

TOWN OF WARWICK  
ZONING BOARD OF APPEALS

JUNE 24, 2013

Members Present:	Members Absent:	Diane Bramich
Jan Jansen, Chairman		
Mark Malocsay, Co-Chairman		
Attorney Robert Fink		
Norman Paulsen		
Kevin Shuback		

CHAIRMAN JANSEN:  
minutes from the meeting of April 22, 2013 approved?

Is there a motion to have the

MR. SHUBACK:

I approve.

MR. MALOCSAY:

I second it.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (Four Ayes) Motion carried.

**PUBLIC HEARING OF ANTHONY & LINDA URCIOLI** - for property located at 101 Upper Wisner Road, Warwick, New York and designated on the Town tax map as Section 44 Block 1 Lot 47 and located in an RU District for a variance of Section 164.41.A(1)(a)&(4) and 164.22 permitting a 4 car detached private garage 24 feet X 55 feet (1,320 square feet) where no more than 1,200 square feet and 48 feet in the greatest median dimension are allowed and reducing front yard setback from 75 feet (required) to 61 feet.

CHAIRMAN JANSEN: Please identify yourself for the record and briefly describe what it is you would like to do.

MS. EMMERICH: My name is Karen Emmerich from Lehman & Getz Engineering. Mr. Urcioli has a classic car collection that he wants to construct a garage in which to store them. The cars are large, old Cadillac's so he wants a three bay garage to house them. His property includes a pond and wetlands so he wants to construct the garage in the front portion of his property.

Looking at drawings of the property, Chairman Jansen asked for clarification as to the location of the garage.

ATTORNEY FINK: Could the applicant change the location to the other side of the driveway?

MS. EMMRICH: He could; however, it would cause more disturbance to the wooded area there. In addition, his well is over there.

ATTORNEY FINK: Could it be made smaller?

MS. EMMERICH: It could be made smaller; but then the cars would not fit.

There was a discussion about whether the garage was three or four bays; whereas 3 are allowed and if, by definition, this would be a garage or an accessory building.

CHAIRMAN JANSEN: Do we have any further questions? Is there anyone here from the Public 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?

CHAIRMAN JANSEN: neighborhood.	No; it is not visible to the
ATTORNEY FINK: other feasible method?	Can this be achieved by any
MR. MALOCSAY:	No.
ATTORNEY FINK:	Is it a substantial variance?
CHAIRMAN JANSEN:	Not really.
ATTORNEY FINK: adverse effect or impact on the physical environmental conditions in the neighborhood?	Is this going to have an
CHAIRMAN JANSEN:	No.
ATTORNEY FINK:	Is this self-created?
MR. SHUBACK:	Yes.
ATTORNEY FINK: this as a Type II Unlisted Action with no adverse environmental impact?	Would someone care to type
MR. SHUBACK:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	Any discussion; all in favor?
All in favor (Four Ayes) Motion carried.	
ATTORNEY FINK: motion the application be granted as advertised?	Would someone care to
MR. MALOCSAY:	So moved.
MR. SHUBACK:	Seconded.
CHAIRMAN JANSEN: All in favor (Four Ayes) Motion carried.	Any discussion; all in favor?

**PUBLIC HEARING OF RYAN MEISTER** - for property located at 31 Continental Road, Warwick, New York and designated on the Town tax map as Section 66 Block 1 Lot 37 and located in an MT District for a variance of Section 164.40(N) of the Code allowing a 12 foot X 18 foot addition to the side of an existing dwelling, reducing side setback to 33 (+/-) feet where 75 feet are required.

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

MR. MEISTER: My name is Ryan Meister and I would like to expand my small home to include an office. I work from home and need the space for multiple computers and drawing space; I am an engineer. I am asking for a variance on that side of the house because on the other side is my well and septic. It is also part of Mt. Peter and there is a sharp drop-off near my home.

CHAIRMAN JANSEN: Anyone here from the Public to address this application; no? Public hearing is closed.

ATTORNEY FINK: Can you make this smaller?

MR. SHUBACK: Not really.

MR. MEISTER: It is already an 8 by 12, which I already received a variance for, but it is too small.

CHAIRMAN JANSEN: Will this be large enough?

MR. MEISTER: I hope so.

ATTORNEY FINK: So you will be coming 12 feet away from the house and it will be 18 feet wide?

MR. MEISTER: Correct; I am actually coming four feet away from the existing house.

ATTORNEY FINK: You are not really building something that is 12 by 18; you are really adding four feet.

MR. MEISTER: Four on one side and six feet on the other.

CHAIRMAN JANSEN: Any other discussion?

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.

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

MR. MALOCSAY: No.

ATTORNEY FINK: Is it a numerically substantial variance?

CHAIRMAN JANSEN: No; it is only four feet.

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

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Self-created?

MR. MALOCSAY: Yes.

ATTORNEY FINK: Because it is a dwelling and it is only one, variance required, by definition it is a Type II Action. Does someone care to move this motion be moved as advertised?

MR. SHUBACK: So moved.

MR. MALOCSAY: Seconded.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (Four Ayes) Motion carried.

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