

TOWN OF WARWICK
ZONING BOARD OF APPEALS
JULY 22, 2019

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Robert Fink, Attorney

Kevin Shuback

Members Absent:

Diane Bramich

Chris Daubert

PUBLIC HEARING OF Kelly & Michael Hennessy - for property located at 15 Pine Drive, Warwick, New York and designated on the Town tax map as Section 27 Lot 1 Block 92 and located in an SL District for a variance of Section 164-41.A(1)(a) permitting construction of a 30 ft X 50 ft (1500 sq. ft.) accessory building where the Code permits not more than 1200 sq. ft. in an area. **Continued from the June 24, 2019 ZBA Meeting.**

ATTORNEY FINK: We are still dead in the water on this. I contacted the County today asking them to fax something - nothing. Regardless of whether or not they respond, we can act on it next month. You don't even have to show up as I believe the consensus is to approve.

CHAIRMAN JANSEN: Yes.

MR. HENNESSY: OK, we understand. Thank you.

ATTORNEY FINK: Wait, this didn't need to go to the County. We can act on it tonight.

MR. MALOCSAY: But we sent them home thinking they had to wait until next meeting for approval.

ATTORNEY FINK: I realize now I confused them with another application that needed County approval. This application does not. Therefore, we can act on this rather than carrying it over.

MR. MALOCSAY: I have to see Connie tomorrow anyway. Maybe she can give the applicants a call letting them know they can get started a month earlier.

ATTORNEY FINK: Exactly.

CHAIRMAN JANSEN: OK, the Public Hearing is now open. Is there anyone here to address this application? No. The Public Hearing is closed.

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

CHAIRMAN JANSEN: No.

MR. MALOCSAY: No.

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

MR. MALOCSAY:	No.
MR. SHUBACK:	No.
ATTORNEY FINK:	Is it a substantial variance?
CHAIRMAN JANSEN:	No.
MR. SHUBACK:	No.
ATTORNEY FINK: environmental conditions?	Will it have an adverse effect upon the physical or
MR. MALOCSAY:	No.
MR. SHUBACK:	No.
ATTORNEY FINK:	Is the alleged difficulty self-created?
MR. MALOCSAY:	Yes.
MR. SHUBACK:	Yes.
ATTORNEY FINK: with no adverse environmental impact?	Would someone care to type this as "Unlisted"
MR. MALOCSAY:	So moved.
MR. SHUBACK:	Seconded.
CHAIRMAN JANSEN:	All in favor? [3 ayes] Motion carried.
ATTORNEY FINK: granted as advertised?	Does anyone care to move that the variance be
MR. SHUBACK:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	All in favor? [3 ayes] Motion carried.

PUBLIC HEARING OF Daniel & Shari Forst - for property located at 37 Grandview Place, Florida, New York and designated on the Town tax map as Section 20 Block 2 Lot 17.1 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting a 15 foot X 14 foot sunroom and a 15 foot X 10 foot open deck 40 (+/-) feet from the rear setback where 50 feet are required.

ATTORNEY FINK: Please briefly tell the board what it is you would like to do.

MR. FORST: The deck we have is getting old. We would like to remove it and build a new one with an attached sunroom.

CHAIRMAN JANSEN: We can briefly give you an idea of what's going on. We cannot make a final decision until next month because the County has to review this application. Your application was mailed on July 9, 2019, and they have 30 days to respond. To date they have not responded yet. Regardless of whether or not they respond, we can act on it next month. Does anyone have any questions?

MR. SHUBACK: No. It's kind of already in character with the neighborhood.

CHAIRMAN JANSEN: Let's open the Public Hearing. Is there anyone here to address this application? No. Looks like none of your neighbors are here to object. The Public Hearing is closed. Otherwise, the consensus is to approve and we can officially vote on it next month.

MR. FORST: Thank you.

PUBLIC HEARING OF Brian Pawelski - for property located at north side of Quaker Creek Road, Warwick, New York and designated on the Town tax map as Section 6 Block 2 Lots 4 & 7 and located in an AI District for a variance of the lot depth and front yard setbacks for existing buildings for a lot line change. **Continued from the June 24, 2019 ZBA Meeting.**

ATTORNEY FINK: We kept the Public Hearing open last meeting in case we heard back from the County. Otherwise, the consensus was favorable to approve.

CHAIRMAN JANSEN: We actually looked before the meeting started and there is notation that it was sent to the County on July 2, 2019. No word yet but it's hasn't been 30 days.

ATTORNEY FINK: So we can put it to a vote next month regardless.

OTHER CONSIDERATIONS:

CHAIRMAN JANSEN:
24, 2019 meeting.

Motion to approve the ZBA Minutes from the June

MR. SHUBACK:

So moved.

MR. MALOCSAY:

Seconded.

CHAIRMAN JANSEN:

All in favor? [3 ayes]
Motion carried.

Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]