

TOWN OF WARWICK
ZONING BOARD OF APPEALS
MAY 28, 2019

Members Present:

Mark Malocsay, Co-Chairman

Robert Fink, Attorney

Diane Bramich

Kevin Shuback

Chris Daubert

Members Absent:

Jan Jansen, Chairman

PUBLIC HEARING OF Blue Arrow Too, LLC. – for property located at 86 Glenwood Road, Warwick, New York and designated on the Town tax map as Section 24 Block 1 Lot 46.22 and located in a RU & CO Districts for “**Renewal**” of a variance granted by the ZBA on 6/26/17 pursuant to Section 164.53.B (12) permitting construction of a 80 foot X 200 foot building and a second building 50 feet X 104 feet.

ATTORNEY FINK: The County has not responded and the 30 days have not gone by. The board cannot make a decision but can come to a consensus. If the consensus is positive there would be no reason to come back. On a renewal the only issue before the board is have there been any changes since it was last granted?

MR. GETZ: No.

ATTORNEY FINK: What is the consensus of the board?

MR. SHUBACK: Unless the County comes back unfavorably there really is no reason for them to come back next month.

ATTORNEY FINK: We’ll let you know if the County responds. Presumably the board can vote on it next month.

MR. GETZ: Thank you.

PUBLIC HEARING OF Dawn & Mike Hazard – for property located at 88 Prices Switch Road, Warwick, New York and designated on the Town tax map as Section 40 Block 1 Lot 28.2 and located in an RU District for a variance of following Sections of the Code as they apply to an existing lot and buildings and for a commercial agricultural operation: Section 164.46.J(16) (animal housing) setback required 150 ft / existing 1 side 95.5 ft – other side 101.3 ft and front 121.7 ft; Section 140.4 (pool to house basement) setback required 15 ft / existing 13 ft; Section 164.40M.14(b) (lot area) required 20 acres / existing 17.9 acres; Use Group (b) lot width 250 ft required / 246 ft existing; 75 foot front setback required / 17.5 ft existing; 1 side setback 75 ft required / 66 feet existing. **Continued from the April 22, 2019 ZBA Meeting.**

MR. MALOCSAY: We were waiting for a response from the County so unless anyone has any questions, we can put it to a vote. Let me open it up to the Public. Is there anyone that wishes to address this application? If not, the Public Hearing is closed.

ATTORNEY FINK: OK, let's go through the criteria. 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. MALOCSAY: No.

MR. DAUBERT: No.

ATTORNEY FINK: Is it a substantial variance?

MS. BRAMICH: Yes.

MR. SHUBACK: Yes.

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

MR. DAUBERT: No.

MR. SHUBACK: No.

ATTORNEY FINK: Is the alleged difficulty self-created?

MS. BRAMICH:	Yes.
MR. DAUBERT:	Yes.
ATTORNEY FINK: with no adverse environmental impact?	Would someone care to type this as “Unlisted”
MR. SHUBACK:	So moved.
MS. BRAMICH:	Seconded.
MR. MALOCSAY:	All in favor? [4 ayes] Motion carried.
ATTORNEY FINK: granted as advertised?	Does anyone care to move that the variance be
MS. BRAMICH:	So moved.
MR. SHUBACK:	Seconded.
MR. MALOCSAY:	All in favor? [4 ayes] Motion carried.

PUBLIC HEARING OF Angelo Sorrenti – for property located at 29 Foley Road, Warwick, New York and designated on the Town tax map as Section 42 Block 1 Lot 7 and located in RU District for a variance for proposed lots in a proposed 2 lot subdivision (required / proposed): Proposed Lot 1: lot area: 174,240 sf / 87,200 sf; lot width: 250 ft / 169 ft; 1 side setback 75 ft / 41.5 ft and 58.0 ft; both side setbacks 150 ft / 99.5 ft. **Continued from the April 22, 2019 ZBA Meeting.**

MR. GETZ: At last month’s meeting it was suggested making Lot 1 more conforming by upping the size from 2 acres to closer to 4 acres. Mr. Sorrenti was not able to attend that meeting. He feels very strongly about keeping it as originally presented and I think with good reason. I highlighted here in orange the contour of 680 feet and visually it really does separate the lower part in the front (which has a house, a barn, a patio, and some other features) from an upper field in the back. By adding acreage in the front he would lose part of that field. In our opinion, it really wouldn’t benefit the house in the front because the area in question is quite steep. The area where we would separate the 2 lots has sort of a natural break because of the change in grade. We would like you to consider the plan as originally drawn.

MR. SHUBACK: What was the decision about no further subdivision on that back larger lot?

ATTORNEY FINK: It was just a suggestion from us.

MR. SORRENTI: That is fine. The only thing is I don’t want to lose the opportunity to, maybe in the future, do a lot line change. I have a neighbor in the back that may be interested in this little section right here in the back. Nothing may ever come of that but I would like to have that option.

ATTORNEY FINK: I don’t think the board has a problem with that.

MR. MALOCSAY: The Public Hearing is still open. Is there anyone here to address this application? No, the Public Hearing is now closed.

ATTORNEY FINK: We would like to put in the condition that there be no further subdivision and should there ever be a lot line change to proposed Lot 2, said lot cannot be smaller than 6 acres. Now, let’s go through the criteria. 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. DAUBERT: No.

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

MS. BRAMICH:	Yes.
MR. DAUBERT:	Yes.
ATTORNEY FINK:	Is it a substantial variance?
MS. BRAMICH:	Yes.
MR. SHUBACK:	Yes.
ATTORNEY FINK:	Will this have an adverse effect or impact on physical or environmental conditions?
MR. DAUBERT:	No.
MR. MALOCSAY:	No.
ATTORNEY FINK:	Is the alleged difficulty self-created?
MS. BRAMICH:	Yes.
MR. DAUBERT:	Yes.
ATTORNEY FINK:	Would someone care to type this as "Unlisted" with no adverse environmental impact?
MR. SHUBACK:	So moved.
MR. DAUBERT:	Seconded.
MR. MALOCSAY:	All in favor? [4 ayes] Motion carried.
ATTORNEY FINK:	Does anyone care to move that the variance be granted as advertised with the condition that proposed Lot 2 cannot be further subdivided but there could be a lot line change as long as said lot is not less than 6 acres?
MR. SHUBACK:	So moved.
MR. DAUBERT:	Seconded.
MR. MALOCSAY:	All in favor? [4 ayes] Motion carried.

OTHER CONSIDERATIONS:

MR. MALOCSAY:
22, 2019 meeting.

Motion to approve the ZBA Minutes from the April

MR. SHUBACK:

So moved.

MS. BRAMICH:

Seconded.

MR. MALOCSAY:

All in favor? [4 ayes]
Motion carried.

[ZBA Recording Secretary – Mary Hebel]