

TOWN OF WARWICK
ZONING BOARD OF APPEALS

JUNE 30, 2014

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Attorney Robert Fink

Kevin Shuback

Norman Paulsen

Members Absent:

Diane Bramich

CHAIRMAN JANSEN:
minutes from the meeting of April 28, 2014 approved?

Is there a motion to have the

MR. MALOCSAY:
minutes.

I make a motion to accept the

MR. SHUBACK:

I second.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (4 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 4/28/14 ZBA meeting.**

CHAIRMAN JANSEN: Not present, no? I did have a discussion the Building Inspector today and they have done nothing to solve their septic problems so it is up to us to either move them on that. I would suggest a letter be sent to them advising them to solve the problems and appear at the next meeting. And if they do not, the alternative will be to remove the building.

ATTORNEY FINK: No, unless you are going to vote.

CHAIRMAN JANSEN: We are going to vote and unless they can show where the sewer and septic can be placed that is acceptable.

ATTORNEY FINK: We are going to consider the application and vote. You can't say that you are going to grant it or deny it; you are going to consider it.

MR. MALOCSAY: Was there a second perk test?

CHAIRMAN JANSEN: Nothing has been done and no information has been supplied to the Building Inspector.

MR. SHUBACK: So they need to get going.

CHAIRMAN JANSEN: It has been one year; they need to get going.

ATTORNEY FINK: I will send them a letter telling them that the Board is going to consider the application next month. They have to appear; if they need more time, they can ask for it then.

MR. MALOCSAY: There are some people from the Public that would like to say something.

CHAIRMAN JANSEN:
would you like to address this application?

Public discussion is still open;

MR. DEL BIANCO:
Was the variance changed from the 15 feet off the road to 10 feet off the road?

My name is Paul Del Bianco.

CHAIRMAN JANSEN:

Nothing has been changed.

MS. NEYMAN:
There is actually a 5 foot balcony that would be affected by the 10 feet versus 30 feet change.

My name is Lucy Neyman.

CHAIRMAN JANSEN:
all during this entire application. The Public discussion is going to remain open till the next meeting.

Nothing has been granted at

PUBLIC HEARING OF JANE BRIEF, EXECUTRIX (ESTATE OF HEATHER PARGETER - for property owned by the Estate of Heather Pargeter Lipman and located at 56 Jones Road, Warwick, New York and designated on the Town tax map as Section 41 Block 1 Lot 44.21 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting an existing roof over a front porch on a single family dwelling with a front setback of 35 feet where 75 feet are required.

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

MS. BRIEF: My name is Jane Brief.

MR. LIPMAN: My name is Alan Lipman and
this is a photo of the house showing a prior version of the porch on the house, 40 or 50 years ago.
Ms. Lipman is seeking approval for a roof erected without a permit while she was having other
work done on the house with permits.

CHAIRMAN JANSEN: Are there any questions from
the Board?

MR. PAULSEN: No.

MR. MALOCSAY: No.

CHAIRMAN JANSEN: The discussion is open to the
Public; any one here from the Public that would like 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: No.

MR. MALOCSAY: No, along that street there are
homes that sit as close or closer, but more so, for those homes, the setback used to be 50 feet.

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

MR. PAULSEN: No.

MR. MALOCSAY:	No.
ATTORNEY FINK: variance?	Is it a numerically substantial
CHAIRMAN JANSEN:	No.
MR. MALOCSAY:	Numerically, yes.
MR. LIPMAN:	The structure itself is already
a non-conforming structure. The roof is only 6 feet closer to the road.	
ATTORNEY FINK: substantial or non-substantial?	So is the Board's consensus
CHAIRMAN JANSEN:	Non-substantial.
MR. SHUBACK:	Non-substantial.
MR. PAULSEN:	Non-substantial.
ATTORNEY FINK: non-substantial. Is this going to have an adverse effect or impact on the physical or environmental conditions of the neighborhood? This is a Type 2 action so by definition, it would not.	The consensus is that it is
MR. PAULSEN:	No.
ATTORNEY FINK:	Is this self created?
MR. MALOCSAY:	Yes.
MR. SHUBACK:	Yes.
ATTORNEY FINK: granted based upon the consideration of the benefit to the applicant?	Should the variance be
MR. MALOCSAY:	Yes.
MR. SHUBACK:	Yes.

ATTORNEY FINK:
been requested?

Has the minimum variance

MR. MALOCSAY:

Yes.

MR. SHUBACK:

Yes.

ATTORNEY FINK:
that this application be granted as advertised?

Would someone care to move

MR. MALOCSAY:

So moved.

MR. SHUBACK:

Seconded.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

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