

TOWN OF WARWICK
ZONING BOARD OF APPEALS

APRIL 28, 2014

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Attorney Robert Fink

Kevin Shuback

Norman Paulsen

Diane Bramich

CHAIRMAN JANSEN:
minutes from the meeting of February 24, 2014 approved?

Is there a motion to have the

MR. SHUBACK:
minutes.

I make a motion to accept the

MR. MALOCSAY:

I second.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (Five Ayes) Motion carried.

CHAIRMAN JANSEN:
or not to cancel the May 26th, Memorial Day, meeting? There are no applications scheduled.

Any discussion as to whether

MS. BRAMICH:

I move to cancel the meeting.

MR. SHUBACK:

I second it.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (5 Ayes) Motion carried.

CHAIRMAN JANSEN:
the June 23rd meeting date to June 30th? All in favor?

Any discussion as to moving

All in favor (5 Ayes) Motion carried.

PUBLIC HEARING OF TANYA M. HERNANDEZ BY FRANK NAHOVM, ATTORNEY IN FACT – for property located at 19 Deer Trail North, Greenwood Lake, New York and designated on the Town tax map as Section 72 Block 1 Lot 16.1 and located in an SM District for a variance of Section 164.41A permitting a 2 car garage 15 (+/-)feet from the front line where 30 feet are required and 4.6 feet from 1 side line; where 5 feet are required. **Continued from the 2/24/14 ZBA meeting.**

CHAIRMAN JANSEN:
this application, this is continued to the next meeting.

Because no one is present for

PUBLIC HEARING OF DONALD DRISCOLL – for property located at 1572 Rt 17A, Warwick, New York and designated on the Town tax map as Section 44 Block 1 Lot 50.1 and located in an RU District for a variance of the Bulk Area Requirements of the Code (164-46.J(7)) permitting an existing structure with lot width of 217 feet where 250 feet are required, front setback of 15 (+/-) feet where 75 feet are required, lot area of 1 acre where 4 acres are required, to be used as a Class 1 Home Occupation (Bed & Breakfast).

CHAIRMAN JANSEN: Please identify yourself and tell us what it is you want to do.

MR. DRISCOLL: My name is Donald Driscoll.

MRS. DRISCOLL: My name is Nancy Driscoll.

MR. DRISCOLL: We bought the Peach Grove Inn with the intention of continuing it as a bed and breakfast. We found out we have to come before this Board to make sure that we do so.

MR. MALOCSAY: The Peach Grove has been in business for years.

MS. BRAMICH: 22 years.

MR. MALOCSAY: And so the whole time it was not legal?

MRS. DRISCOLL: In 1989, I did some research and a ruling was done that approved it as a tourist home with 4 bedrooms. Since then, the Building Inspector informed us that we need to come before the Zoning Board and have it approved.

MR. MALOCSAY: Ok, I remember that because back then bed and breakfasts were not a common thing.

ATTORNEY FINK: Are you looking for 3 bedrooms or 4?

MRS. DRISCOLL: We would like 4 bedrooms.

MS. BRAMICH: That what it says on the application.

CHAIRMAN JANSEN:
here for, the 4 bedroom?

Is that the only thing you are

ATTORNEY FINK:
about 3.

No, your application talks

MRS. DRISCOLL:
bank shows 4 so we would like 4.

The documentation from the

MR. DRISCOLL:
based on the rental of 4 bedrooms.

Our mortgage/income is

MR. SHUBACK:

Is there 4 now?

MRS. DRISCOLL:

Yes.

MR. SHUBACK:
anything?

So you are not changing

MRS. DRISCOLL:

No.

MR. DRISCOLL:

No.

ATTORNEY FINK:
Bulk Area Requirements as stated in the ad?

You have to conform to the

MRS. DRISCOLL:

Yes. That is why we are here.

CHAIRMAN JANSEN:
with there being 4 bedrooms?

Was there ever a problem

MS. BRAMICH:
bedrooms.

They want to keep it 4

CHAIRMAN JANSEN:
events there?

Are you planning to do

ATTORNEY FINK:
than what they are here for.

That is something different

MRS. DRISCOLL:

Yes, but not right away.

CHAIRMAN JANSEN: is to have the septic system tested?	So the only other requirement
MRS. DRISCOLL: delayed by the winter weather and currently a filming taking place.	Correct; but we have been
CHAIRMAN JANSEN: with us anyway. I see no reason why this shouldn't continue.	Ok, that has nothing to do
MR. PAULSEN: operating since 1989, why are they here tonight?	If this place has been
CHAIRMAN JANSEN: the code has been revised since then.	Because of new owners and
ATTORNEY FINK: existing, non-conforming; but you do not want that because it is very restrictive. What you need is a variance.	You could argue that it is pre-
CHAIRMAN JANSEN: anyone here? No? Public hearing is closed.	Public hearing is open;
ATTORNEY FINK: undesirable change in the character of the neighborhood or be a detriment to nearby properties?	Is this going to create an
CHAIRMAN JANSEN:	No.
MS. BRAMICH:	No.
ATTORNEY FINK: other means?	Can it be achieved by any
MS. BRAMICH:	No.
MR. MALOCSAY:	No.
ATTORNEY FINK: substantial variance?	Is this a numerically
MR. MALOCSAY:	Yes.

CHAIRMAN JANSEN:	Yes.
ATTORNEY FINK: adverse effect or impact on the physical or environmental conditions of the neighborhood? Keeping in mind that the septic passes inspection.	Is this going to have an
MR. MALOCSAY:	No.
CHAIRMAN JANSEN:	No.
ATTORNEY FINK:	Is this self created:
MR. MALOCSAY:	Yes.
MS. BRAMICH:	Yes.
ATTORNEY FINK: this as Unlisted with no adverse environmental impact?	Would someone care to type
MR. MALOCSAY:	So moved.
MR. PAULSEN:	Seconded.
CHAIRMAN JANSEN:	Any discussion; all in favor?
All in favor (5 Ayes) Motion carried.	
MR. SHUBACK: bedrooms?	We are giving for the 4
ATTORNEY FINK: application. Does Class 1 include 4 bedrooms? Or is it Class 2?	That is not part of the
MS. BRAMICH: for 4 rooms.	Class 1 is on the application
CHAIRMAN JANSEN: bedrooms.	It has to say Class 2 for 4
MR. PAULSEN: vote to give them a variance for 4 bedrooms?	Is there a way that we could

CHAIRMAN JANSEN:
bedrooms, Class 2.

The Building Inspector has 3

MS. BRAMICH:

Then it has to be changed.

ATTORNEY FINK:
motion that the variance be granted with 4 bedrooms as advertised? I will look it up as to Class 1
or Class 2.

Would someone care to

MR. PAULSEN:

So moved.

MS. BRAMICH:

Seconded.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (5 Ayes) Motion carried.

PUBLIC HEARING OF PAUL LEWIS for property owned by THOMAS ZOUFALY –
and located at 88 Sleepy Valley 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 the Bulk
Requirements permitting enclosure of an existing deck located 25.2 feet from the side line where
75 feet are required.

CHAIRMAN JANSEN: Please identify yourself for
the record.

MR. LEWIS: Paul Lewis.

CHAIRMAN JANSEN: Please tell us why you are
here.

MR. LEWIS: I want to enclose an existing
deck and make it into a dining room.

CHAIRMAN JANSEN: So you are not adding to the
footprint?

MR. LEWIS: No.

CHAIRMAN JANSEN: Any discussion?

MR. PAULSEN: You couldn't get a permit?
Why are you here?

MR. LEWIS: Because of the side line
requirement.

MR. PAULSEN: You haven't done it yet, just
applied for a permit?

MR. LEWIS: I applied for a permit and was
refused.

CHAIRMAN JANSEN: He is just enclosing the deck.

ATTORNEY FINK: Does this conform to other
houses in the area?

CHAIRMAN JANSEN: Pretty much. Public hearing is open; is there anyone here to address this application? No, Public Hearing is closed.

MR. MALOCSAY: Does this lot have another house in front of it?

MR. LEWIS: No.

MR. MALOCSAY: So the road is directly in front of it.

MR. LEWIS: It is parallel to the street and no other house is in front. There is another house behind it.

ATTORNEY FINK: Is the addition going to be visible from the street?

MR. MALOCSAY: Yes.

CHAIRMAN JANSEN: Are you enclosing the entire area?

MR. LEWIS: Just the deck portion, we are keeping the stairs.

CHAIRMAN JANSEN: Public hearing is closed; any other questions?

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.

MR. MALOCSAY: No.

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

MR. MALOCSAY: No.

ATTORNEY FINK: Is this a substantial variance?

MS. BRAMICH:	Yes.
MR. MALOCSAY:	No.
ATTORNEY FINK: footprint is already there.	Numerically yes, but the
MS. BRAMICH:	No, then.
ATTORNEY FINK: adverse effect or impact on the physical or environmental conditions of the neighborhood? This will not because it is deemed Type II.	Is this going to have an
ATTORNEY FINK:	Self created?
MR. SHUBACK:	Yes.
MS. BRAMICH:	Yes.
ATTORNEY FINK: this as Type II with no adverse environmental impact?	Would someone care to type
MR. SHUBACK:	So moved.
MS. BRAMICH:	Seconded.
CHAIRMAN JANSEN:	Any 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. SHUBACK:	Seconded.
CHAIRMAN JANSEN:	Any discussion; all in favor?
All in favor (5 Ayes) Motion carried.	

PUBLIC HEARING OF ANDREW & DONNA UVEGES – for property located at 103 Nelson Road, Warwick, New York and designated on the Town tax map as Section 61 Block 1 Lot 11 and located in an MT District for a variance of Section 164.41A.(4) permitting construction of a 12 foot X 24 foot detached garage, 50 feet from the front line where 100 feet are required.

CHAIRMAN JANSEN: Please identify yourself for the record.

MR. UVEGES: Andrew Uveges.

CHAIRMAN JANSEN: Please tell the Board why that garage has to be where you want it.

MR. UVEGES: It is the only flat section on my property left; there is a drop off on my back property.

ATTORNEY FINK: Is this an existing driveway where it is shown on the map?

MR. UVEGES: Yes.

MS. BRAMICH: Yes.

ATTORNEY FINK: So you want to put the garage at the end of this driveway?

MR UVEGES: Yes.

CHAIRMAN JANSEN: Similar situations in that area; neighborhood, Diane?

MS. BRAMICH: Yes.

CHAIRMAN JANSEN: It is mostly because of the terrain?

MS. BRAMICH: The terrain is quite difficult.

MR. MALOCSAY: You have to remember the 50 foot setback was the standard before it was moved to 100 feet. So most of the homes are at 50 foot.

CHAIRMAN JANSEN: Any questions? Public hearing is open. Anyone here 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.

MR. PAULSEN: No.

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

MS. BRAMICH: No, there is no other place to put it because of the terrain.

ATTORNEY FINK: Is this a substantial variance?

CHAIRMAN JANSEN: Yes.

MR. MALOCSAY: 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. PAULSEN: No.

ATTORNEY FINK: Self created?

MS. BRAMICH: Yes.

MR. PAULSEN: 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 (5 Ayes) Motion carried.	
ATTORNEY FINK:	Grant as advertised?
MS. BRAMICH:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	Any discussion; all in favor?
All in favor (5 Ayes) Motion carried.	

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