

TOWN OF WARWICK
ZONING BOARD OF APPEALS
November 22, 2021

Members Present:

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

DRAFT

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 10/25/21 ZBA Meeting.**

This application was not heard this evening.

To be continued to the January 24, 2022 ZBA Meeting.

DRAFT

PUBLIC HEARING OF ALEXANDER KARMEROS - for property located at 4 Clark Street, Warwick, New York and designated on the Town tax map as Section 38 Block 1 Lot 6 and located in an SM District for a variance of Section 164-41.A(1)(4) permitting an existing single story storage garage 24 foot X 22 foot less than the required 30 feet from the front line.
Continued from the 10/25/21 ZBA Meeting.

Mr. Malocsay: They didn't come to the last meeting. They didn't have to. We had to see what they needed exactly for a variance. I went out to the site to measure the road curb. I measured from the curb to the setback to the setback of the garage. If we have it at 5.5± feet that is what it actually is. The property has 2 front yard setbacks. When you look at it from Clark Street it is fine. When you make the turn the garage sits too close to the road.

Attorney Fink: Right. It sits too close to Clark Street. Is there anybody here?

Mr. Malocsay: No. They did not have to be.

Attorney Fink: Did we close the public hearing?

Mr. Malocsay: No. We were waiting for this information.

Chairman Jansen: Since there is no one here tonight to address the application. The public hearing is closed.

Attorney Fink: Will the proposed variance cause an undesirable change 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. The structure is already there. It would be costly to move it.

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.

Ms. Bramich: No.

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

Mr. Malocsay: So moved.

Ms. Bramich: Seconded.

Chairman Jansen: All in favor? (5-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted as advertised?

Mr. Malocsay: So moved.

Mr. Shuback: Seconded.

Chairman Jansen: All in favor? (5-Ayes)
Motion carried.

DRAFT

PUBLIC HEARING OF ERIC & AMY ALVAREZ - for property located at 12 Shepherd Avenue, Warwick, New York and designated on the Town tax map as Section 77 Block 10 Lot 11 and located in an SM District for a variance of the Bulk Area Requirements of the Code reducing 1 side setback from 18 feet (required) to 4(+/-) feet (proposed) for the purpose of construction of an addition to a single family dwelling and Section 140-4B & D permitting construction of a swimming pool reducing 1 side yard setback from 15 feet (required) to 9 feet (proposed) and reducing the distance from the septic system from 20 feet (required) to 17 feet (proposed). **Continued from the 10/25/21 ZBA Meeting.**

Representing the Applicant: Eric Alvarez, Applicant.

Chairman Jansen: There is a little bit of a hitch. The amount of coverage of the lot as opposed to the 30% that is allowed. Because of this opposition to you doing it, we would need to re-advertise it.

Attorney Fink: Have your Architect recalculate it to include the swimming pool area.

Eric Alvarez: If we reduced the size of the coverage and state the 30%, we would not need a variance. Is that correct?

Attorney Fink: Correct.

Eric Alvarez: Would we have to extend it again if I was under the 30%?

Mr. Shuback: You wouldn't have to re-advertise it for that.

Mr. Malocsay: You wouldn't have to if you were under the 30%. Just so that you know in the calculations something would have to be pretty substantial on the cut back to be less than the 30%. It is not the matter in making the pool smaller. It would also be the patio, etc... You could do the calculations, it is possible. We don't have anyone here that would have a problem with the variance because of the character of the neighborhood there are a lot of places that are. Ordinarily, we would just do the variances before us. But because it was opposition, it is a technical thing.

Ms. Bramich: The opposition was on the water situation.

Attorney Fink: You would be much better off that it would be re-advertised.

Ms. Bramich: After the last time that you were here, I came down right after the storm. I found no water running down. That little stream that is there. That wasn't even loaded. There is not a water problem there. We just wanted to make sure there would not be an issue.

Chairman Jansen: We would have this application re-advertised for the next ZBA Meeting. You would need to send the new notice to the adjoining property owners again. You would not have to send out the notice certified mail. You could send them out by regular mail.

Eric Alvarez: Ok.

Chairman Jansen: The next ZBA Meeting would be on January 24, 2022.

Attorney Fink: Connie will notify you just like the last time. Have your engineer redo the calculations.

Mr. Malocsay: Have your engineer give a little wiggle room with the 30% coverage.

Eric Alvarez: Ok. Will do. Thank you.

DRAFT

PUBLIC HEARING OF KERI OSCZEPINSKI - for property located at 228 Mt. Eve Road, Warwick, New York and designated on the Town tax map as Section 6 Lot 4 Block 22.33 and located in an CO District for an area variance reducing front setback from 100 feet (required) to 55 feet (requested) for the purpose of construction of a single-family dwelling.

Representing the Applicant: Brian Friedler from Engineering Properties & Surveying.

Brian Friedler: The Applicant is looking to seek a front yard variance from the required 100-feet to the requested 55 feet. With the shape of their proposed house, it would require a lot of hammering and clearing up there. We would like to avoid that.

Chairman Jansen: Ok. Is there anyone in the audience wishing to address the Keri Oszczepinski application? Please rise and state your name for the record. Let the record show no public comment. 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?

Mr. Malocsay: No.

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

Mr. Malocsay: Yes. It could be done by hammering and blasting.

Attorney Fink: It is no because of the grade. Is it a substantial variance?

Ms. Bramich: Yes.

Mr. Malocsay: Yes.

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

Ms. Bramich: No.

Attorney Fink: Is the alleged difficulty self-created?

Ms. Bramich: Yes.

Mr. Daubert: Yes.

Attorney Fink: Would someone care to type this as a Type 2 Action with no adverse environmental impact?

Ms. Bramich: So moved.

Mr. Daubert: Seconded.

Chairman Jansen: All in favor? (5-Ayes)
Motion carried.

Attorney Fink: Does anyone care to move that the variance be granted as advertised the 55-foot front yard setback.

Ms. Bramich: So moved.

Mr. Daubert: Seconded.

Chairman Jansen: All in favor? (5-Ayes)
Motion carried.

DRAFT

OTHER CONSIDERATIONS:

1. ZBA Minutes of 10/25/21 for ZBA approval.

Chairman Jansen: Could someone make a motion on the ZBA Minutes of 10/25/21?

Mr. Malocsay: So moved.

Mr. Daubert: Seconded.

Chairman Jansen: All in favor (5-Ayes).
Motion carried.

2. ZBA to discuss canceling the 12/27/21 ZBA Meeting.

Chairman Jansen: Could we have a motion to cancel the ZBA Meeting of 12/27/21?

Ms. Bramich: So moved.

Mr. Malocsay: Seconded.

Chairman Jansen: All in favor (5-Ayes).
Motion carried.

Meeting adjourned.

