

**TOWN OF WARWICK
ZONING BOARD OF APPEALS
APRIL 25, 2011**

Members Present:

Jan Jansen Chairman

Kevin Schuback

Norman Paulsen

Attorney Robert Fink

Members Absent:

Mark Malocsay Co-Chairman

Diane Bramich

Chairman Jansen called the meeting to order at 7:30 p.m.

CHAIRMAN JANSEN:
minutes of last months meeting? No?

Are there any additions or corrections to the

MR. PAULSEN:
February 28, 2011 meeting.

I motion to approve the minutes of the

MR. SCHUBACK:

I second it.

CHAIRMAN JANSEN:

All in favor; any opposed?

All in favor (Three Ayes), motion carried.

Public Hearing of RICHARD BRADY – for property located at 201 Brady Road, Warwick, New York and designated on the Town tax map as Section 64 Block 1 Lot 54 and located in an MT District for a variance of Section 164.40N and 164.45.1 D permitting a 2 lot subdivision where proposed Lot 2 is 2.9 acres and 5 acres are required, and Section 280a of the Town Law permitting a residence on a private road. *Continued to the next meeting.*

Public Hearing of THOMAS & DEIRDDRE HAMLING - for property located at 83 Four Corners Road Warwick New York and designated on the Town tax map as Section 23 Block 1 Lot 64.1 and located in an RU District for a variance of Section 164.40N of the Town Code reducing one side setback from 42 (+/-) feet to 17 (+/-) feet for the purpose of construction of an attached garage and den to an existing single family residence. *Continued from the February 28, 2011 meeting.*

THOMAS HAMLING: I received a letter from the Board asking me to put trees up between the properties to act as screening but I'm not really sure what you want me to put up.

CHAIRMAN JANSEN: It was a request for you to make an effort at additional screening. At one time you stated that there was enough screening already there.

MR. HAMLING: Yes, there are big evergreen trees there that you can't see through and where gaps are present he has big oak trees planted. I can plant more evergreen trees and maybe some forsythia down by the fence line out towards the road.

ATTORNEY FINK: Well we were hoping that you'd get a proposal and come to an agreement if possible with your neighbor.

MR. HAMLING: I talked to him and he flat out said he did not want me to build anything. My wife talked to him too and we thought we would be able to work something out but then he turned around and sent the letter. So at this point, communication with our neighbor is limited. So can I draw something on the site plan and submit that?

CHAIRMAN JANSEN: Yes that would be fine.

MR. HAMLING: Can I draw something now and submit it tonight?

ATTORNEY FINK: It would be best if you draw it, send a copy to your neighbor and file it with this Board, with Connie, before the meeting because we get all the material prior. Also, I'm not exactly sure of the size of this addition.

MR. HAMLING: It will be 24 X 24; a typical sized garage.

MR. PAULSEN: Submit the drawing with the exact size of the garage and mark exactly where it will be from the property line and show what you intend to plant.

MR. HAMLING: Okay, I will do that and see you all next month. Thank you.

Public Hearing of ARLENE BEDROSS - for property located at 201 Pine Island Turnpike, Warwick New York and designated on the Town tax map as Section 29 Block 1 Lot 42.2 and located in an RU District for a variance of Section 164.46J, Special Conditions 16 & 101, allowing 2 horses on a lot with 1.5 acres where 4 acres are required, a housing shed 60 (+/-) feet from the lot line where 150 feet are required and a penning area 15 (+/-) feet from the lot line where 50 feet are required. *Continued from the February 28, 2011 meeting.*

CHAIRMAN JANSEN:

Have you gotten any response?

ARLENE BEDROSS:

I may have found a place to move my horses.

So within the next couple of weeks, I should know definitely. If I do, how do I notify the Board?

ATTORNEY FINK:

Just submit a letter stating that you're

withdrawing your application.

MS. BEDROSS:

Thank you; I will do that.

ATTORNEY FINK:

You're welcome and good luck.

Public Hearing of JOHN JOHANSEN/LONGHOUSE CREEK DESIGN INC #2 –for property located at 1302 Rt 17A, Greenwood Lake, New York and designated on the Town tax map as Section 66 Block 1 Lot 66.2 and located in an MT District for a variance of Section 164.40N reducing front setback to 0(+/-) feet where 100 feet are required for the purpose of construction of a porch extending 48 inches from the front of the existing building, replacing an existing planter which extends 43 inches from the front of the existing building. *Continued from the 2/28/11 ZBA Meeting **Note** On 3/10/2011 Applicant has stated he would like his ZBA application to be placed on “Hold” until further notice.*

Public Hearing of THOMAS A. CELANO – for property located at 16 Clancy Road, Warwick, New York and designated on the Town tax map as Section 164.40 N reducing 1 side setback from 25 feet 2 inches to 23 (+/-) feet for the purpose of construction of a 8 foot wide addition to the rear of an existing single family dwelling and locating a front porch to the dwelling that is 28 (+/-) feet from the side line where 35 feet are required.

CHAIRMAN JANSEN: Please state your name and tell the Board what you'd like to do.

THOMAS CELANO: My name is Thomas Celano and I would like to put a new front porch and covered back patio. There's already a 6 foot concrete stoop there and I want to put a porch all the way across the front of the house. At the same time I also need approval for drainage there because right now the driveway is higher than the basement and I get a little water back into the house. So this will address all those issues as well as improve the appearance of the house.

CHAIRMAN JANSEN: So this is the plan and this is the front and the existing porch?

MR. CELANO: That's the existing patio; that's going to go away. This is going to be a covered patio and this is going to be a covered front porch.

CHAIRMAN JANSEN: Are there any questions from the Board?

MR. SCHUBACK: Not really; I know the area and all the lots are small and all the houses are packed in tightly there.

ATTORNEY FINK: How far are you going to be from the line?

MR. CELANO: 48 feet; right now the existing front porch is 56.1 to the house, 48 feet with the new one.

CHAIRMAN JANSEN: Is there anyone here from the public to address this application? No? Then the public hearing is closed.

ATTORNEY FINK: Has anyone from the Board been out to inspect the area?

MR. SCHUBACK: Yes and this addition would be within the character of the neighborhood; all the houses are very similar.

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

MR. SCHUBACK: No.

ATTORNEY FINK: Can this be achieved by any other method?

MR. PAULSON: No.

ATTORNEY FINK: Is this a substantial variance?

CHAIRMAN JANSEN: No.

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

MR. SCHUBACK: No.

ATTORNEY FINK: Is it self-created?

MR. PAULSON: Yes; I motion that this is an Unlisted Action with no environmental impact.

MR. SCHUBACK: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (Three Ayes), motion carried.

MR. PAULSON: I make a motion to grant this variance as advertised with addition of a reduction of the front setback to 48 (+/-) feet.

MR. SCHUBACK: I second it.

CHAIRMAN JANSEN: Any further discussion; all in favor?

All in favor (Three Ayes), motion carried.

Public Hearing of STEPHEN & KAREN BESS – for property located at 48 Cornfield Lane, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 135 and located in an RU District for a variance of Section 164.40 N reducing 1 side setback to 38 feet 8 inches where 75 feet are required for the purpose of construction of a 24 foot X 45 foot attached garage to a single family dwelling.

CHAIRMAN JANSEN:
Board what you need the variance for.

Please identify yourself and explain to the

STEPHEN BESS:
My name is Stephen Bess and I'm taking the existing garage and converting it to a Therapy Room for my special needs son. I have a 3 year old son who is non-verbal and cannot walk.

CHAIRMAN JANSEN:

What is on the side where the room will be?

MR. BESS:
The closest house is several hundred feet away; it is an open field. It's the back of my neighbor's lot.

CHAIRMAN JANSEN:
So the question always is, why on that side and not the other?

MR. BESS:
My septic is located on the other side as well as my pool.

ATTORNEY FINK:

And the reason for the size?

MR. BESS:
The reason for the size would be to accommodate for a special needs van with a ramp for the wheelchair and other equipment etc.

CHAIRMAN JANSEN:
Is there anyone here from the public to address this application? No? The public hearing is closed.

ATTORNEY FINK:
Has anyone from the Board been out there to take a look at it?

MR. SCHUBACK:

I have and I don't see any problems.

ATTORNEY FINK:

Are there trees for screening?

MR. BESS:
Yes there are; beautiful mature trees that provide plenty of screening.

ATTORNEY FINK:
Is this going to create an undesirable change in the character of the neighborhood?

MR. SCHUBACK:

No.

ATTORNEY FINK:

Can this be achieved by any other means?

CHAIRMAN JANSEN:

No because of the septic and pool.

ATTORNEY FINK:

Is this a substantial variance?

MR. PAULSON: Yes.

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

MR. SCHUBACK: No.

ATTORNEY FINK: Is it self created?

MR. SCHUBACK: Yes.

ATTORNEY FINK: This is listed as a Type II action requesting only one side setback variance.

MR. PAULSON: I motion to grant this variance as advertised.

MR. SCHUBACK: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (Three Ayes), motion carried.

Public Hearing of ELLEN MILLER – for property located at 6 Iron Forge Road, Warwick, New York and designated on the Town tax map as Section 56 Block 3 Lot 3 and located in an RU District for a variance of Section 164.40 N reducing 1 side setback from 23 feet 9 inches to 18 (+/-) feet where 75 feet are required for the purpose of construction of an 11 foot X 13 foot sunroom to an existing single family dwelling.

CHAIRMAN JANSEN:
Board what you're trying to do.

Please identify yourself and explain to the

ELLEN MILLER:
sunroom to my existing house.

My name is Ellen Miller and I'm trying to add a

CHAIRMAN JANSEN:
proposed?

Why does it have to be located where it's

MS. MILLER:

There is a driveway on one side along with the septic and it slopes down the back to a creek on the other side. Plus there is an existing patio as well.

CHAIRMAN JANSEN:

The septic is in the driveway?

MS. MILLER:

Yes under it.

CHAIRMAN JANSEN:

address this application? No? Then the public hearing is closed.

Is there anyone here from the public to

ATTORNEY FINK:

the character of the neighborhood or be a detriment to nearby properties?

Is this going to create an undesirable change in

MR. SCHUBACK:

No.

ATTORNEY FINK:
feasible means?

Can this be achieved by any other other

CHAIRMAN JANSEN:

No, due to the topography.

ATTORNEY FINK:

Is this a substantial variance?

MR. SCHUBACK:

Yes.

ATTORNEY FINK:

impact on the physical or environmental conditions in the neighborhood?

Is this going to have an adverse effect or

MR. PAULSON:

No.

ATTORNEY FINK:

Is it self created?

MR. SCHUBACK:

Yes.

ATTORNEY FINK:

variance so it is listed as a Type II action.

Again this involves only one side setback

MR. PAULSON:

I motion to grant this variance as advertised.

MR. SCHUBACK:

I second it.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (Three Ayes), motion carried.

Meeting Adjourned.

A handwritten signature in blue ink, appearing to read "Frances N. Sanford", is written over a solid horizontal line.

Frances N. Sanford ZBA Recording Secretary