

TOWN OF WARWICK
ZONING BOARD OF APPEALS

JUNE 27, 2016

Members Present:

Jan Jansen, Chairman

Kevin Shuback

Attorney Robert Fink

Chris Daubert

Members Absent:

Mark Malocsay, Co-Chairman

Diane Bramich

CHAIRMAN JANSEN: Any additions or changes to last month's minutes? Is there a motion to have the minutes of the last meeting accepted?

MR. SHUBACK: I make the motion.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: Motion carried. Is there a motion to have the minutes of the previous meeting accepted?

MR. SHUBACK: I make the motion.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: Any discussion; motion carried.

PUBLIC HEARING OF Robert & Linda Roven - for property located at 78 Hedges Road, Warwick, New York and designated on the Town tax map as Section 16 Block 1 Lot 30 and located in an MT District for a variance of TL 280-a(3)(b) or Section 164-40N reducing required lot width from 300 feet to 15 (+/-) feet for the purpose of providing access from lot designated S 16 B 1 L 49 on the Town tax map to Hedges Road and for a lot line change.

CHAIRMAN JANSEN:

The Rovens are not here?

ATTORNEY FINK:
has been continued until next month.

That is correct; the motion

PUBLIC HEARING OF Sal Giello - for property located at 41 Drew Road, Warwick, New York and designated on the Town tax map as Section 40 Block 1 Lot 31 and located in an RU District for a variance of the Bulk Area Requirements of the Code reducing 1 side setback to 28 feet where 75 feet are required for the purpose of an addition and expansion to an existing single family dwelling.

CHAIRMAN JANSEN: Please identify yourself for the record and briefly state what it is you would like to do. We are missing a letter from the County regarding this application.

MR. GIELLO: My name is Sal Giello and I would like to add a Great Room to one side of our house.

CHAIRMAN JANSEN: Is there any reason it has to be there?

MR. GIELLO: It makes the house square.

ATTORNEY FINK: Does this fit in with other setbacks in the neighborhood?

MR. GIELLO: My house is in the middle of nowhere.

CHAIRMAN JANSEN: Public hearing is open; is there anyone here from the Public to discuss 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: No.

MR. SHUBACK: No.

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

MR. SHUBACK: Yes, put the addition on the front.

ATTORNEY FINK: I said feasible.
MR. SHUBACK: Then, no.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this a numerically
substantial variance?

CHAIRMAN JANSEN: Yes.

MR. SHUBACK: Yes.

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

CHAIRMAN JANSEN: No.

MR. DAUBERT: No.

ATTORNEY FINK: Is this self-created?

MR. SHUBACK: Yes.

CHAIRMAN JANSEN: Yes.

ATTORNEY FINK: Would someone care to type
this as Type II with no environmental impact?

MR. SHUBACK: So moved.

ATTORNEY FINK: Would someone care to
motion that the variance be granted as advertised?

MR. SHUBACK: So moved.

MR. DAUBERT: Seconded.

ATTORNEY FINK: Would someone care to
motion that the variance be granted as advertised?

MR. SHUBACK: So moved.

MR. DAUBERT:

Seconded.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (3 Ayes) Motion carried.

ATTORNEY FINK:

I will be contacting Connie

Sardo regarding the letter from the County.

PUBLIC HEARING OF JULIA A. RUTH & STELLA BAKER - for property located at 70 Ackerman Road, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lots 27.21 & 27.12 and located in an RU District for a variance of the Bulk Area Requirements of the Code to permit a lot line change resulting in a lot area of 2.499 acres on proposed Lot 1 and 1.381 acres on proposed Lot 2 where 4 acres are required and 1 sideline of 49.29 acres where 75 feet are required and both sidelines of 124.29 feet where 150 feet are required on proposed Lot 2.

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

MR. MC GLOIN: My name is John McGloin and I am representing Julia Ruth and Stella Baker. They have a condition on their properties where Ms. Baker possesses a small portion of Ms. Ruth's property. It has been like this for a long period of time. We are just trying to straighten the line out. And because of that situation, and because the zoning has changed, it does not meet the area requirements.

CHAIRMAN JANSEN: We are looking at a lot line change?

MR. MC GLOIN: Yes, and the Planning Board advised us to come here.

ATTORNEY FINK: Is there any other property available between the two parties?

MR. MC GLOIN: No.

CHAIRMAN JANSEN: Public hearing is open; Public hearing is closed.

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

CHAIRMAN JANSEN: No.

MR. DAUBERT: No.

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

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this a numerically substantial variance?

CHAIRMAN JANSEN: Not really.

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

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Self-created?

MR. SHUBACK: No.

ATTORNEY FINK: Well, they are moving the line.

CHAIRMAN JANSEN: They were stuck with the line the way it was so it is not self-created.

ATTORNEY FINK: Would someone care to type this as Unlisted with no adverse environmental impact?

MR. SHUBACK: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: Any discussion?

All in favor (3 Ayes) Motion carried.

ATTORNEY FINK: Would someone care to motion that the variance be granted as advertised?

MR. SHUBACK: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN:

Any discussion?

All in favor (3 Ayes) Motion carried.

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