maybe summarize for us?

MS. EMMERICH: Sure. We're seeking an area variance for Lot 4 and a 280-a variance for Lot 3.

MS. BRAMICH: That's the one that was split in half?

MS. EMMERICH: Yes.

MS. NEWMAN: Yes, on the last page you can see it, the 2 lots.

ATTORNEY FINK: Lot 3 - reducing it from 3 acres to 1.5 acres.

CHAIRMAN JANSEN: The other thing was the access to Lot 3.

ATTORNEY FINK: We're talking about Lot 3 of a 4-lot subdivision reducing acreage from 3 acres (which is required) to 1.5 acres and for a 280-a, also for Lot 3. So, Lot 3 is looking for 2 variances.

MS. EMMERICH: Correct. We kept it all one lot.

MS. BRAMICH: So, what's Lot 4?

MR. SHUBACK: It just needs an area variance. It doesn't need anything.

ATTORNEY FINK: It's only 1 lot of a 4-lot subdivision that requires 2 variances. We're not concerned with the other 3 lots.

MS. BRAMICH: I thought it was 3 acres.

CHAIRMAN JANSEN: It is 3 acres. They're asking for 1.5 acres.

MS. EMMERICH: Maybe you're thinking both lots are 1.5 acres and under the AG Protection Overlay they are allowed 1 lot at reduced acreage based on the 1989 Zoning. So that is why the 1 lot is 1.5 acres under that provision of the Code and then the 2nd lot is the one we're seeking variances for.

MS. BRAMICH: Got it.

MR. SHUBACK: And the 3rd lot needs no variance.

MS. EMMERICH: That's correct.

CHAIRMAN JANSEN: They are next to lots that are 1/3 of an acre bordering the Village and anything on the other side is not going to be developed because it's in the PDR zone.

MS. EMMERICH: Right, or wetlands. Also, the Village is going to provide water and sewer. There is a letter in the file to that effect.

CHAIRMAN JANSEN: The Public Hearing is still open. Would anyone from the Public like to address this application? No. I will close the Public Hearing at this time.

ATTORNEY FINK: We'll take both variances together with each question.
Will the proposed variances cause an undesirable change to the character of the neighborhood or be a detriment to nearby properties?

MR. SHUBACK: No.

MS. BRAMICH: No.

MR. MALOCSAY: No.

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

MR. SHUBACK:	No.
MR. MALOCSAY:	No.
MS. BRAMICH:	No.
ATTORNEY FINK:	Are they substantial variances?
MR. SHUBACK: one is. It's 50%.	Yes. Not for the 280-a, but the other
MS. BRAMICH:	Yes.
MR. MALOCSAY:	Yes.
ATTORNEY FINK: impact on physical or environmental conditions?	Will they have an adverse effect or
MR. MALOCSAY:	No.
MR. SHUBACK:	No.
MR. DAUBERT:	No.
ATTORNEY FINK:	Is the alleged difficulty self-created?
MR. SHUBACK:	Yes.
CHAIRMAN JANSEN:	Yes.
MS. BRAMICH:	Yes.
ATTORNEY FINK: "Unlisted" with no adverse environmental impact?	Would someone care to type this as
MS. BRAMICH:	So moved.
MR. SHUBACK:	Seconded.
CHAIRMAN JANSEN: (5 ayes) Motion carried.	Any further discussion? All in favor?

ATTORNEY FINK:
as advertised?

Does anyone care to move to grant

MR. MALOCSAY:

So moved.

MS. BRAMICH:

Seconded.

CHAIRMAN JANSEN:
(5 ayes)
Motion carried.

Any further discussion? All in favor?

PUBLIC HEARING OF Francisco Pedro - for property located at 438 Jersey Avenue, Greenwood Lake, New York and designated on the Town tax map as Section 72 Block 4 Lot 8 and located in an SM District for a variance of the Bulk Area Requirements of the Code as follows: (required / existing / proposed) side setback 18/4.4/0.9 (ft); both side setbacks 45/32.2/5.3 (ft); lot coverage (percent) 30/35.2/34.7 for the purpose of creating a full second floor, slightly expanding the footprint and adding a 2 car garage to an existing single family residence.

ATTORNEY FINK: Everyone has a copy of the County's letter? Yes. OK. The County did not disapprove it, but they have recommendations. They recommend a very accurate site survey to ensure that all the proposed development is indeed located on the subject property and strict adherence to the construction drawings ensuring the proposed setbacks are met. The Town could, if they choose, propose modifications to the plan that meet the needs of the applicant while not requiring variances to that great degree.

CHAIRMAN JANSEN: Please identify yourself and briefly tell the board what it is you would like to do.

MS. SARAH: My name is Sarah. I'm here from George Hodosh Associates Architects representing Mr. Pedro. As mentioned, this is an existing single family home on Greenwood Lake. The proposal is to add a full 2nd story to the existing Cape Cod style home as well as an attached garage. The existing residence is in extreme disrepair. There is an existing boathouse on the lakefront and an existing shed which are removed as part of this. The removal of these decreases the amount of storage available on the property which is part of the reason for the 2-car garage being proposed so that some storage can be reclaimed. We are requesting a side yard variance, both total side yard variances and a lot coverage variance. The lot is extremely undersized as to both area and width. The lot area is 0.15 acres where 0.5 acres is required and the lot width is 67.4 feet where 100 feet is required. You can see by the blue-dotted line on the cover sheet what the buildable area would be if all setbacks were met. The existing house is not conforming and it's very hard to add any type of addition to the house that would be conforming.

CHAIRMAN JANSEN: So by adding a 2nd story are you impacting any other people's sight distance?

MS. SARAH: We are under the zoning regulations for building height and I don't believe we would be impacting the sight from the neighbors across the street. I would also like to note that by removing the shed and boathouse we are actually creating a net decrease in the lot coverage. The existing lot coverage is 35.2% and we're reducing that to 34.7%.

CHAIRMAN JANSEN: And the 2-car garage is a must?

MS. SARAH: Because of the storage that's being lost by removing the boathouse and shed, it really is necessary. There's not much space for parking in the front yard and this would enable parking and storage.

CHAIRMAN JANSEN: Let me open it up to the Public. Would anyone from the Public like to address this application? Please come on up and identify yourself for the record.

MS. MUNOZ: My name is Beth Munoz and my house is located directly across from the property. I'm not sure what the proposed height is for the 2-car garage and the full 2nd floor because I don't think the house has a full 2nd floor now. I'm afraid it's going to affect the view from my house, which is the main reason I bought that house. It's a very modest house with a view that is great. I'm also worried it will decrease the value of my home.

CHAIRMAN JANSEN: What is the final height of the house?

MS. SARAH: The final height is 23.6 feet where 30 feet is allowed by Zoning Code.

MR. SHUBACK: Do you know what it is currently?

MS. SARAH: Currently it's 21.2 feet. We're raising it by 2.4 feet.

CHAIRMAN JANSEN: You think that would impact your view, 2.4 feet?

MR. PEDRO: I have an original picture of the house before I got there and you couldn't even see the lake because of all the tree coverage. Now that I have taken them down, you have a view of the lake. Prior to that, you never had a view of the lake.

MS. MUCHESKI: My name is Jennifer Mucheski and I also live directly across the street. I have pictures taken from my deck. I had a view of the lake and I'm just concerned that from here if they go up higher I will lose some of my view and essentially decrease the value of my property.

ATTORNEY FINK: They're not looking for a variance for height. It's noted that they would be allowed 30 feet and they're requesting 23.6 feet. They don't need a variance to go up.

MR. SHUBACK: They're just looking to be a little bit closer at the garage to the road and the property line to the side.

CHAIRMAN JANSEN: This is what is proposed here. This is where the house is, this is where the 2-car garage is going to be, here's the lake, and this is all going to be removed (the shed and the boathouse). The variances are more here than we're concerned with, on the sides. They need a variance because they are close to the side. You may get more of a view with the shed and boathouse gone.

MS. BRAMICH: So the ground floor, is that basement or is it usable space? Where the sliding glass doors are?

MS. SARAH: That is unfinished basement space and as part of the proposed plan it's not changing.

MS. BRAMICH: Does this go before the Planning Board at all?

MS. SARAH: It actually came to you from a positive recommendation from the Planning Board. We did 1 workshop and 1 meeting so far.

MS. BRAMICH: Where is the septic?

MR. SHUBACK: It's in this area outside those sliding glass doors.

MR. MALOCSAY: This area is so tight. Would a 1 ½ car garage work being there wouldn't be 2 cars in there anyway? You could have 1 car and the remaining area designated for storage. What are the dimensions of the garage?

MS. SARAH: The inside dimension of the garage is 23 feet and the height of the garage is 18 feet to the gable peak.

CHAIRMAN JANSEN: Is there a garage existing now?

MS. SARAH: No, there is a gravel parking area there now.

CHAIRMAN JANSEN: So the question is it possible to reduce the size of that garage to a 1 ½ car garage so you still have storage and a better side yard setback.

MR. PEDRO: I have my classic cars and I'm into motorcycles. Ideally I would like it bigger but I understand your concerns.

MS. SARAH: This would keep things contained rather than having vehicles and/or bikes parked on the front lawn.

MR. MALOCSAY: You could always do a smaller 2-car garage. Twenty to twenty-two feet would be doable especially if it has classic cars parked in it. It wouldn't be regular, daily life ins and outs, which would be too tight.

CHAIRMAN JANSEN: 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. SHUBACK: No.

MR. MALOCSAY: No.

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

MR. SHUBACK: No.

MR. MALOCSAY: No.

MS. BRAMICH: No, only by making it smaller.

ATTORNEY FINK: Is it a substantial variance?

MR. SHUBACK:	Yes.
MR. DAUBERT:	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.
CHAIRMAN JANSEN:	No, considering the Planning Board is involved.
ATTORNEY FINK:	Is the alleged difficulty self-created?
MR. SHUBACK:	Yes.
MS. BRAMICH:	Yes.
ATTORNEY FINK:	Would someone care to type this as "Unlisted" with no adverse environmental impact?
MR. MALOCSAY:	So moved.
MS. BRAMICH:	Seconded.
CHAIRMAN JANSEN:	Any further discussion? All in favor?
(5 ayes)	
Motion carried.	
ATTORNEY FINK:	Does anyone care to move that the variances be granted with the 2 conditions: 1) incorporating the recommendations of the County Planning Department; 2) the removal of the boathouse and shed?
MR. MALOCSAY:	So moved.
MR. DAUBERT:	Seconded.
CHAIRMAN JANSEN:	Any further discussion? All in favor?
(5 ayes)	

Motion carried.

[ZBA Recording Secretary – Mary Hebel]