

TOWN OF WARWICK  
ZONING BOARD OF APPEALS

JUNE 25, 2012

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Diane Bramich

Attorney Robert Fink

Norman Paulsen

Kevin Shuback

CHAIRMAN JANSEN:  
minutes from the meeting of May 29, 2012 approved?

Is there a motion to have the

MS. BRAMICH:

I make a motion to approve.

MR. SHUBACK:

I second.

CHAIRMAN JANSEN:  
favor?

Any further discussion; all in

All in favor (Four Ayes), motion carried.

**PUBLIC HEARING OF AMENDED MARY BETH & VIK STOCKMAN** – for property located at [47 Ackerman Road, Warwick, New York](#) and designated on the Town tax map as Section 31 Block 2 Lot 124 and located in an RU District for a variance allowing construction of a 28 foot X 14foot 6 inch carport on an existing single family dwelling to be attached by a 25 foot X 5 foot breezeway to an existing garage resulting in a composite single family dwelling located 26 (+/-) feet from the side line where 75 feet are required. **Continued from the 4/23/12 ZBA Meeting.**

CHAIRMAN JANSEN: This hearing has been adjourned until the July 23<sup>rd</sup> meeting as per the request from Attorney Paul Shook.

**PUBLIC HEARING OF THOMAS & NANCY KOBYLASKI** - for property located at 191 Jessup Road, Warwick, New York and designated on the Town tax map as Section 18 Block 1 Lot 28 and located in an RU District for a variance of Section 164.40N reducing rear setback from 41.6 feet to 23 (+/-) feet where 50 feet are required for the purpose of construction of an 18 foot X 24 foot roof over an existing ground level deck on a single family dwelling.

CHAIRMAN JANSEN: Please identify yourself for the record.

MS. KOBYLASKI: I am Nancy Kobylaski.

CHAIRMAN JANSEN: Please tell the Board what it is you are trying to do.

MS. KOBYLASKI: Behind our house there is an existing patio and we want to put a 24 X 18 foot overhang over it.

ATTORNEY FINK: Is this patio above ground?

MS. KOBYLASKI: Yes, it is a cement patio outside my back door.

CHAIRMAN JANSEN: So the patio already exists? And you are trying to put a roof over it?

MS. KOBYLASKI: Yes, that is correct.

ATTORNEY FINK: Will it cover the whole area?

MS. KOBYLASKI: No, just where we sit.

CHAIRMAN JANSEN: Any questions for the applicants? And the set back we are worried about is in the rear?

MS. KOBYLASKI: Yes, it is in the rear. Our house is built into a hill; we don't really have any neighbors and it's built on farm land. Our house is surrounded by farm land.

ATTORNEY FINK: What happens to your back line?

MS. KOBYLASKI: There is a retaining wall and then it goes up.

CHAIRMAN JANSEN: Can this be achieved by any other means?

MS. KOBYLASKI: No.

CHAIRMAN JANSEN: Any questions?

MR. MALOCSAY: No, I know the property and it is terraced and there is really no other place to put it.

MR. SHUBACK: Is the retaining wall right on the property line?

MS. KOBYLASKI: No, there is a yard and then my fence.

CHAIRMAN JANSEN: Is there anyone here from the public who would like to address this application? The public hearing is open. If not, is there any reason to keep the public hearing open?

ATTORNEY FINK: No.

CHAIRMAN JANSEN: 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 the nearby properties?

MS. BRAMICH: No.

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

MR. MALOCSAY: No.

ATTORNEY FINK: Is it a substantial variance?

MS. BRAMICH: Yes.

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

MR. MALOCSAY: No.

ATTORNEY FINK: Is this self-created?

MR. MALOCSAY: Yes.

MS. BRAMICH: I make a motion this is an Unlisted Action with no adverse environmental impact.

MR. MALOCSAY: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (Four eyes) Motion carried.

MR. MALOCSAY: I make a motion to grant this variance as advertised.

MS. BRAMICH: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (Four Ayes) Motion carried.

**PUBLIC HEARING OF MICHAEL BUONO #2** – for property located at 241 Glenwood Road, Pine Island, New York and designated on the Town tax map as Section 10 Block 1 Lot 64.3 and located in an RU District for a variance of Section 164.53(12) extending a lot area variance granted by the Zoning Board on 4/28/08, or, in the alternative, for a variance of Section 164.40N reducing lot area on proposed Lot 1 to 2.39 (+/-) acres where 4 acres are required for the purpose of a 2 lot subdivision.

CHAIRMAN JANSEN: Please identify yourself for the record.

MS. EMMERICH: My name is Karen Emmerich; from Lehman and Getz Engineering.

CHAIRMAN JANSEN: This was granted in 2008?

MS. EMMERICH: That is correct.

CHAIRMAN JANSEN: Anything substantially changed?

MS. EMMERICH: Nothing has changed; we have been back to the Planning Board for an extension, another extension and re-approval. And we have to come back now to the ZBA because your approval has expired.

CHAIRMAN JANSEN: Ok, and did the Town list any concerns?

MS. EMMERICH: No, we had addressed their concerns the last time around. They wanted an addition map provided and we complied.

CHAIRMAN JANSEN: Has our Board changed their requirements?

ATTORNEY FINK: No. There have been no changes and nothing has been pointed out. The variance was granted in 2008 and there have been no changes; we can extend it for an additional two years.

CHAIRMAN JANSEN: Any objection? If not, can I have a vote on that?

ATTORNEY FINK: Is this going to create an undesirable change in the character of the neighborhood or be a detriment to the nearby properties? Is this going to have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

MR. PAULSEN: No.

MR. MALOCSAY: I motion this is an Unlisted Action with no adverse environmental impact.

MR. SHUBACK: I second it.

CHAIRMAN JANSEN: Any discussion? All in favor?  
All in favor (Four Ayes) Motion carried.

ATTORNEY FINK: Motion carried to grant the variance an extension of two years?

MS. BRAMICH: So moved.

MR. MALOCSAY: I second it.

CHAIRMAN JANSEN: Any discussion? All in favor?  
All in favor (Four Ayes) Motion carried.

Meeting adjourned. The next month's meeting will be on Tuesday, July 23<sup>rd</sup>, 2012.

Submitted by Pamela J. Carroll ZBA Recording Secretary