

TOWN OF WARWICK  
ZONING BOARD OF APPEALS  
AUGUST 19, 2019

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Robert Fink, Attorney

Diane Bramich

Chris Daubert

Members Absent:

Kevin Shuback

**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 July 22, 2019 ZBA Meeting.**

ATTORNEY FINK: We kept the Public Hearing open as we were waiting to hear back from the County. Otherwise, the consensus was favorable to approve. With this application nothing changes. The lot lines already exist but do not conform so a variance is needed in order to move the lot line. It has nothing to do with the setbacks.

CHAIRMAN JANSEN: 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?

CHAIRMAN JANSEN: No.

MR. MALOCSAY: No.

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

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is it a substantial variance?

MR. MALOCSAY: No.

MR. DAUBERT: No.

ATTORNEY FINK: Will it have an adverse effect upon the physical or environmental conditions?

MR. MALOCSAY: No.

MR. DAUBERT: No.

ATTORNEY FINK: Is the alleged difficulty self-created?

MR. MALOCSAY: Yes.

MS. BRAMICH:	Yes.
ATTORNEY FINK: with no adverse environmental impact?	Would someone care to type this as “Unlisted”
MR. MALOCSAY:	So moved.
MS. BRAMICH:	Seconded.
CHAIRMAN JANSEN:	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. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	All in favor? [4 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. **Continued from the July 22, 2019 ZBA Meeting.**

CHAIRMAN JANSEN: 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?

MS. BRAMICH: No.

CHAIRMAN JANSEN: No.

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

MR. MALOCSAY: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is it a substantial variance?

CHAIRMAN JANSEN: No.

MR. DAUBERT: No.

ATTORNEY FINK: This is a Type 2 Action so there is no environmental concern.

ATTORNEY FINK: Is the alleged difficulty self-created?

MR. MALOCSAY: Yes.

MR. DAUBERT: Yes.

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? [4 ayes]  
Motion carried.

**PUBLIC HEARING OF Anthony Mercado** - for property located at 188 Brook Trail, Warwick, New York and designated on the Town tax map as Section 73 Block 4 Lot 25 and located in an SM District for a variance of the Bulk Area Requirements of the Code allowing an existing shed in the front yard setback, 14 (+/-) feet where 30 feet are required.

**Applicant did not mail notices to the adjoining property owners.  
Carried over to the September 23, 2019 ZBA Meeting.**

**PUBLIC HEARING OF Michael Byrne** - for property located at 8 Woody Trail, Greenwood Lake, New York and designated on the Town tax map as Section 73 Block 7 Lot 3 and located in an SM District for a variance of the Bulk Area Requirements of the Code allowing an existing shed in the front yard setback, 19 feet 6 inches where 30 feet are required.

CHAIRMAN JANSEN: Please identify yourself for the record and briefly tell the board what it is you're trying to do.

MR. BYRNE: My name is Michael Byrne, 8 Woody Trail in Greenwood Lake. I have a shed to store stuff but don't meet the setback requirements.

MS. BRAMICH: On your drawing you have the shed here, this is Lake Trail and this is Woody Trail. This is the front of your house on Woody Trail and there is a deck on the house?

MR. BYRNE: Yes.

MS. BRAMICH: The stone wall is here and the shed is sitting on the wall.

MR. BYRNE: No, it isn't.

MS. BRAMICH: Yes, it is. I was there and took pictures.

MR. BYRNE: There is another wall that someone built years ago that's a little bit beyond that wall. There's about 7 feet between the two.

ATTORNEY FINK: Do you have a survey of your property?

MR. BYRNE: No, I don't. I never had one. Even at my closing one wasn't provided or included in all the documentation.

CHAIRMAN JANSEN: Let's open it up to the Public. Is there anyone that wishes to address this application?

MS. MELAN: My name is Julia Melan and I live next door at 1 Woody Trail. I am not happy with this shed and I will tell you why. This is a lovely neighborhood. This shed looks awful. I have a big porch with a view of the lake and the main road, and this structure completely blocks my view. The doors to the shed are facing my side. If I am on my deck I don't wish to look at him going in and out of it. A lot of the neighbors are unhappy as well and come to me because I live right next door. It makes me want to sell and not live there.

CHAIRMAN JANSEN: Diane has been there. I think the rest of the board

needs to go out and take a look.

MS. BRAMICH: I agree. You really need to see for yourself. You have to be sure you come in on Woody Trail and go down and around to the second road, Lake Trail.

MS. MELAN: Yes, I agree as well.

ATTORNEY FINK: Since the board needs to go out and see/walk the property, this application will be carried over to next month's meeting. You may want to suggest to your neighbors that they attend next meeting if they wish to voice their opinions. It will be held on Monday, September 23, 2019 at 7:30pm.

MS. MELAN: Thank you for listening. Good night.



**PUBLIC HEARING OF John & Gail Lordy** - for property located at 36 Four Corners Road, Warwick, New York and designated on the Town tax map as Section 35 Block 1 Lot 53 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting an addition to an existing single family dwelling with a proposed side setback of 57 feet where 75 feet are required.

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

MR. LORDY: My name is John Lordy. Just for the record it's a duplex – a legal two-family. Anyway, we would like to put a garage at the end of the existing driveway with a breezeway to attach it. It will be 2 stories with a bedroom/office over part of the garage. Because of the odd shape of the lot, we don't meet the setback.

CHAIRMAN JANSEN: Is it up already?

MR. LORDY: No.

ATTORNEY FINK: My question is that I find no dimensions mentioned as to what you're putting in.

MR. LORDY: The proposed garage is 24 feet X 26 feet. The breezeway would come out 22 feet from the house.

CHAIRMAN JANSEN: Let me open it up to the Public. Is there anyone that would like to address this application? No. 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?

MR. MALOCSAY: No.

MS. BRAMICH: No.

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

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is it a substantial variance?

MR. DAUBERT:	No.
MR. MALOCSAY:	No.
ATTORNEY FINK: concern.	This is a Type 2 Action so there is no environmental
ATTORNEY FINK:	Is the alleged difficulty self-created?
MS. BRAMICH:	Yes.
MR. DAUBERT:	Yes.
ATTORNEY FINK: granted as advertised?	Does anyone care to move that the variance be
MS. BRAMICH:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	All in favor? [4 ayes] Motion carried.

**OTHER CONSIDERATIONS:**

CHAIRMAN JANSEN:  
22, 2019 meeting.

Motion to approve the ZBA Minutes from the July

MR. MALOCSAY:

So moved.

MR. DAUBERT:

Seconded.

CHAIRMAN JANSEN:

All in favor? [4 ayes]  
Motion carried.

Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]