

TOWN OF WARWICK
ZONING BOARD OF APPEALS
JULY 26, 2021

Members Present:

Mark Malocsay, Vice-Chairman

Robert Fink, Attorney

Diane Bramich

Kevin Shuback

PUBLIC HEARING OF JOHN & JESSE LENTINI - for property owned by The John and Jesse Lentini Family Trust and located at 480 Jersey Avenue, Greenwood Lake, NY and designated on the Town tax map as Section 72 Block 3 Lot 2 and located in an SM District for a variance of Section 164-40M permitting a chicken coup 15 (+/-) feet from the side line where 100 feet are required. **Continued from 6/28/21 ZBA Meeting.**

Vice-Chairman Malocsay: This is continued from 6/28/21 meeting.

Attorney Fink: We did receive the County's input. They left it as local determination.

Mr. Fink explains to the public that permitting the chicken coup 15± feet from the side property line where 100 feet is required would not create an impact on surrounding properties. The Applicant has health disabilities in which as per the Town Code we have to take that into consideration. The chicken coup is allowed in the SM zone. The issue is that the coup is close to the property line. They are looking for an area variance of 15± feet where 100 feet are required. Mr. Shuback asked if the owner sells the property, could this variance go away? Mr. Malocsay and Ms. Bramich explains that the variance granted would go with the property if they sell it or not. Mr. Fink asked the Applicant if this is the only area where the coup can be. The Applicant explains that the area where it is on the property is the only place where it could go. Mr. Fink states to the Board that they could add a condition to the variance that the variance will terminate and the coup will either have to be moved the required distance from the side of line or be removed from the premises unless a new application is made to the ZBA for the property. The Board agrees with that condition.

Vice-Chairman Malocsay: Is there anyone in the audience wishing to address the John & Jesse Lentini application? Let the record show no public comment. I will 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?

Vice-Chairman Malocsay: No.

Ms. Bramich: No.

Attorney Fink: Can the benefit sought by the applicant be achieved by any other feasible method?

Vice-Chairman Malocsay: 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?

Mr. Shuback: 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. Shuback: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted with the condition that when the property is conveyed by The John and Jesse Lentini Family Trust this variance will terminate and the coop will either have to be moved the required distance from the side line or be removed from the premises unless a new application is made to the ZBA for a variance?

Mr. Shuback: So moved.

Ms. Bramich: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes)
Motion carried.

PUBLIC HEARING OF TED DONNELL - for property located at 16 Deer Trail, Greenwood Lake, NY and designated on the Town tax map as Section 72 Block 2 Lot 11 and located in an SM District for a variance of Section 164-45.1 permitting an addition and deck to an existing single-family dwelling reducing 1 side setback from 36.1 feet to 2 feet where 12 feet are required and both side setbacks from 38 feet 1 inch to 4 feet where 30 feet are required. **Continued from 6/28/21 ZBA Meeting.**

Vice-Chairman Malocsay: This is continued from the 6/28/21 meeting. Is there anyone wishing to address the Ted Donnell application? Let the record show no public comment. I will 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?

Vice-Chairman Malocsay: No.

Ms. Bramich: No.

Attorney Fink: Can the benefit sought by the applicant be achieved by any other feasible method?

Vice-Chairman Malocsay: 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?

Mr. Shuback: 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?

Mr. Shuback: So moved.

Ms. Bramich: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes).
Motion carried:

Attorney Fink: Does anyone care to move that the variance be granted for a variance Section 164-45.1 permitting an addition and deck to an existing single-family dwelling reducing 1 side setback from 36.1 feet to 2 feet where 12 feet are required and both side setbacks from 38 feet 1 inch to 4 feet where 30 feet are required?

Ms. Bramich: So moved.

Mr. Shuback: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes).
Motion carried.

PUBLIC HEARING OF CONTINUED APPLICATION – 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. **Continued from 6/28/21 ZBA Meeting.**

This application was not heard this evening.

To be continued at the August 23, 3021 ZBA Meeting.

PUBLIC HEARING OF MICHAEL & JENNY SASSO - for property located at 1788 Lakes Road, Warwick, New York and designated on the Town tax map as Section 58 Block 1 Lot 48 and located in an MT District for a variance of the Bulk Area Requirements of the Code permitting construction of a single-family dwelling. The following are the required/proposed area variances: Lot Area: 5.0 / 2.046 acres; Lot Width: 300 / 100 feet; Side Setbacks: 75 / 16.9 feet and 31.6 feet; Both Side Setbacks: 100 / 48.5 feet are required.

Vice-Chairman Malocsay: Mailings received. Please identify yourself for the record.

Brian Friedler: Michael & Jenny Sasso are the owners of the property located at 1788 Lakes Road where they reside in an existing two-bedroom dwelling. The property is located in the MT zone. The owner has applied to the Building Department for the construction of a new 48'x26' dwelling, set approximately 273 feet off the front property line. Due to the width of the parcel, it is impossible to meet the side yard setback requirements in the MT zone. The existing dwelling has side yard setbacks of 22.1 feet and 44.7 feet, where 75 feet is currently required and a front yard setback of 79.7 feet, where 100 feet is currently required. The proposed dwelling location will be set further off the front property line but will have side yard setbacks of 16.9 feet and 31.6 feet where 75 feet is required. The new house location will comply with the required 100-foot setback. We are seeking variances for lot area, lot width, and side setbacks for the proposed new construction.

Vice Chairman Malocsay: Is there anyone in the audience wishing to address the Michael and Jenny Sasso application? Let the record show no public comment. I will close the Public Hearing.

Attorney Fink: Will the proposed variance cause an undesirable change to the character of the neighborhood or be detriment to nearby properties?

Ms. Bramich: No.

Mr. Shuback: No.

Attorney Fink: Can the benefit sought by the applicant be achieved by any other feasible method?

Ms. Bramich: No.

Attorney Fink: Is it a substantial variance?

Mr. Bramich: Yes.

Attorney Fink: Will it have an adverse effect upon the physical or environmental conditions?

Mr. Shuback: 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. Shuback: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted for a variance of the Bulk Area Requirements of the Code permitting construction of a single-family dwelling. The following are the required/proposed area variances: Lot Area: 5.0 / 2.046 acres; Lot Width: 300 / 100 feet; Side Setbacks: 75 / 16.9 feet and 31.6 feet; Both Side Setbacks: 100 / 48.5 feet are required?

Ms. Shuback: So moved.

Ms. Bramich: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes)
Motion carried.

PUBLIC HEARING OF STEVEN SAUFROY & MAUREEN COZAD - for property located at 25 Denton Lane, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 30.21 located in an RU District for a variance of Section 280-a of the Town Law permitting access to a proposed 3 lot subdivision from a private road and the Bulk Area Requirements of the Code for lot area (required/ proposed): 4 acres, lot 1 – 3.48(+/-) acres and lot 3 – 3.33 (+/-) acres for construction of 2 single family dwellings.

Vice-Chairman Malocsay: Please identify yourself for the record.

Brian Friedler: Steve Saufroy is the owner of a 10.98-acre parcel, located at 25 Denton Lane, where he resides in an existing dwelling. The property is located in the RU zone. The Applicant is also in front of the Planning Board for subdivision approval for a proposed 3-Lot subdivision of the property for the construction of two new residential dwellings and keep the existing dwelling. Due to the location of the property, the only practical means of access to the proposed lots are from Denton Lane, which is a private road. The existing dwelling already has access from the Denton Lane. There is one new driveway proposed from Denton Lane and the other two lots will share the existing driveway. As a result, the Planning Board has referred the applicant to the ZBA for 280-a variance to allow access from Denton Lane. We are also seeking variances for two lot area variances and one lot width variance. Due to the size of the existing parcel, two of the proposed lots will be less than 4 acres in size.

Attorney Fink: This application was recently sent to OC Planning for their comment. We are waiting for a response from the County. We can open it up to the public. We cannot take action on this application until we hear from the County or the 30-day waiting period passed.

Vice-Chairman Malocsay: Is there anyone in the audience wishing to address the Steven Saufroy and Maureen Cozad application? Let the record show no public comment. We will carry this over to the August meeting.

PUBLIC HEARING OF LINDA & PETER JONES - for property located at 4 Cedar Lane, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 42.2 for a variance of Section 140-4.C permitting an above ground swimming pool 14.5 ft. from the dwelling where 15 ft. are required.

Vice-Chairman Malocsay: Please identify yourself for the record.

Linda & Peter Jones: We are the owners of the property.

Attorney Fink: This application is seeking a variance of Section 140-4.C permitting an above ground swimming pool 14.5 feet from dwelling where 15 feet are required. This proposed action is a Type II action and has been determined not to have a significant impact on the environment or is otherwise precluded from the environmental review under Environmental Conservation Law. There was no input from OC Planning.

Vice-Chairman Malocsay: Is there anyone in the audience wishing to address the Linda & Peter Jones application? Let the record show no public comment. I will close the Public Hearing.

Attorney Fink: Does anyone care to move that the variance be granted of Section 140-4.C permitting an above ground swimming pool 14.5 feet from the dwelling where 15 feet are required?

Ms. Bramich: So moved.

Mr. Shuback: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes)
Motion carried.

PUBLIC HEARING OF YUNG SAM SKI LTD. - for property located at 40 Ski Lane, Warwick, New York and designated on the Town tax map as Section 58 Block 1 Lot 14 and located in an MT District for a variance of Section 124-41A(1)(a) of the Zoning Law permitting a 10 foot X 100 foot overhang on the side of a building for which a variance was given permitting construction of a 50 foot X 100 foot (5,000 sq. ft. pole barn) where no more than 1,200 sq. ft. are permitted.

Vice-Chairman Malocsay: Please identify yourself for the record.

Gail Sampson: I represent Yung Sam Ski, LTD.

Attorney Fink: This application is seeking for a variance of Section 124-41A(1)(a) of the Zoning Law permitting a 10'x100' overhang on the side of a building for which a variance was given permitting the construction of a 50'x100' 5,000 sq. ft. pole barn where no more than 1,200 sq. ft. are permitted. They were previously granted that variance for the poll barn. They are back before us seeking a variance for the 10'x100' overhang.

Vice-Chairman Malocsay: If there anyone in the audience wishing to address the Yung Sam Ski application? Let the record show no public comment. I will 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.

Mr. Shuback: No.

Attorney Fink: Can the benefit sought by the applicant be achieved by any other feasible method?

Vice-Chairman Malocsay: No.

Attorney Fink: Is it substantial variance?

Ms. Bramich: Yes.

Attorney Fink: Will it have an adverse effect upon the physical or environmental conditions?

Mr. Shuback: 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. Shuback: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted of Section 124-41A(1)(a) of the Zoning Law permitting a 10’x100’ overhang on the side of a building for which a variance was given permitting construction of a 50’x100’ (5,000 sq. ft. pole barn) where no more than 1,200 sq. ft. are permitted.

Mr. Shuback: So moved.

Ms. Bramich: Seconded.

Vice-Chairman Malocsay: All in favor? (3-Ayes)
Motion carried.