

TOWN OF WARWICK
ZONING BOARD OF APPEALS
AUGUST 23, 2021

Members Present:

Jan Jansen, Chairman
Robert Fink, Attorney
Diane Bramich
Mark Malocsay
Kevin Shuback

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.**

Attorney Fink: The applicant is working with the Building Department on this matter.

This application was not heard this evening.

To be continued at the September 27, 2021 ZBA Meeting.

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. **Continued from the 7/26/21 ZBA Meeting.**

Representing the Applicant: Brian Friedler from Engineering Properties.

Brian Friedler: We were before the ZBA last month seeking 280-a variance to allow access from Denton Lane a private road and for two lot area and one lot width. We are currently in front of the Planning Board for a proposed 3-Lot subdivision for the construction of two new residential dwellings. The ZBA was waiting for a response from O.C. Planning. We are back before you to seek those variances.

Attorney Fink: We received a response letter from O.C. Planning. They did not have any comments on this application.

Chairman Jansen: Is there anyone from the public that would like to speak on this application? Let the record show no public comment. Public hearing closed.

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

Mr. 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.

Mr. Malocsay: Seconded.

Chairman Jansen: All in favor? (4-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted 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.

Mr. Shuback: So moved.

Mr. Malocsay: Seconded.

Chairman Jansen: All in favor? (4-Ayes)
Motion carried.

Brian Friedler: Thank you.

PUBLIC HEARING OF KB HOMES CORP. – for property located at 107 Lake Shore Road, Greenwood Lake, Warwick, New York and designated on the Town tax map as Section 75 Block 1 Lot 16.2 and located in an SM District for a variance of Section 164-41A(4) reducing front yard setback for an existing 16 foot X 10 foot deck with a 9 (+/-) front yard setback where 30 feet are required.

Representing the Applicant: Karen Johnson.

Ms. Bramich: We received the certified mailings.

Chairman Jansen: Please explain your application.

Karen Johnson: We received a violation from the Building Department for this existing deck that doesn't meet the front yard setback. The deck has been there since the previous owner. This got caught from a Municipal Search.

Attorney Fink: That is where things get caught is from Municipal Searches.

Chairman Jansen: Diane, you are from Greenwood Lake. Do you see any adverse impacts from this existing deck? Do you see an issue with it?

Ms. Bramich: No. The deck has been existing there for a long time. There is no adverse impacts about it.

Chairman Jansen: Is there anyone wishing to address the KB Homes application? Let the record show no public comment.

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. Malocsay: 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?

Ms. Bramich: Yes.

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

Ms. Bramich: No.

Attorney Fink: Is the alleged difficulty self-created?

Ms. Bramich: Yes.

Attorney Fink: The proposed action is a Type 2 Action and has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law. Does anyone care to move that the variance be granted for reducing front yard setback for an existing 16-foot X 10-foot deck with a 9(+/-) front yard setback where 30 feet are required.

Mr. Malocsay: So Moved.

Mr. Shuback: Seconded.

Chairman Jansen: All in favor? (4-Ayes)
Motion carried.

PUBLIC HEARING OF JAMES DAGUANNO – for property located at 19 Lake Trail, Warwick, New York and designated on the Town tax map as Section 73 Block 7 Lot 8 and located in an SM District for a variance of Section 164-45.1C with the following setbacks (required / requested): minimum lot area: 12,500 sq ft / 5,816 sq ft; rear yard setback: 30 ft / 6 ft; and pursuant to the Bulk Area Requirements of the Code (required / requested): lot depth 100 ft / 77 ft; front setback: 30 ft / 28 ft.; parking spaces 2/0 for the purpose of construction of a single family dwelling.

Representing the Applicant: Dan Getz from Engineering & Surveying Properties.

Ms. Bramich: We have received the certified mailings.

Chairman Jansen: Is there anything else different with this?

Dan Getz: No. This is an application for variances that are required to construct a single-family dwelling on the property. This is located at 19 Lake Trail in Greenwood Lake. This property is 0.13-acre in size and is located in the SM zone. The property is owned by James Daguanno. The property previously had a dwelling on it. They had a fire. The dwelling burnt down. The Applicant is proposing to construct a new two-story dwelling on the same footprint, with a new subsurface disposal system. The size of the property does not allow for the construction of dwelling to meet the Zoning Code requirements. We are seeking the minimum lot area variance and setbacks and pursuant to the Bulk Area requirements. We are also seeking a variance for 2-parking spaces for the proposed construction of dwelling.

Chairman Jansen: Diane, did you go out to look at the property.

Ms. Bramich: No. They had the wrong address on the application. They had 17 River Street.

Attorney Fink: They had the correct address of 19 Lake Trail. It was a typo in the description.

Mr. Malocsay: I have no problem with granting variances for this property.

Chairman Jansen: I agree. Is there anyone in the audience wishing to address the James Daguanno 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?

Mr. Malocsay: No.

Ms. Bramich: No.

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

Mr. Malocsay: No.

Attorney Fink: Is it a substantial variance?

Mr. Malocsay: No.

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 impacts?

Ms. Bramich: So moved.

Mr. Shuback: Seconded.

Chairman Jansen: All in favor? (4-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted of Section 164-45.1C with the following setbacks (required / requested): minimum lot area: 12,500 sq ft / 5,816 sq ft; rear yard setback: 30 ft / 6 ft; and pursuant to the Bulk Area Requirements of the Code (required / requested): lot depth 100 ft / 77 ft; front setback: 30 ft / 28 ft.; parking spaces 2/0 for the purpose of construction of a single-family dwelling.

Ms. Bramich: So moved.

Mr. Malocsay: Seconded.

Chairman Jansen: All in favor? (4-Ayes)
Motion carried.

Dan Getz: Thank you.

PUBLIC HEARING OF JASON & ALYSON HEARON – for property located at Jersey Avenue, Greenwood Lake, New York and designated on the Town tax map as Section 74 Block 8 Lot 6 and located in an SM District for a use variance allowing a shed on a vacant lot.

Representing the Applicant: Alyson & Alyson Hearon, Owners.

Ms. Bramich: We have received the certified mailings.

Chairman Jansen: Why do you want a shed on a vacant lot?

Alyson Hearon: We would like to build a tool/storage shed on our vacant lot. Lot was previously cleared and there is ample room for a 24x30 simple structure. The proposed shed would be used to store my husband's tools and garden equipment.

Attorney Fink: I sent you an email with questions regarding this use variance that you are asking for. Did you answer my questions?

Alyson Hearon: I did not receive your email. Maybe it went to my spam box.

Attorney Fink: Use variances are difficult to get for structures on a vacant lot without a dwelling being built or built. I emailed you a list of questions to answer such as; What would the lack of return be on this structure? Would it be self-created, etc...?

There were further discussions with the Board where the Chairman stated that use variances are difficult to get. Mr. Malocsay asked if the Applicants could merge the lots since they have two separate lots or build a dwelling on the vacant lot. Attorney Fink asks the Applicants with they would like to think about proceeding with this application or withdraw it. We could adjourn the application to the September meeting rather than denying the application for Use variance. Mr. Fink also mentions if the Applicants wishes to withdraw their ZBA application, they could send a letter reflecting that. They could also send a letter to the Town Board requesting a refund of their ZBA application. The Applicants would like their application be adjourned to the September ZBA meeting.

Chairman Jansen: We will adjourn this application to the September meeting.

Alyson & Jason Hearon: Thank you.

PUBLIC HEARING OF ROBERT & JAMIE BOGERT - for property located at 12 Entin Terrace, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 48.4 and located in an RU District for a variance of Section 140-4.A permitting construction of a pool in the front yard.

Representing the Applicant: Robert Bogert, Owner.

Ms. Bramich: We received the certified mailings.

Chairman Jansen: Please explain your project?

Robert Bogert: We are in the process of building a house located on Entin Terrace. We own approximately 9 acres of land. It is a long skinny lot with a long driveway. More than half of the property is in open space. The property is mostly uphill. The proposed house and pool would be more than 1000 feet off road. It is mostly wooded. We are seeking a variance for a proposed swimming pool in the front yard. It would be the only place where we could put the pool.

Mr. Malocsay: It makes to be the most logical place to put the pool in front yard. It makes sense.

Chairman Jansen: I have no problem with it. I will open it up to the public. If there is anyone in the audience wishing to address this application, please rise and state your name for the record. Let the record show no public comment.

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

Mr. Malocsay: No.

Attorney Fink: Is it a substantial variance?

Mr. Shuback: No.

Attorney Fink: is the alleged difficulty self-created?

Ms. Bramich: Yes.

Attorney Fink: Would someone care to type this as an “Unlisted” with no adverse environmental impact?

Mr. Malocsay: So moved.

Mr. Shuback: Seconded.

Chairman Jansen: All in favor? (4-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted for Section 140-4.A permitting construction of a pool in the front yard.

Mr. Shuback: So moved.

Mr. Malocsay: Seconded.

Chairman Jansen: All in favor (4-Ayes)
Motion carried.

Robert Bogert: Thank you.

OTHER CONSIDERATIONS:

1. ZBA Minutes of 6/28/21 for ZBA approval.

Chairman Jansen: Does anyone want to approve the ZBA Minutes of 6/28/21?

Mr. Malocsay: So moved.

Mr. Shuback: Seconded.

Chairman Jansen: All in favor? (4-Ayes)
Motion carried.