

TOWN OF WARWICK
ZONING BOARD OF APPEALS
AUGUST 24, 2020

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Robert Fink, Attorney

Diane Bramich

Chris Daubert

Members Absent:

Kevin Shuback

PUBLIC HEARING OF Martin G. Mullen – for property located at 64 Echo Lane, Warwick, New York and designated on the Town tax map as Section 30 Block 2 Lot 3.1 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting an existing 10 foot X 12 foot shed in the front yard setback.

CHAIRMAN JANSEN: Identify yourself for the record, please.

MR. MULLEN: Marty Mullen, 64 Echo Lane.

CHAIRMAN JANSEN: Ok, Mr. Mullen, back in 2013 you got a permit to put up a 12 foot X 15 foot shed. Is that the same shed?

MR. MULLEN: No. This shed is on the south side of the house on the upper level. My home is on a hill.

CHAIRMAN JANSEN: You have done several additions and stuff like that.

MR. MULLEN: I have done an addition to the residential dwelling. That was the last one.

CHAIRMAN JANSEN: I was there today and I couldn't quite see where the shed was going to go and where it was.

MR. MULLEN: Right where that depilated fence is. If you look at my property, it's on the left-hand side. I'm looking to take down that fence down and slide the shed right into that location.

CHAIRMAN JANSEN: That's going to be pretty much right on/or bordering the road.

MR. MULLEN: It's approximately 4 feet from the road. But it is lined with existing trees as you've seen. The structure won't be the only thing that is projecting out because it will be in line with the trees.

CHAIRMAN JANSEN: Does anyone have any questions for Mr. Mullen?

MS. BRAMICH: This is a second shed?

MR. MULLEN: There is one in the rear yard on the lower portion of the property. This is to accommodate equipment for the upper portion. Trying to get things up and down is quite cumbersome.

MS. BRAMICH: A metal shed?

MR. MULLEN: No, it's going to be wood.

CHAIRMAN JANSEN: There were some other issues about a metal shed that was encroaching 3 ½ feet across the property.

MR. MULLEN: That was from the previous owner and has since been taken down. I have actually purchased that property in the back.

CHAIRMAN JANSEN: The only other thing outstanding is your request for a survey. As you're doing that, you should get an application for the 6-foot fence. There is nothing in the record showing that was ever applied for. So, we could continue it.

ATTORNEY FINK: It would have to be re-advertised and re-mailed but you won't have to pay another application fee. So, you would have to make an application for a Building Permit which will be denied. Once it's denied, we have jurisdiction. We should see if anyone wishes to be heard on this application.

CHAIRMAN JANSEN: The Public Hearing is now open. Is there anyone from the Public that would like to address this application? No. We did receive a letter from your neighbors at 58 Echo Lane. *[Letter read aloud.]* Their main concern seems to be the fence which will be addressed as discussed this evening. We will continue this. In the meantime, you do the permit application for the fence, get the survey, and then we can clear this whole thing up.

MR. MULLEN: Ok, thank you.

PUBLIC HEARING OF Michael & Donna Hoensch - for property located at 50 Spanktown Road, Warwick, New York and designated on the Town tax map as Section 17 Block 1 Lot 21.192 and located in an RU District for a variance of Section 164-41.A(1)(a) permitting construction of a 5,000 square foot barn with a median dimension greater than 48 feet where not more than 1,200 square feet and 48 feet are allowed.

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

MR. HOENSCH: My name, legally, is John Michael Hoensch. I want to put up a 50 X 100 foot barn for storage of equipment.

CHAIRMAN JANSEN: You've gotten a variance previously for the barn that exists there now, correct?

MR. HOENSCH: No, that was for construction of the barn I put up. My business has grown. I need additional storage to keep it inside. One of the stipulations of that agreement was that I'm supposed to keep all of the equipment inside of the building.

CHAIRMAN JANSEN: Is that something you've been able to do?

MR. HOENSCH: I have been renting at another place but my lease is up. I'm putting out my options to put this barn up and keep the equipment at my own place.

CHAIRMAN JANSEN: Any questions at this point?

MR. MALOCSAY: Not yet.

CHAIRMAN JANSEN: The Public Hearing is now open. Is there anyone from the Public that would like to address this application? Yes, please identify yourself for the record.

MS. HOGE: My name is Joan Hoge and I am Michael Hoensch's neighbor. I have no objection to this application. He keeps everything very neat. He takes care of his neighbors all around him. He goes out of his way to help anyone that needs it without question. I'm sure if you're familiar with him, you know that's true.

CHAIRMAN JANSEN: Thank you. Is there anyone else? Yes sir.

MR. ROGERS: My name is Conor Rogers and I live at 46 Spanktown Road. I would just ask if the board received the letter from the neighbors outlining our concerns.

CHAIRMAN JANSEN: Yes we have. *[Letter read aloud.]* Would you like to address it?

MR. HOENSCH: I can understand the concerns of the traffic. However, I believe there is more traffic now than there will be if this barn is able to go up. My office is in the home and my workers get their sheets from the home. They then have to travel up and/or down Spanktown Road, to get to Big Island Road, to get to Round Hill Road where my rental property is presently. So that traffic would be alleviated completely because there is no necessity for them to go down that way. As far as the turns coming in and out, if they make a left out of the driveway, I agree, it's too tight. But to make a right, which brings you right to Union Corners, there is no problem. As far as the children on Spanktown Road, which I have myself, I think it will alleviate a lot of that traffic going back and forth. I was offered to purchase that building on Round Hill Road. I just can't afford it. This is an option I wanted to explore. It is my understanding with my zoning, all equipment needs to be under a roof and not outside. This proposed barn would do just that.

CHAIRMAN JANSEN: Ok, thank you. I'm not opposed to the building because we're talking about 3.5% coverage of the 4-acre area. So it's not about coverage. But I can also appreciate the neighbors' concern about visuals and things like that. Right now the trees are full of leaves and everything is wonderful. When the leaves are down, it becomes a little more visible.

MR. HOENSCH: I get it, I understand. I'm just trying to put it all together to what makes sense for my family and my company.

MS. HOGGE: Mr. Hoensch put up evergreens on my big hill so that it's covered. He did that on both sides of his driveway. This way when the leaves do come down, the evergreens are still full. They're huge and they're not even fully grown yet. You cannot see that.

CHAIRMAN JANSEN: As you can see, none of your neighbors are violently opposed to what you're trying to do.

MR. HOENSCH: I have all intentions to see each neighbor that signed that letter to explain my intentions.

MR. MALOCSAY: We've had many of these applications come before us where folks are asking for more than 1200 feet. To the best of my knowledge, none of these applications have been for a business. They've all been for personal use for storage. This is different from most of the applications we've seen before. With that said, I don't know how everyone else feels, but I'd like to get a little bit more information and come back to another meeting before I'm ready to make a decision.

CHAIRMAN JANSEN: He did have an application for the initial barn and the Planning Board granted up to 14% coverage - this is at about 3.5%

ATTORNEY FINK: This is an RU District and I don't see where the use is allowed. Do you have Site Plan approval in an RU District and, if so, for what?

MR. HOENSCH: I believe they called it a Home Occupation.

ATTORNEY FINK: I think we need to see the Site Plan approval.

MR. MALOCSAY: That's why I asked for some time to look up a few things. And we'll keep you informed on the things we are looking into and/or if further clarification is needed.

CHAIRMAN JANSEN: We will put this over for one month, get all these questions answered, and then we'll proceed. The Public Hearing will remain open until we meet again.

MR. HOENSCH: Thank you, good evening.

OTHER CONSIDERATIONS:

CHAIRMAN JANSEN:
27, 2020 meeting.

Motion to approve the ZBA Minutes from the July

MS. BRAMICH:

So moved.

MR. MALOSCAY:

Seconded.

CHAIRMAN JANSEN:

All in favor? [4 ayes]
Motion carried.

Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]