

TOWN OF WARWICK
ZONING BOARD OF APPEALS
OCTOBER 28, 2019

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Robert Fink, Attorney

Diane Bramich

Chris Daubert

Kevin Shuback

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.

Continued from the August 19, 2019 ZBA Meeting.
To be continued at the January 27, 2020 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.

Continued from the September 23, 2019 ZBA Meeting.

CHAIRMAN JANSEN: Would you like to comment on what you've worked on since our last meeting?

MR. BYRNE: I was only able to move it back a few inches really. I would have to cut it down if anything. I don't know what else could be done.

ATTORNEY FINK: Was anybody from the Public here to know this hearing was continued?

MR. DAUBERT: This is his third time here. No one was at the last meeting.

ATTORNEY FINK: If that's the case, no one would be misled. The board could act on it tonight.

MS. BRAMICH: He did move it. Here's a picture taken today.

CHAIRMAN JANSEN: Diane, do you feel he's done about as much as he can do on that?

MS. BRAMICH: I don't think he's going to be able to move it any further back because of the way the ground is. But he did move it a little bit.

CHAIRMAN JANSEN: Is there anyone from the Public that would like to address this application? If not, I'll 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.

CHAIRMAN JANSEN: No, it is similar to whatever else is going on in the neighborhood.

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

MR. SHUBACK:	Only by tearing it down since it can't be moved.
MR. DAUBERT:	No.
ATTORNEY FINK:	Is it a substantial variance?
MR. MALOCSAY:	Yes.
CHAIRMAN JANSEN:	Yes.
ATTORNEY FINK: environmental conditions?	Will it have an adverse effect upon the physical or
MR. SHUBACK:	No.
CHAIRMAN JANSEN:	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"
MS. BRAMICH:	So moved.
MR. SHUBACK:	Seconded.
CHAIRMAN JANSEN:	All in favor? [5 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? [5 ayes] Motion carried.

PUBLIC HEARING OF Jonathan & Tracy Ziegler - for property located at 29 Little Brooklyn Road, Warwick, New York and designated on the Town tax map as Section 12 Block 4 Lot 53 and located in an SM District for a variance of the Bulk Area Requirements of the Code permitting a 29 foot X 14 foot addition to a single family dwelling, reducing 1 side setback to 5 (+/-) feet where 18 feet are required and both side setbacks to 33 (+/-) feet where 45 feet are required.
Continued from the September 23, 2019 ZBA Meeting.

CHAIRMAN JANSEN: This hearing was continued as well. I believe we had a consensus to approve at the last meeting. It has come back from the County as Local Determination. Is there anyone from the Public that would like 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?

MS. BRAMICH: No.

MR. SHUBACK: No, it's similar to other setbacks in that area.

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

CHAIRMAN JANSEN: No.

MR. DAUBERT: No.

ATTORNEY FINK: Is it a substantial variance?

MR. MALOCSAY: Yes.

CHAIRMAN JANSEN: Yes.

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

MR. DAUBERT: No.

MR. MALOCSAY: 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. SHUBACK:	So moved.
MR. DAUBERT:	Seconded.
CHAIRMAN JANSEN:	All in favor? [5 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? [5 ayes] Motion carried.

PUBLIC HEARING OF Gregory Pasternak - for property owned by Albert Alin Inc. and located at 80 Indian Trail North, Warwick, New York and designated on the Town tax map as Section 72 Lot 1 Block 59.2 and located in an SM District for a variance of the Bulk Area Requirements of the Code permitting a 420 (+/-) square foot addition to a single family dwelling with a rear setback of 7.1 (+/-) ft where 30 ft are required.

Carried over to the November 25, 2019 ZBA Meeting.

PUBLIC HEARING OF American Fruits Cordial Corp. - for property located at 371 & 385 Glenwood Road, Warwick, New York and designated on the Town tax map as Section 10 Block 1 Lots 23 & 28.2 and located in an AI District for a variance of the Bulk Area Requirements of the Code to permit a lot line change as follows: (required / proposed) Proposed Lot 1 - minimum both side setbacks 200 ft / 136.8 feet; building height of existing distillery building 22.75 ft / 60 ft; building height existing garage 6.25 ft / 12 ft; Proposed Lot 2 - minimum side setback 100 ft / 83 ft; minimum both side setbacks 200 ft / 190 ft; minimum rear yard setback 100 ft / 29 (+/-) ft; building height existing storage building 7.25 ft / 16.5 ft.

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

MR. GETZ: David Getz, Lehman & Getz Engineering. The applicants/businessmen involved are here tonight as well. They own several buildings on the 2 lots. This has a diagram here of before and after of the lot line change. This is Glenwood Road showing the eastern edge. Right now one of the lots is landlocked. With this proposal they propose to juggle the lot line somewhat. The purpose is to provide a new property line between this agricultural storage building and their distillery building. This is the tall, 60-foot high distillery building that was built several years ago. The purpose for the dividing line is they have separate businesses and each can have their own separate lot. Along with this application, there is no proposal to build anything, disturb anything, or change anything physical other than the property lines. In order to squeeze a line between the buildings (these are 2 silos, some garages, some trailers, etc.) the best place for the line, of course, comes very close to some of the existing buildings. That's the reason for the setback variances we are asking for. In this AI Zone there is also a requirement regarding the height of buildings that it should not be higher than the height based upon 3 inches of distance from a property line. So because the property lines are close to buildings, we don't have the setback to generate that building height. We are asking for several variances but again, no change in anything physical out there. We have been before the Planning Board and will be going back to the Planning Board. They sent us here for a review of the area variances.

CHAIRMAN JANSEN: I believe there was a letter from the Planning Board supporting the application.

MR. GETZ: Yes.

ATTORNEY FINK: Would it be the consensus of the board to approve this application?

CHAIRMAN JANSEN: Yes.

ATTORNEY FINK: The board will go through the criteria and put it to a vote next meeting as long as the County's review doesn't come back with anything negative.

OTHER CONSIDERATIONS:

CHAIRMAN JANSEN:
September 23, 2019 meeting.

Motion to approve the ZBA Minutes from the

MR. SHUBACK:

So moved.

MS. BRAMICH:

Seconded.

CHAIRMAN JANSEN:

All in favor? [5 ayes]
Motion carried.

Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]