

**Town of Warwick ZBA Minutes**

**Town of Warwick  
Zoning Board of Appeals  
Monday, March 28, 2022**

**Members Present:**

**Jan Jansen, Chairman  
Robert Fink: ZBA Attorney  
Mark Malocsay  
Diane Bramich  
James Mehling  
Chris Daubert  
Regina Feliciano ZBA Recording Secretary**

**Public Hearing of Continued Application – Johnny Hayseed LLC.** - for property located at Glenwood Road, Warwick, NY 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 more feet. **Continued 2/28/22 ZBA Meeting.**

The application was not heard this evening. The Applicant requested not to be on the meeting agenda.

**PUBLIC HEARING OF ANTHONY NAPOLITANO** - for property owned by 138 Pine Island Tpke, LLC and located at 138 Pine Island Turnpike, Warwick, New York and designated on the Town tax map as 29-1-74 and located in an RU District for a variance of Section 164-41C(4)(f) permitting an existing fence 8 feet in height where only 4 feet are permitted.  
**Continued from 2/28/22 ZBA Meeting.**

It was decided at the February 28<sup>th</sup> meeting that the applicant did not have to appear as this application would be approved.

CHAIRMAN JANSEN: Any questions?

ATTORNEY FINK: Will the proposed variance cause an undesirable change to the character of the neighborhood or be detriment to nearby properties.

MALOCSAY: No

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

BRAMICH: No

ATTORNEY FINK: Is it's a substantial variance?

MALOCSAY: Yes.

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

CD: No

ATTORNEY FINK: Would someone care to type this as "unlisted" with no adverse environmental impact?

Malocsay: So moved

BRAMICH: second

Attorney Fink: Does anyone care to move that the variance be granted as advertised for the owned by 138 Pine Island Tpke, LLC and located at 138 Pine Island Turnpike, Warwick, New York and designated on the Town tax map as 29-1-74 and located in an RU District for a variance of Section 164-41C(4)(f) permitting an existing fence 8 feet in height where only 4 feet are permitted.

Malocsay: So Moved

Daubert: Second

CHAIRMAN JANSEN. All in favor

(5 ayes) Motion carried.

**PUBLIC HEARING OF MISSION LAND FARM LLC** - for property located at 93 Mission Land Road, Warwick, New York and designated on the Town tax map as Section 3 Block 1 Lots 23.22 & 69 and located in an A1 District for an interpretation of Section 164-42E and a variance of the Bulk Area Requirements of the Warwick Code allowing a woodworking business on a lot of 1.42 acres where 2 acres are required. **(Continued to April 25, 2022.)**

David Getz and Nils Kasparson, owner in attendance.

David Getz explained

Attorney Fink and the board members discussed the matter of Mission Land Farm to ascertain the approval of the variance before them. The applicant and David Getz informed the board members that a law will be passed in the town that will allow this application to proceed. David Getz informed the board that he had discussion with the Town supervisor and was told that the law should be passed within the next two weeks. This law would allow for the variance of a lot of 1.42 acres where 2 acres are required,

As a result, this matter will be continued to the next board meeting scheduled on April 25, 2022.

**PUBLIC HEARING OF MERTON CORN AND PETER & AMANDA CALABRESE** - for property located at 4 & 16 Ryan's Way, Warwick, New York and designated on the Town tax map as Section 40 Block 1 Lot 77.1 and located in an RU District for a variance of the Bulk Area Requirements of the Code to permit a lot line change with the following variances (required/existing/proposed) - Proposed Lot 1: Lot area 4.0 acres / 2.206 acres / 2.075 acres; Proposed Lot 2: Lot Area 4.0 acres / 287.1 acres / 3.002 acres; Lot Width: 250 feet / 187.7 feet / 187.7 feet; One Side Setback: 75 feet / 38.7 feet / 68.8 feet; Both Side Setbacks: 150 feet / 143.7 feet / 173.8 feet.

This application was a non-starter. According to David Getz and Mark Malocsay the plans for this property differ from when the property was first built dating back 20 years. As a result, Attorney Fink and the board members agreed to permit a lot line change with the following variances (required/existing/proposed) - Proposed Lot 1: Lot area 4.0 acres / 2.206 acres / 2.075 acres; Proposed Lot 2: Lot Area 4.0 acres / 287.1 acres / 3.002 acres; Lot Width: 250 feet / 187.7 feet / 187.7 feet; One Side Setback: 75 feet / 38.7 feet / 68.8 feet; Both Side Setbacks: 150 feet / 143.7 feet / 173.8 feet.

ATTORNEY FINK: Will the proposed variance cause an undesirable change to the character of the neighborhood or be detriment to nearby properties.

MALOCSAY: No

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

BRAMICH: No

ATTORNEY FINK: Is it's a substantial variance?

MALOCSAY: Yes.

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

CD: No

ATTORNEY FINK: Would someone care to type this as "unlisted" with no adverse environmental impact?

Malocsay: So moved

Daubert: second

Attorney Fink: Does anyone care to move that the variance be granted as advertised for the property located at 4 & 16 Ryan's Way, Warwick, New York and designated on the Town tax map as Section 40 Block 1 Lot 77.1 and located in an RU District for a variance of the Bulk Area Requirements of the Code to permit a lot line change with the following variances (required/existing/proposed)

Bramich: So Moved

Malocsay: Second

CHAIRMAN JANSEN. All in favor

(5 ayes) Motion carried.

Meeting adjourned.