

TOWN OF WARWICK
ZONING BOARD OF APPEALS

APRIL 27, 2015

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Attorney Robert Fink

Diane Bramich

Norman Paulsen

Kevin Shuback

CHAIRMAN JANSEN:
minutes from the meeting of March 23, 2015 approved?

Is there a motion to have the

MS. BRAMICH:
minutes.

I motion to approve the

MR. MALOCSAY:

I second the motion.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (5 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 3/23/15 ZBA Meeting.**

CHAIRMAN JANSEN: Mr. Fink, would you update the committee?

ATTORNEY FINK: I understand that this was advertised, both for a side line variance and a variance to permit occupancy of the garage. That part of the application has been withdrawn. The only thing pending before this Board is to consider the side set back which is 10.5 (+/-) feet where 75 feet are required. This is for the purpose of attaching the garage to the existing single family dwelling. If this were not attached, 5 feet would be all that you need. But because you are attaching it, it is now part of the house and requires 75 feet. Am I correct?

MS. TANNAR: Yes, that is correct.

ATTORNEY FINK: We are only considering a variance to the 75 feet required for the purpose of attaching the garage.

CHAIRMAN JANSEN: Does anyone have any questions? No, is there anyone here from the Public that would like to address this application? The 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, it already exists.

MR. PAULSEN: No.

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

MR. PAULSEN: No.

MR. MALOCSAY: No.

MR. SHUBACK:	No.
ATTORNEY FINK: substantial variance?	Is this a numerically
MR. PAULSEN:	Yes.
MR. MALOCSAY:	Yes.
ATTORNEY FINK: adverse effect or impact on the physical or environmental conditions of the neighborhood?	Is this going to have an
MR. MALOCSAY:	No.
MR. PAULSEN:	No.
ATTORNEY FINK:	Is this self created?
MR. PAULSEN:	Yes.
CHAIRMAN JANSEN:	Yes.
MR. SHUBACK:	Yes.
ATTORNEY FINK: variance on a residence, it is by definition, a Type II action with no adverse impact on the physical or environmental conditions of the neighborhood. Would anyone care to move that the variance permitting attachment of the garage that has a sideline of 10.5 (+/-) feet where 75 are required be allowed?	Because this is a single
MR. PAULSEN:	So moved.
MR. SHUBACK:	Seconded.
CHAIRMAN JANSEN:	Any discussion?
MR. MALOCSAY: part with the first part of the variance being withdrawn?	So we are approving just that
ATTORNEY FINK:	Yes, this is simply for the attachment of the garage to the house and not for any usage of the garage.

MS. BRAMICH:

It is not converted already?

ATTORNEY FINK:
is up to the Building Inspector.

That is not our problem; that

CHAIRMAN JANSEN:

All in favor?

All in favor (5 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. **Continued from 3/23/15 ZBA Meeting.**

CHAIRMAN JANSEN:
notice regarding this application? This application is continued.

Did everyone receive the

PUBLIC HEARING OF WARREN CONGDON AND STACY LAWRENCE - for property located at 4 Lake Street, Monroe, New York and designated on the Town tax map as Section 67 Block 11 Lot 30 for a variance of the Bulk Area Requirements of the Code permitting a 16 foot X 20 foot addition to an existing single family residence resulting in an 11.3 (+/-) foot front setback where 50 feet are required.

CHAIRMAN JANSEN: Please identify yourself and tell us what is that you would like to do.

MR. CONGDON: My name is Warren Congdon.

MS. LAWRENCE: My name is Stacy Lawrence.

MR. CONGDON: I would like to remove a closed porch and patio and put up an addition to the house, 16 feet out and 20 feet wide.

CHAIRMAN JANSEN: It has to be that big; it can't be any smaller? This is a question that I have to ask.

MR. CONGDON: We have a very small house and need the extra space.

MR. SHUBACK: How big is the porch now?

MR. CONGDON: The enclosed porch is 6 X 10 plus the patio which is also 6 X 10.

CHAIRMAN JANSEN: So the porch is actually 6 feet and you want to go to 12 feet?

ATTORNEY FINK: 16 by 20.

MS. LAWRENCE: An additional 10 feet out.

ATTORNEY FINK: The only problem I have is, is this drawing is not a survey. We really don't know where the house is.

MR. CONGDON: I am not sure we have a survey.

MS. LAWRENCE:
everything that we needed.

We thought we had

MR. CONGDON:
provided.

That is what we originally

MS. BRAMICH:

These are all small lots.

MR. CONGDON:
neighborhood has small setbacks.

Yes, every single house in the

ATTORNEY FINK:

That is really the issue.

Their file was searched but no survey was found.

CHAIRMAN JANSEN:
provide a survey, can we go on?

Assuming that they can

ATTORNEY FINK:
conditional. If you were to pass it on the condition a survey could be produced that it conforms. If it turns out that the survey is different from what you have given us, you will have to come back.

We could make that

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

Any questions? No, the

ATTORNEY FINK:
undesirable change in the character of neighborhood or be a detriment to nearby properties?

Is this going to create an

MS. BRAMICH:

No.

CHAIRMAN JANSEN:

No.

ATTORNEY FINK:

It's typical?

CHAIRMAN JANSEN:

Yes.

ATTORNEY FINK:
other means or feasible method?

Can it be achieved by any

MS. BRAMICH:	No.
MR. MALOCSAY: adding is not large.	The room size they are
MS. BRAMICH: places.	These were small summer
ATTORNEY FINK: substantial variance?	Is this a numerically
MS. BRAMICH:	Yes.
ATTORNEY FINK: adverse effect or impact on the physical or environmental conditions of the neighborhood?	Is this going to have an
MR. MALOCSAY:	No.
MS. BRAMICH:	No.
ATTORNEY FINK:	Is this self created?
MS. BRAMICH:	Yes.
CHAIRMAN JANSEN:	Yes.
ATTORNEY FINK: single setback with no adverse impact on the environmental conditions of the neighborhood making it a Type II action. Would someone care to move the variance be granted as advertised upon the condition that the applicant produce for me a survey that conforms to the application?	Again, we are talking about a
MS. BRAMICH:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	Any discussion?
All in favor (5 ayes) Motion carried.	
ATTORNEY FINK: morning and have her send a scan of the survey.	I will call Ms. Sardo in the

PUBLIC HEARING OF LAD Realty - for property owned by Federal National Mortgage Association and located at 5 Miller Lane Extension, Warwick, New York and designated on the Town tax map as Section 41 Block 1 Lot 53.22 for a variance of the Bulk Area Requirements of the Code permitting an existing 8 foot X 45.5 foot covered porch 25.8 (+/-)feet from the front line where 75 feet are required.

CHAIRMAN JANSEN: Please identify yourself for the record and tell us what you would like to do.

MS. RIVERA: My name is Melanie Rivera. There is an existing porch which is too close to the road that does not meet the 75 foot setback. So I would like to get a variance for it to clear the title.

ATTORNEY FINK: You are under contract, right? You didn't close?

MS. RIVERA: It is not under contract but once we get the title papers back, it will be under contract.

ATTORNEY FINK: We do have permission to go forward with this from the owner of the property whether they close or not.

CHAIRMAN JANSEN: How long has the porch been there?

MS. RIVERA: We do not know.

CHAIRMAN JANSEN: What are the other homes in the area like?

MS. RIVERA: They are all close to the road and this is the last house on a dead end street.

CHAIRMAN JANSEN: Any questions?

MR. MALOCSAY: Mr. Fink, does this fall under pre-existing small lots, because this setback is quite a bit different.

ATTORNEY FINK: I did not look at that.

MS. BRAMICH: It looks even smaller than
some of the neighbors.

MR. MALOCSAY: The front yard set back is
only 20 feet, I think.

Attorney Fink looks through the manual for the set back qualifications.

ATTORNEY FINK: That only applies to side
yards and not front yards, according to # 164.112.

CHAIRMAN JANSEN: Any questions before I open
this up to the Public Hearing? Anyone here from the Public that would like 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?

MR. MALOCSAY: No, it already exists.

MR. PAULSEN: It has been there for 10 years.

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

MR. SHUBACK: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this a numerically
substantial variance?

MS. BRAMICH: Yes.

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:
it is self created.

If the current owner made it,

MS. BRAMICH:

It was there already.

ATTORNEY FINK:
this as a Type II Action and be granted as advertised?

Would someone care to type

MS. BRAMICH:

So moved.

MR. SHUBACK:

Seconded.

CHAIRMAN JANSEN:

Any discussion?

All in favor (5 Ayes) Motion carried.

PUBLIC HEARING OF RITA DONOVAN - for property located at 8 Mila Road, Warwick, New York and designated on the Town tax map as Section 94 Block 2 Lot 18 for a variance of Section 164.41A.(1)(b) permitting a rear deck 3 feet from the property line where 5 feet are required.

CHAIRMAN JANSEN: Please identify yourself for the record and tell us what you would like to do.

MS. DONOVAN: My name is Rita Donovan. I am the owner of 8 Mila Road and I am taking out old decking and putting in new 2 tier decking.

CHAIRMAN JANSEN: So the old deck, was it extended that far?

MS. DONOVAN: No, it was 8 X 8.

CHAIRMAN JANSEN: So it will be how high?

MS. DONOVAN: So it will be approximately 8 inches off the ground. I have a letter from my neighbor that states their approval of the new deck.

CHAIRMAN JANSEN: Any questions?

MR. MALOCSAY: No.

CHAIRMAN JANSEN: Anyone from the Public that would like 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?

MS. BRAMICH: No.

CHAIRMAN JANSEN: No and the neighbor agrees to having it there.

MS. DONOVAN: Would you like the letter?

CHAIRMAN JANSEN: Yes, it would be good to have in the file.

ATTORNEY FINK: other feasible method?	Can this be achieved by any
MS. BRAMICH:	No.
CHAIRMAN JANSEN:	Not really.
ATTORNEY FINK: substantial variance?	Is this a numerically
CHAIRMAN JANSEN:	It's 40%, so yes.
ATTORNEY FINK: adverse affect or impact on the physical or environmental conditions of the neighborhood?	Is this going to have an
MS. BRAMICH:	No.
CHAIRMAN JANSEN:	No.
ATTORNEY FINK:	Is this self created?
CHAIRMAN JANSEN:	Yes.
MS. BRAMICH:	Yes.
ATTORNEY FINK: no adverse environmental impact. In the advertisement, there was nothing said about the size of the deck. There is an upper deck, 6 feet X 15 feet, and a lower deck, 15 feet X 29 feet.	This as a Type II action with
MS. DONOVAN: feet.	Actually it is 16 feet X 29
ATTORNEY FINK: motion that the variance be granted 3 feet from the property line where 5 feet are required?	Would someone care to
MS. BRAMICH:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN: All in favor (5 Ayes) Motion carried.	Any discussion?

CHAIRMAN JANSEN:

So what about the Holiday?

The room is available on Tuesday and there is one application on file. We can leave it open and if the one application is not critical, we will meet in June.

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