

TOWN OF WARWICK  
ZONING BOARD OF APPEALS

JUNE 22, 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 April 27, 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 MAX SHULTZ** –for property located at 442 Liberty Corners Road, Warwick, New York and designated on the Town tax map as Section 10 Block 1 Lot 2.1 for a variance of Section 164.41.A(1) permitting a 26 foot X 21 foot car port / Quonset hut within the front yard setback.

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

MR. SHULTZ: My name is Max Shultz. I live at 442 Liberty Corners Rd., Pine Island, NY. This is for a variance for the car port on my property.

CHAIRMAN JANSEN: Is there any reason that it has to be in the front?

MR. SHULTZ: That is where the driveway was built for it and there are no obstructions to houses or roadways.

CHAIRMAN JANSEN: It has been up for awhile?

MR. SHULTZ: Yes, 2 1/2 years.

CHAIRMAN JANSEN: I know because I have seen it.

ATTORNEY FINK: How far is it from the sideline?

MR. SHULTZ: From the highway?

ATTORNEY FINK: From the wall.

MR. SHULTZ: It is 24 feet from the road.

CHAIRMAN JANSEN: How far is it from your property line?

MR. SHULTZ: It is 32 feet from my property line.

CHAIRMAN JANSEN: And it will never become a permanent structure?

MR. SHULTZ: It is what it is; nothing will be added to it. There are no concrete footings; it is held down by mobile home anchors.

ATTORNEY FINK: I am not clear how far it is from your front line.

MR. SHULTZ: It is 24 feet from the edge of the road.

ATTORNEY FINK: How far is it from your side line?

MR. SHULTZ: Approximately 32 feet, from my neighbor.

MR. PAULSEN: And he has no problem with it?

MR. SHULTZ: No, none of my neighbors have a problem with it.

CHAIRMAN JANSEN: Any questions? No? Anyone from the Public that would like to address this application? No, I would like to close the Public Discussion.

ATTORNEY FINK: You cannot close the Public Discussion yet until the County responds. It has not been 30 days yet. We will vote on this at the next meeting and, Mr. Shultz, your attendance is not necessary.

CHAIRMAN JANSEN: Any questions?

MR. MALOCSAY: No.

CHAIRMAN JANSEN: This application is continued until the next meeting.

MR. SHULTZ: Will I be notified by mail?

CHAIRMAN JANSEN: Yes.

**PUBLIC HEARING OF AMY PALOZZOLO** –for property located at 12 Sterling Place, Sterling Forest, New York and designated on the Town tax map as Section 76 Block 9 Lot 7 for a variance of Section 164.45.1 permitting enclosing an existing deck, a roof over an existing porch and a 10 foot X 10 foot deck 2 (+/-) feet from the side line where 7 ½ feet are required and both side setbacks to 13 (+/-) feet where 16.7 feet are required.

CHAIRMAN JANSEN: Please identify yourself for the record and tell us why it has to be this way.

MS. PALOZZOLO: My name is Amy Palozzolo.

ATTORNEY RAMETTA: I am Attorney Robert Rametta and I am representing Ms. Palozzolo. With your permission, my client has prepared some additional submissions for your review.

CHAIRMAN JANSEN: Let's see them.

ATTORNEY RAMETTA: In 2012, the Board was kind enough to grant my client a 5 foot variance to erect an L shaped addition to the left side of her house. As it turns out my client discovered that due to a mistake in survey measurement, the addition is actually 2 feet from the property line. My client notified the town.

MS. PALOZZOLO: When my neighbor bought her house and had a survey done, she informed me that the fence was on her property. I moved the fence. And then I realized that if the fence was on her property, all the measurements are 3 feet off. I discovered that one of my stakes is incorrectly placed. My house sits behind another house and is surrounded by woods. I do not obstruct anyone's property. I know it is a horrible mistake and I feel really bad that it happened but it was expensive to erect and I am hoping that I can get a variance.

MR. SHUBACK: You are not looking to change anything?

ATTORNEY RAMETTA: No, but because it is located near woods it does not impact the environment. It has been there since 2012 and she is paying taxes on it.

CHAIRMAN JANSEN: So everything you are asking for is already in place?

ATTORNEY RAMETTA:  
changing the house. This is for approval for this structure.

Correct. We are not adding or

CHAIRMAN JANSEN:

Any other questions?

ATTORNEY FINK:  
advertised?

The dimensions are correct as

MS. PALOZZOLO:

Yes.

CHAIRMAN JANSEN:  
to address this? No, the Discussion will remain open and we cannot act upon this application now as we have not heard from the County. We will vote on it at the next meeting, you do not have to be present and we notify you by mail.

Anyone here from the Public

**PUBLIC HEARING OF EDMUND CONKLIN** -for property located at Glenmere Homesites Road, Florida, New York and designated on the Town tax map as Section 21 Block 13 Lot 2.2 for a variance of the Bulk Area Requirements of the Code permitting connection of an existing structure with a breezeway to the dwelling which structure is located 18 ½ (+/-) feet from Glenmere Road and 8 (+/-) feet from Goshen Road where 75 feet are required.

CHAIRMAN JANSEN: Please identify yourselves for the record and tell the Board what it is you would like to do.

ATTORNEY FINK: Before you go on, this variance is simply to attach the garage to the house and has nothing to do with what it is being used for. This Board is only allowing or not allowing is the attachment of the garage to the main building. The use of it is up the Building Inspector. If you are granted this variance, you are not granted any further rights.

MS. CONKLIN: Ok, my name is Tammy Conklin. We purchased a property with a one car garage with space for a living area for company. We then began to improve the living area and applied for the permit. They informed us that we had to get a variance.

MR. G. CONKLIN: I am Glen Conklin and the GC.

MR. E. CONKLIN: I am Edmond Conklin.

CHAIRMAN JANSEN: Any questions? No? Let me open it up to the Public. Anyone here from the Public that would like to address this application? No, the Public Discussion is closed.

MS. BRAMICH: Can you explain how you are going to put up a breezeway?

MR. G. CONKLIN: I am constructing the breezeway with plateaus to clear shale embankments so that when we turn it in for a permit, it meets local codes. In my opinion, it was too much of a straight run for stairs to go from the top to the bottom. The landing makes it safer and more structurally sound.

MS. BRAMICH: Where is the landing?

CHAIRMAN JANSEN: The landing is two-thirds of the way down.

MR. G. CONKLIN: We are also adding decking.

MS BRAMICH: Is this fully enclosed?

MR. G. CONKLIN: No.

MS. CONKLIN: It will have a roof over it.

MR. G. CONKLIN: It will have a roof and railings according to the local code.

CHAIRMAN JANSEN: Any other questions?

MR. MALOCSAY: Is the property one tax lot?

MS. CONKLIN: It was two tax lots; a couple of years ago we had work done on the property and I was informed the best thing to do was to take out the line. So we took out the line; but in order to use it as a dwelling vs. a garage, we had to get a variance.

ATTORNEY FINK: It is two sub-division lots; one tax lot.

CHAIRMAN JANSEN: So right now it is one tax lot.

MS. CONKLIN: Yes.

CHAIRMAN JANSEN: Any other questions? No.

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

MR. SHUBACK: No.

MR. MALOCSAY: No.

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

MR. SHUBACK: No.

MR. PAULSEN:	No.
ATTORNEY FINK: substantial variance?	Is this a numerically
MR. MALOCSAY:	Yes.
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.
CHAIRMAN JANSEN:	No.
MS. BRAMICH:	No.
ATTORNEY FINK:	Is this self created?
MR. SHUBACK:	Yes.
CHAIRMAN JANSEN:	Yes.
ATTORNEY FINK: as Unlisted with no adverse environmental impact?	Would some care to type this
MR. SHUBACK:	So moved.
MS. BRAMICH:	Seconded.
CHAIRMAN JANSEN: favor?	Any further discussion, all in
All in favor (5 Ayes) Motion carried.	
ATTORNEY FINK: motion that the variance be granted as advertised?	Would someone care to
MR. SHUBACK:	So moved.

MS. BRAMICH:

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.