

TOWN OF WARWICK
ZONING BOARD OF APPEALS

MARCH 23, 2015

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Attorney Robert Fink

Diane Bramich

Norman Paulsen

Members Absent:

Kevin Shuback

ATTORNEY FINK: I would like to explain to tonight's applicants that we are one member short this evening. This could impact the decision to approve or disapprove your application. A majority of votes is needed to approve an application. If you decide to have your application continued until the next meeting, you may request this with no prejudice.

CHAIRMAN JANSEN: Is there a motion to have the minutes from the meeting of February 23, 2015 approved?

MR. MALOCSAY: I motion to approve the minutes.

MR. PAULSEN: I second the motion.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

PUBLIC HEARING OF EDITH K. TANNAR – for property located at 18 Jones Road, Warwick, New York and designated on the Town tax map as Section 41 Block 1 Lot 87.44 and located in an RU District for a variance of the Bulk Area Requirements of the Code reducing side setback from 75 feet to 10.5 (+/-) feet and lot area from 2.180 acres where 8 acres are required for the purpose of attachment of an existing garage to an existing single family dwelling and converting the dwelling to a 2 family dwelling. **Continued from the 2/23/15 ZBA Meeting.**

CHAIRMAN JANSEN: Is there anyone here for this application? No, this application is to be continued at the next meeting.

PUBLIC HEARING OF TOM ZOUFALY #3 - for property located at 88 Sleepy Hollow Road, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 93.2 and located in an RU District for a variance of Section 164.41.A.(1)(a) permitting an accessory building of 1,800 square feet where 1,200 square feet are required and the Bulk Area Requirements of the Code permitting an accessory building to be located within the front yard setback. **Continued from the 2/23/15 ZBA Meeting.**

CHAIRMAN JANSEN: This is a continuation from last month. I think the objection from one neighbor last month was that there are too many buildings on the property already.

ATTORNEY FINK: The code does not address how many buildings are allowed on this property.

CHAIRMAN JANSEN: Any questions? The Public Hearing is still open. No one, Public Hearing is closed.

MR. MALOCSAY: There was a question about a lean-to on the property. What was the reason for the lean-to?

MR. LEWIS: He wants to put another railroad car under that lean-to.

ATTORNEY FINK: Is this going to create an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

MR. MALOCSAY: Yes, it would be an undesirable change but not a detriment to nearby properties.

ATTORNEY FINK: Well, it would have to be one or the other, not both. So the answer is no. Can it be achieved by any other method?

CHAIRMAN JANSEN: Yes.

ATTORNEY FINK: Is this a numerically substantial variance?

MR. MALOCSAY: Yes.

MS. BRAMICH: Yes.

ATTORNEY FINK: This going to have an adverse effect or impact on the physical or environmental conditions of the neighborhood?

MR. MALOCSAY: No.

MS. BRAMICH: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this self-created?

MR. MALOCSAY: Yes.

CHAIRMAN JANSEN: Yes.

MS. BRAMICH: Yes.

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

MR. MALOCSAY: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

ATTORNEY FINK: Would someone care to motion that the variance be granted as advertised?

MS. BRAMICH: So moved.

MR. PAULSEN: Seconded.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

PUBLIC HEARING OF DONALD CRABTREE - for property located at 36 Four Corners Road, Warwick, New York and designated on the Town tax map as Section 35 Block 1 Lot 53 for an interpretation of whether an existing multi-family dwelling is a legal pre-existing non-conforming use.

CHAIRMAN JANSEN:
the record.

Please identify yourself for

MR. SADAGHIANI:

Attorney at Law with Ostrer & Associates. I respectfully request that this application be continued at the next meeting to ensure all Board members are present.

My name is Amir Sadaghiani,

CHAIRMAN JANSEN:

For the benefit of anyone from the Public who came to address this application, I am opening the Public Hearing. Anyone here, no, the Public Hearing will remain open until the next meeting. So granted; this application is continued.

PUBLIC HEARING OF David Conklin - for property located at 275 Mt. Eve Road, Warwick, New York and designated on the Town tax map as Section 6 Block 2 Lot 72.1 and located in an RU District for a variance of The Bulk Area Requirements of the Code Section permitting a residence on an existing lot of 1.99 acres where 4 acres are required, a lot width of 190.40 feet where 250 feet are required, 1 side setback of 17.6 feet where 25 feet are required and both side setbacks of 22.6 feet where 150 feet are required.

CHAIRMAN JANSEN: Please identify yourselves for the record.

ATTORNEY FINK: I would just like to state that the Planning Board gave a positive recommendation from the Planning Board.

MR. T GOTTLIEB: I am Tim Gottlieb and this is Joseph Gottlieb.

CHAIRMAN JANSEN: Please tell the Board what you would like to do.

MR. T GOTTLIEB: Mr. Conklin has come into possession of this property from his deceased grandparents and would like to construct a one family dwelling on the property. The property was supposed to have been divided in half but a dispute within the family prevented this from happening.

ATTORNEY FINK: Was it two acres then?

MR. T GOTTLIEB: Yes.

CHAIRMAN JANSEN: Any questions?

ATTORNEY FINK: Can you get any more acreage?

MR. T GOTTLIEB: No. Anything in gray is existing. The other structures have come down.

There was a discussion regarding deed restrictions on the developing of the inherited property. Attorney Fink advised the Board that they have no say on deed restrictions; the Town Planning Board makes any decisions. He reminded the Board is only involved with zoning variances.

CHAIRMAN JANSEN: Anyone here from the Public to address this application? No, Public Hearing is closed.

ATTORNEY FINK: Is this going to create an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Can it be achieved by any other means or feasible method?

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is this a numerically substantial variance?

CHAIRMAN JANSEN: Yes.

MR. MALOCSAY: Yes.

MS. BRAMICH: Yes.

ATTORNEY FINK: Is this going to have an adverse effect or impact on the physical or environmental conditions of the neighborhood?

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is this self-created?

CHAIRMAN JANSEN: He didn't create it.

ATTORNEY FINK: When did you get it?

MR. GOTTLIEB: I got it 4 years ago.

ATTORNEY FINK: Then the answer would be yes. You obtained it subject to the existing zoning. Would someone care to type this as Unlisted with no adverse environmental impact?

MR. MALOCSAY: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 ayes) Motion carried.

ATTORNEY FINK: Would someone care to motion that the variance be granted as a single family dwelling versus a residence?

MR. PAULSEN: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

Meeting adjourned. Submitted by Pamela J. Carroll ZBA Recording Secretary.