

TOWN OF WARWICK  
ZONING BOARD OF APPEALS

MARCH 28, 2016

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Attorney Robert Fink

Diane Bramich

Chris Daubert

Kevin Shuback

CHAIRMAN JANSEN:  
minutes of the last meeting accepted?

Is there a motion to have the

MS. BRAMICH:

So moved.

MR. MALOCSAY:

Seconded.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (5 Ayes) Motion carried.

CHAIRMAN JANSEN:  
member of the ZBA Board, Chris Daubert, welcome! Mr. Norman Paulsen has retired. We wish him a happy and healthy retirement.

I would like to note a new

**PUBLIC HEARING OF KTM&M ASSOC.** – for property located at 94 DeKay Road, Warwick, NY and designated on the Town tax map as Section 41 Block 1 Lot 54.12 and located in an RU District for a variance of the Bulk Area Requirements of the code reducing front yard side setback from 75 feet to 66.2 (+/-) feet on an existing single family dwelling.

CHAIRMAN JANSEN: Please come forward and identify yourself for the record.

MR. FRIEDLER: My name is Brian, I am an engineer from Lehman and Getz. Ted Edwards built a four-bedroom dwelling at 94 DeKay Road.

ATTORNEY FINK: What happened?

MR. FRIEDLER: My client measured from the road but his property line is 10feet off from the road; that is how the measurement ended up being what it is. It is the garage that is encroaching the setback.

MR. MALOCSAY: This does not usually come before us with new construction, the inspection is usually done on the foundation. This error in measurement is usually caught then. So we should not completely blame the contractor but also blame the town for not picking this up. That is why this inspection is made.

ATTORNEY FINK: So you are not going to make him take the garage down?

MR. MALOCSAY: No, because the town made the mistake.

MS. BRAMICH: So the house has not been sold and it is brand new?

MR. FRIEDLER: No, but I think Mr. Edwards has a buyer.

MR. SHUBACK: So, how did they catch this?

MR. FRIEDLER: This came up as a result of a survey of the property.

ATTORNEY FINK: So this measurement  
beforehand, was it done before the footings are put in?

MR. MALOCSAY: It is usually done about the  
time the foundation is staked in. It is easy to make the mistake. In West Milford, NJ, you have  
the surveyor comes out when the footings are in to confirm it is where it is. It is required in  
Greenwood Lake, NY, because the setbacks are so tight, it has to be done at that time.

ATTORNEY FINK: That is the way they should  
do it.

MR. MALOCSAY: As we go to our list, the big  
question is the character of the neighborhood. Because we went from 50 feet to 75 feet, so most  
of the homes are in character.

CHAIRMAN JANSEN: The Public Hearing is now  
open, is there anyone from the Public here that would like to address this application? We have a  
group of students attending the meeting this evening. Do any of you have any questions?

HIGH SCHOOL STUDENTS: Why are you doing this?

CHAIRMAN JANSEN: We are doing this because  
what happened is that they built the garage too close to the road. It is supposed to be 75 foot off  
of the property line. But it was put 10 foot too close. It happened because somebody  
misinterpreted the property line. The Public Hearing is now 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.

MR. MALOCSAY: All the other older homes are  
relatively the same.

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

MS. BRAMICH: They can take it down.

CHAIRMAN JANSEN: No.

MR. MALOCSAY: No.

ATTORNEY FINK: Is this a numerically  
substantial variance?

CHAIRMAN JANSEN: No.

MR. MALOCSAY: No.

MR. SHUBACK: You are talking about a 12%  
difference, so no.

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

MS. BRAMICH: No.

MR. SHUBACK: No.

ATTORNEY FINK: Is this self-created?

CHAIRMAN JANSEN: Yes.

MR. MALOCSAY: Yes.

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

MR. MALOCSAY: So moved.

MR. SHUBACK: Seconded.

CHAIRMAN JANSEN: Any further discussion; all in  
favor?

All in favor (5 Ayes) Motion carried.

ATTORNEY FINK:  
motion that the variance be granted as advertised?

Would someone care to

MS. BRAMICH:

So moved.

MR. MALOCSAY:

I second it.

CHAIRMAN JANSEN:  
favor?

Any further discussion; all in

MR. MALOCSAY:  
mentioned is that usually a proximity/tax map is included in our meeting packets and I did not receive one for this application. It shows that piece of property and the others around it. It really helps us out a lot to know the area.

One item I would like

CHAIRMAN JANSEN:  
this application but it should be included in all future meeting packets.

We don't really need it for

All in favor (5 ayes) Motion carried.

CHAIRMAN JANSEN:

Motion to adjourn?

MS. BRAMICH:

So moved.

MR. SHUBACK:

Seconded.

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