

TOWN OF WARWICK
ZONING BOARD OF APPEALS
OCTOBER 26, 2020

Members Present:

Jan Jansen, Chairman

Robert Fink, Attorney

Diane Bramich

Chris Daubert

Members Absent:

Mark Malocsay, Co-Chairman

Kevin Shuback

PUBLIC HEARING OF Drowned Lands Group – for property located at 18 Brozdowski Lane, Warwick, New York and designated on the Town tax map as Section 3 Block 1 Lot 71.1 and located in an SL/AI Districts for a variance of the Bulk Area Requirements of the Code permitting construction of a 2 family home requiring the following variances: Required / Proposed: minimum lot area 49,050 sq. ft / 24,394 sq. ft; minimum lot width: 150' / 65'; minimum front setback: 50' / 17.5'; minimum one side setback 35' / 9.5'; minimum both side setbacks 80' / 30.5'. **Continued from the 9/28/20 ZBA Meeting.**

To be continued at the 11/23/20 ZBA Meeting.

PUBLIC HEARING OF John A. & Donna M. Picone - for property located at 1 Big Island Road, Warwick, New York and designated on the Town tax map as Section 27 Lot 1 Block 54.22 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting a 12 foot X 20 foot shed 5 (+/-) feet from the front line where 75 feet are required.

CHAIRMAN JANSEN: Please identify yourself for the record and briefly tell the board why it has to be that close.

MR. PICONE: We are John & Donna Picone. It is located right next to my garage and where the cars are parked. It's in the perfect spot. It is 10 feet below the road grade also. I noted that on my application along with photos.

CHAIRMAN JANSEN: Anyone have any questions?

MS. BRAMICH: Is the propane tank located in this area?

MR. PICONE: Yes, as shown in this photo, it is right here. It is underground with complete access. You can see the cover here. The propane company needs complete access to the tank at all times. We totally abide by that for everyone's safety.

CHAIRMAN JANSEN: Any other questions for Mr. Picone? No. Ok, let's open it up to the Public. Is there anyone from the Public that wishes to address this application? If not, 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.

CHAIRMAN JANSEN: No.

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?

MS. BRAMICH: Yes.

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

environmental conditions?

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is the alleged difficulty self-created?

MS. BRAMICH: Yes.

ATTORNEY FINK: Would someone care to type this as “Unlisted”
with no adverse environmental impact?

MS. BRAMICH: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: All in favor? [3 ayes]
Motion carried.

ATTORNEY FINK: Does anyone care to move that the variance be
granted as advertised?

MR. DAUBERT: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: All in favor? [3 ayes]
Motion carried.

PUBLIC HEARING OF Robert Nettles - for property located at 204 Hambletonian Road, Chester, New York and designated on the Town tax map as Section 23 Block 1 Lot 39 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting construction of a roof over an existing front porch and landing 40 (+/-) feet from the front line where 75 feet are required.

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

MS. NETTLES: I am Margaret, Robert Nettles' wife. We are trying to replace our front porch that has rotted out. We would like to put a roof over it. It is actually less of a distance to the road than what's existing, as the plans will show. As you can see, the house itself is obviously too close to the road. It is not 75 feet from the road.

ATTORNEY FINK: So in essence, you're just replacing what you have and putting a roof on it.

MS. NETTLES: Yes.

CHAIRMAN JANSEN: Anyone have any questions? No. Ok, let's open it up to the Public. Is there anyone from the Public that wishes to address this application? If not, 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.

CHAIRMAN JANSEN: No.

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

MS. BRAMICH: No, it's already there.

ATTORNEY FINK: Is it a substantial variance?

MR. DAUBERT: Yes.

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

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is the alleged difficulty self-created?

MS. BRAMICH: Yes.

ATTORNEY FINK: This is a Type 2 Action so there is no environmental concern. Does anyone care to move that the variance be granted as advertised?

MR. DAUBERT: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: All in favor? [3 ayes]
Motion carried.

PUBLIC HEARING OF Frank A. Dzierzek - for property located at 23 Florida Road, Florida, New York and designated on the Town tax map as Section 21 Block 12 Lot 8 and located in an SM District for a variance of the Bulk Area Requirements of the Code permitting construction of an 8 foot X 20 foot X 4 foot porch in the front of an existing dwelling 13.2 feet from the front line where 100 feet are required.

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

MR. DZIERZEK: I am Frank Dzierzek. The original dwelling burnt down and I am building a new house for my daughter and future son-in-law. The existing foundation is small. The way the grade level is, they would like to put a porch on the front making the second floor go to grade. There's like a valley or a dip in the property.

MS. BRAMICH: This is Glenmere Homesites. All the lots there are small.

MR. DZIERZEK: Exactly; and at weird angles with roads all over the place. These were originally campsites that later became permanent residences. Some people combined several lots together, some didn't.

CHAIRMAN JANSEN: Anyone have any questions? No. Ok, let's open it up to the Public. Is there anyone from the Public that wishes to address this application? If not, 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?

CHAIRMAN JANSEN: No, it's typical for the area.

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

CHAIRMAN JANSEN: Not really.

ATTORNEY FINK: Is it a substantial variance?

MS. BRAMICH: Yes.

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

CHAIRMAN JANSEN: No.

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| ATTORNEY FINK: | Is the alleged difficulty self-created? |
| MS. BRAMICH: | Yes. |
| MR. DAUBERT: | Yes. |
| ATTORNEY FINK: | This is a Type 2 Action so there is no environmental concern. Does anyone care to move that the variance be granted as advertised? |
| MS. BRAMICH: | So moved. |
| MR. DAUBERT: | Seconded. |
| CHAIRMAN JANSEN: | All in favor? [3 ayes] Motion carried. |

PUBLIC HEARING OF Johnny Hayseed, LLC. - for property located at Glenwood Road, Warwick, New York and designated on the Town tax map as Section 24 Block 1 Lot 35.22 and located in an RU District for a variance of Section 164-41A(1)(a) & (b) permitting construction of a 4,824 square foot accessory building less than 10 feet from the existing dwelling where not more than 1,200 square feet are permitted and the distance from the dwelling has to be 10 or more feet.

ATTORNEY FINK: This is vacant property. You cannot put an accessory structure on a lot without the primary structure. That's a use variance.

MR. GETZ: So we cannot apply for this until the house is built? Is that the case? My client hopes to start construction on the home within the next 6 months.

ATTORNEY FINK: You can move to withdraw it and ask to get your fee back. Or you can simply adjourn it without a date and come back after he has a building permit.

MR. GETZ: I think we will go for the second choice: adjournment without a date because he does plan to move forward soon.

ATTORNEY FINK: Ok.

OTHER CONSIDERATIONS:

CHAIRMAN JANSEN:
September 28, 2020 meeting.

Motion to approve the ZBA Minutes from the

MS. BRAMICH:

So moved.

MR. DAUBERT:

Seconded.

CHAIRMAN JANSEN:

All in favor? [3 ayes]
Motion carried.

Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]