

TOWN OF WARWICK
ZONING BOARD OF APPEALS

JULY 27, 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 June 22, 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. **Continued from June 27th ZBA Meeting.**

CHAIRMAN JANSEN: I think we covered everything at the last meeting. We were waiting for a letter from the county.

ATTORNEY FINK: It stated that this property is adjacent to an Appalachian National Scenic Trail. It also stated that this structure might be visible from the trail and suggested placing a vegetative screen to block sight of the structure.

MR. SHUBACK: I don't think it is that visible from the Trail.

MR. SHULTZ: That section of the trail is hardly used except for illegal activities. I observe more people exiting it from the Jersey side.

ATTORNEY FINK: How long has the hut been up?

MR. SHULTZ: It has been up for approximately 2 ½ years.

CHAIRMAN JANSEN: The Public Hearing is still open; is there anyone here to address this application? No, Public Hearing is closed.

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

CHAIRMAN JANSEN: No.

MR. SHUBACK: No.

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

MR. SHUBACK: No.

MR. MALOCSAY: No.

ATTORNEY FINK: Is this a numerically
substantial variance?

MR. MALOCSAY: Yes.

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

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this self created?

MR. MALOCSAY: Yes.

CHAIRMAN JANSEN: Yes.

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

MR. SHUBACK: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: Any discussion? All in favor?

5 Ayes, Motion carried.

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

MR. SHUBACK: So moved.

MS. BRAMICH: I second with the stipulation
that some brush be planted as recommended by the County. Does it have to be on the record?

ATTORNEY FINK: Yes, someone has to discuss
this.

MR. MALOCSAY:
that.

I don't have a problem with

MS. BRAMICH:
type of screening.

I think there should be some

MR. MALOCSAY:

Yes.

CHAIRMAN JANSEN:
OK.

A couple of trees would be

ATTORNEY FINK:
plantings to be placed?

To which side are the

There is a discussion of the trail site and foliage sites.

ATTORNEY FINK:
advertised?

Is there a motion to pass as

MS. BRAMICH:

So moved.

MR. SHUBACK:

Seconded.

CHAIRMAN JANSEN:

Any discussion?

All in favor (5 ayes) Motion carried.

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. **Continued from June 27th ZBA Meeting.**

CHAIRMAN JANSEN: Is Ms. Palozzolo present? No, well we told her that she didn't have to be present. The Public Hearing is still open; is anyone here 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.

MS. BRAMICH: No.

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

CHAIRMAN JANSEN: Not really.

MS. BRAMICH: He could take it down.

CHAIRMAN JANSEN: That would be drastic.

ATTORNEY FINK: Is this a numerically substantial variance?

MR. MALOCSAY: Yes.

MR. SHUBACK: Yes.

MS. BRAMICH: Yes.

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

MR. SHUBACK: No.

CHAIRMAN JANSEN:	No.
MS. BRAMICH:	No.
ATTORNEY FINK:	Is this self created?
MR. SHUBACK:	Yes.
MS. BRAMICH:	Yes.
ATTORNEY FINK: this as Unlisted with no adverse environmental impact?	Would someone care to type
MR. SHUBACK:	So moved.
MS. BRAMICH:	Seconded.
CHAIRMAN JANSEN:	Any discussion?
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? (5 Ayes) Motion carried.	

PUBLIC HEARING OF ALBERT COCCARO - for property located at 118 Big Island Road, Warwick, New York and designated on the Town tax map as Section 17 Block 1 Lot 38.222 and located in an RU District for a variance of Section 164-41.A.(1)(a) permitting construction of a pole barn of 3,500 square feet where the maximum allowed is 1,200 square feet and the median dimension of not more than 48 feet.

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

MR. COCCARO: My name is Albert Coccaro.

MS. COCCARO: My name is Katie Coccaro.

MR. COCCARO: I need to put my tractor and backhoe and miscellaneous mowing equipment in a barn. I would also like to put horses on the property.

CHAIRMAN JANSEN: How many acres is the property?

MR. COCCARO: It is 47 acres.

CHAIRMAN JANSEN: You know you have the option to put up multiple 1200 sq foot buildings?

MR. COCCARO: I actually just found out yesterday.

CHAIRMAN JANSEN: Just wanted to let you know.

MR. PAULSEN: Is this feasible for you?

MR. COCCARO: I don't think it would be as aesthetically pleasing. I have plans made.

CHAIRMAN JANSEN: We should all have a copy of those, yes.

MR. COCCARO: I spent a lot of time making something functional.

CHAIRMAN JANSEN: Any questions?

MS. BRAMICH: Does it matter where it is placed on the property?

MR. PAULSEN: It doesn't matter where; it is the size that matters.

CHAIRMAN JANSEN: He has the sizes on the plot plan and the setbacks. He has 96 feet on one side and 174 feet on the other side. He is well within the setbacks. I think cluttering the property with 3 barns would look worse. Any questions?

MR. MALOCSAY: You recently purchased the property?

MR. COCCARO: Yes, in March.

MR. MALOCSAY: I know this property very well; my horse is in the barn. We have never met.

CHAIRMAN JANSEN: Now you have to disqualify yourself.

MR. MALOCSAY: There are two barns on the property but they are smaller and not practical for both horses and equipment. The Town grants variances for this all the time.

CHAIRMAN JANSEN: It makes more sense to have one barn.

MR. MALOCSAY: Yes.

CHAIRMAN JANSEN: Public Hearing is now open; is there anyone here from the Public that would like to address this application?

MR. SWEARER: My name is Bill Swearer; I live across the street. Welcome to the neighborhood. I have one concern. Is this going to be a commercial horse boarding operation?

MR. COCCARO: No. I do not know how many we will end up with but I love horses and would love to have 2 or 3.

CHAIRMAN JANSEN: Anyone else? No, Public
Hearing is closed. I think Mr. Malocsay should abstain from voting on this matter.

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

MS. BRAMICH: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Can it achieved by any other
means?

CHAIRMAN JANSEN: Yes, by building 3 smaller
barns, but it would clutter the property.

ATTORNEY FINK: Is this a numerically
substantial variance?

CHAIRMAN JANSEN: Yes.

MS. BRAMICH: Yes.

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

MS. BRAMICH: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this self created?

MR. SHUBACK: Yes.

MS. BRAMICH: Yes.

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

MR. SHUBACK: So moved.

MS. BRAMICH:

Seconded.

CHAIRMAN JANSEN:
in favor with Mr. Malocsay abstaining?

Any further discussion? All

All in favor (4 Ayes) Motion carried.

ATTORNEY FINK:
motion that the variance be granted as advertised?

Would someone care to

MS. BRAMICH:

So moved.

MR. SHUBACK:

Seconded.

CHAIRMAN JANSEN:
with Mr. Malocsay abstaining?

Any discussion; all in favor

All in favor (4 Ayes) Motion carried.

PUBLIC HEARING DANA TUCKFELT - for property located at 54 Sleepy Valley Road, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 78.1 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting a 14 foot X 26 foot 6 inch addition to a single family dwelling resulting in a side setback of 26.6 feet where 35 feet are required.

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

MS. TUCKFELT: My name is Dana Tuckfelt.

MR. LEWIS: My name is Paul Lewis. We want to add on to the size of the house; it is very small and the family is growing.

CHAIRMAN JANSEN: Similar houses up and down the road?

MR. LEWIS: Yes.

ATTORNEY FINK: Who owns the adjacent lot?

MS. TUCKFELT: My mother-in-law.

CHAIRMAN JANSEN: Any questions? No, Public Hearing is open. Anyone 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?

MS. BRAMICH: No.

CHAIRMAN JANSEN: No.

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

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is this numerically substantial variance?

MR. PAULSEN: Yes.

MS. BRAMICH: Yes and no, it is not that much.

CHAIRMAN JANSEN: No, it is not that much.

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

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is this self created?

MR. SHUBACK: Yes.

MS. BRAMICH: Yes.

CHAIRMAN JANSEN: Yes.

ATTORNEY FINK: Since this is a Type II with no adverse environmental impact, would someone care to motion that the variance be granted as advertised?

MR. SHUBACK: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

PUBLIC HEARING OF WILLIAM KLEIN - for property located at 27 Alicia Lane, Warwick, New York and designated on the Town tax map as Section 94 Block 8 Lot 24 and located in an SM District for a variance of Section 164-41.C(4)(f) allowing a fence 6 feet in height within the front yard setback where no more than 4 feet are allowed and up to 10 feet 6 inches (+/-) in the rear yard setback where no more than 6 feet are allowed.

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

ATTORNEY FINK: As Mr. Klein will explain, it is not 10 feet 6 inches. And also he will explain that it is sitting on a wall which raises it higher; it varies in height.

MR. KLEIN: My name is William Klein and what I am trying to accomplish is when I purchased the home, the back yard was not properly graded. It was not a usable back yard so recently I had a retaining wall installed. The highest point is 3 feet 10 inches and gradually shrinks to 0 feet. I am seeking to install a fence the full length of the wall for privacy. This is consistent with the character of the neighborhood; my neighbor has a fence across his back yard.

CHAIRMAN JANSEN: So we first need to eliminate the 6 foot within the front yard setback.

ATTORNEY FINK: The location of the house has nothing to do with it. You still measure from the front line back; so where the house is, is irrelevant. It is in the front yard setback. What is the distance?

MR. KLEIN: Probably 30 feet.

CHAIRMAN JANSEN: I think we are concerned with the height of the fence on top of the wall.

MR. KLEIN: The fence is 6 feet tall.

MR. SHUBACK: But being on top of a wall makes it taller.

MS. BRAMICH: So that makes the total height 9 feet.

ATTORNEY FINK: At the highest point, it is 9 feet 10 inches.

CHAIRMAN JANSEN: Any questions? Is there anyone here 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?

MR. SHUBACK: No.

CHAIRMAN JANSEN: No.

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

MR. SHUBACK: No.

MR. MALOCSAY: No.

ATTORNEY FINK: Yes, he can install a smaller fence but then he would not have the privacy he wants. Is this numerically substantial?

MR. SHUBACK: No.

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

MR. SHUBACK: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this self created?

CHAIRMAN JANSEN: Yes.

MR. SHUBACK: Yes.

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

MR. SHUBACK:

So moved.

MR. PAULSEN:

Seconded.

CHAIRMAN JANSEN:

Any discussion?

All in favor (4 Ayes) Any opposed? (1 Nay) Motion approved.

ATTORNEY FINK:

Would someone care to

motion that the variance be granted as advertised?

MR. SHUBACK:

So moved.

MR. PAULSEN:

Seconded.

CHAIRMAN JANSEN:

Any discussion?

MR. MALOCSAY:

Yes, we have been seeing and

granting a great deal of variances for fence height for privacy. Do we give everybody the same consideration?

CHAIRMAN JANSEN:

Maybe the Town Board

needs to revisit this height variance.

ATTORNEY FINK:

This case is a bit different as

technically it is higher than 6 feet because of the grade of the property.

All in favor? (4 Ayes) Any opposed? (1 Nay) Motion carried.

PUBLIC HEARING OF JOSEPH IRACE - for property owned by Michael J. Littier and located at 252 Hambletonian Road, Warwick, New York and designated on the Town tax map as Section 23 Block 1 Lot 44 and located in an RU District for a variance of Section 164-41.A.(1)(a) permitting construction of an artist studio barn of 3,000 square feet where the maximum allowed is 1,200 square feet and the median dimension of not more than 48 feet.

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

MR. IRACE: My name is Joseph Irace, an architect in Warwick, NY.

CHAIRMAN JANSEN: Briefly tell us why you need a 3,000 foot building.

MR. IRACE: This property is being purchased by a Japanese artist from Manhattan. He does huge murals and he needs this space in order to work on his huge murals.

ATTORNEY FINK: This application is only for the size of the building?

MR. IRACE: Yes.

ATTORNEY FINK: And the applicant is explaining what he intends to do with it.

MR. IRACE: Correct.

ATTORNEY FINK: I do not know why that would not be an accessory use to the house as it is not open to the public but the point is if the use of that barn becomes subject to Planning Board approval, that is a whole different ballgame and has nothing to do with bearings this Board is looking at.

MR. IRACE: It is a size variance we are seeking, not a use variance.

ATTORNEY FINK: He wants a bigger one so he can paint.

CHAIRMAN JANSEN: But the others were related to agriculture use.

MS. BRAMICH: This is not.

MR. IRACE: It is located in an agricultural zone. And there are bigger buildings in the neighborhood. There is an old building on the property; we are taking that one down and replacing it with this building. It will be built and painted to resemble a barn.

MR. SHUBACK: How big is the building that you are taking down?

MR. IRACE: It is probably 30 by 20; but we are sitting on the same footprint.

CHAIRMAN JANSEN: Here's my question, Mr. Fink, is this more of a commercial thing rather than an agricultural thing? And should it be before the Town Planning Board instead of here?

ATTORNEY FINK: He is not looking for any kind of a variance for use, just for size.

MR. IRACE: We met with Wayne (Building Inspector) and he said this is the procedure and not to worry about the use.

MR. PAULSEN: Does he sell the paintings?

MR. IRACE: Yes.

MR. SHUBACK: Does he sell them out of that building?

MR. IRACE: No. He wants to live here and work here. He won't buy the land if he can't have the barn.

MS. BRAMICH: So he doesn't own it?

MR. IRACE: No, it is under contract.

ATTORNEY FINK: Accessory Use #A5 states:
businesses are not allowed in that district and it appears that there is nothing that is specific to the
accessory use. What he is going to do in there would be the Building Inspector's call. And he
didn't seem to have any problems with it and sent it to us.

MR. MALOCSAY: We are asking why it has to
be a certain size. If it something to do with home occupation, I would have no problem with
granting the variance. However, if it is for something that is not allowed, I would have a hard
time granting the variance.

MR. SHUBACK: Can we approve it as long as
the Planning Board has no problem with it?

ATTORNEY FINK: We are not approving the use,
just the size. He is using it to paint for his own private use.

MR. MALOCSAY: That's not what he said.

MR. IRACE: That is exactly what he is
using it for.

MS. BRAMICH: But you said he is selling
them.

MR. IRACE: Not from that site, he sells his
paintings in Manhattan. This is not a "for sell" building, he is only painting here and people will
not come here to buy his paintings.

MR. PAULSEN: Where is his gallery?

MR. IRACE: His gallery is in Manhattan.

ATTORNEY FINK: He is looking for a building
this size in order to paint in it. The business of the zoning board is to decide whether to give him
a building that big.

CHAIRMAN JANSEN: I am opening this up for
Public discussion. Anyone here from the public that would like to address this application?

ATTORNEY FINK: I also suggest we request a more specific reading from Wayne and the Town Planning Board. I can write to them and ask that they comment for the next meeting.

MR. KLEPPER: My name is Red Klepper. I understand that this is a 4 acre residential zone, which would preclude any subdivision, and this piece of property is 7 acres. So looking in the future, if this gentleman wanted to subdivide, he would need a variance.

ATTORNEY FINK: Excuse me, this is not even relevant to this application.

MR. KLEPPER: I think it is because I wanted to put a cottage on my property and they wouldn't let me do it.

ATTORNEY FINK: This is different, this is a barn.

MR. KLEPPER: I was told there would be 2 rooms in this building and a half bath. In the future, it would easy to hook up a shower and then somebody could live there.

MR. IRACE: No, that is for washing up.
All studios have an area for washing up.

MR. KLEPPER: I'm just saying that in the future, this could happen. On that property is a pond and so it may be wet lands. I suggest that some one check that out as the building and its septic system may encroach on that area.

MR. SWANSON: My name is Dennis Swanson. 30 years ago I requested approval to cut a driveway onto East Ridge Road. I was told by the Building Inspector at that time "don't even think about it".

ATTORNEY FINK: The ZBA has nothing to do with entrance permits to county roads.

MR. SWANSON: I think at some point this is what will happen on every property. If that is the case, I will put one up on my property and sell it. I am very concerned that you might allow the construction of a building that can be converted into a home very easily. Will we get a guarantee that this building will never be used for anything but an art studio?

ATTORNEY FINK: This can be used for anything that is legal in that district. If it is used for something illegal, then it becomes the business of the Building Inspector.

CHAIRMAN JANSEN: You, or anyone, can make a complaint directly to the Building Inspector.

MS. CIRIGLIANO: My name is Barbara Cirigliano. The specific use of the property in this area was meant for residential, horse barns and agriculture buildings. This man is building a structure that is larger than anything in the neighborhood and is placing it in the corner of the property near the road. We will have to look at this building every time we use the road. We are not sure that, at some point, he will be bringing in customers to look at and buy his artwork, or to attend art classes. And the placing of another driveway onto our private road. We are a private home owners association. And that is not what we bought in for.

There is a heated discussion regarding the neighbors' concerns for the future use of the building.

MS. LITTLE: My name is Christine Little. I would like to know the size of these murals.

MR. IRACE: They can be as large as 20 by 30 feet.

MS. LITTLE: How does your client propose to transport these murals to the city? Art work of this size requires large trucks and our road can not support the traffic of large trucks.

MR. IRACE: My client proposes to roll them up as they are painted on canvas.

MS. LITTLE: This is another issue that should be considered by the Board.

CHAIRMAN JANSEN: This application will be continued at the next meeting.

PUBLIC HEARING OF GEORGE BRUNJES - for property owned by George Brunjes Family Trust, Kathleen R. Pettit, Trustee and located at 18 Buttermilk Falls Road, Warwick, New York and designated on the Town tax map as Section 65 Block 1 Lot 15.11 and located in an MT District for a variance of Section 280-a of the Town Law allowing access to the property from a private road.

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

ATTORNEY FINK: This is a flag lot. Why are you coming here? Is this legal?

MR. GETZ: It has frontage on Cascade Rd but I was told that because it has access on Franklin Falls does not stay within the lot the entire way. Access is still proposed from the private road. I am David Getz from Lehman and Getz Engineering.

MR. MALOCSAY: Mr. Fink, you are OK with that?

ATTORNEY FINK: I am reviewing it.

MR. GETZ: The way the Planning Board explained it, if he chose to build a driveway from Cascade within the flag portion of his lot, then he would not need this. But based on the topography of Buttermilk Falls, this is not a feasible alternative.

ATTORNEY FINK: So he goes in and out of the flag?

MR. GETZ: Yes, he owns both lots and lives on one of them and the other is a vacant lot. He is applying for a building permit now for a house with the Town Planning Board.

ATTORNEY FINK: So as you explain, he does not staying within the flag, he is going over 15/12.

MR. GETZ: Yes.

MR. MALOCSAY: He has access to Cascade Rd so I don't see why we need to give him the 288 variance.

ATTORNEY FINK: Does he, in fact, have access?

MR. GETZ: He would have to build retaining walls and do a lot of cutting and filling.

ATTORNEY FINK: Why are you in front of the Planning Board?

MR. GETZ: Because he needs to cross the Creek and it is designated as a protected area. I believe they wrote to you a favorable recommendation for the 280A request.

ATTORNEY FINK: This is not like County approval where they get 30 days to approve it. They also need the approval from the DEC.

ATTORNEY FINK: A 280A variance simply allows the applicant to build a dwelling on property that does not directly front on a public road. They just have to show a feasible method to get to that road.

MR. SHUBACK: Every house on Buttermilk Falls has one of those.

MR. MALOCSAY: The access is there and is in decent shape with the exception of when you get to the bridge.

ATTORNEY FINK: It is not a variance where he has to justify why he is using one as opposed to the other; he just has to show that he can get acceptable access.

MR. GETZ: He has put some fill in that area in anticipation of approval.

CHAIRMAN JANSEN: Public Hearing is now open; is there anyone here from the Public to address this application?

MR. ORR: My name is Jim Orr. It is my understanding that from here, this application goes back to the Town Planning Board for a regular hearing, right?

ATTORNEY FINK: Yes.

MR. ORR: So I have no questions now, I just concerned that he is proposing building a bridge on a bend. My property sits right next door so if there is any stream encroachment, I could lose my house. I will take this up with the Planning Board.

CHAIRMAN JANSEN: Can I close the Public Hearing?

ATTORNEY FINK: You can or we continue this application until we go out and look at the property. It won't make a difference either way; the DEC will still make their own decision.

CHAIRMAN JANSEN: I am comfortable with the findings of the Planning Board and the DEC.

MR. MALOCSAY: There is access to the property from Buttermilk Falls Rd and it meets the minimum standards that the Town has.

CHAIRMAN JANSEN: Do you propose that we turn it down?

MR. MALOCSAY: No, it does have access for emergency vehicles and that is what is before us.

MR. GETZ: The section of Buttermilk Falls Rd is in better shape than it has been in the past.

MR. MALOCSAY: Yes, the bridge is out but the rest, where the property is located, is perfectly fine.

CHAIRMAN JANSEN: Any more discussion? 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?

MS. BRAMICH: No.

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: other feasible method?	Can it be achieved by any
MS. BRAMICH: road.	Only if they use the other
MR. MALOCSAY:	No.
ATTORNEY FINK: feasible.	In this instance, it might be
MR. MALOCSAY:	But it is not practical.
ATTORNEY FINK: substantial variance?	Is this a numerically
MS. BRAMICH:	No.
MR. MALOCSAY:	No.
CHAIRMAN JANSEN:	No.
ATTORNEY FINK: adverse effect or impact on the physical or environmental conditions of the neighborhood?	Is this going to have an
MS. BRAMICH: before the DEC.	We won't know until it goes
CHAIRMAN JANSEN:	We don't know.
ATTORNEY FINK:	Is this self created?
MS. BRAMICH:	Yes.
MR. SHUBACK:	Yes.
CHAIRMAN JANSEN:	Yes.
ATTORNEY FINK: this as Unlisted with no adverse environmental impact?	Would someone care to type

MS. BRAMICH:

So moved.

MR. SHUBACK:

Seconded.

CHAIRMAN JANSEN:

Any discussion?

All in favor (5 Ayes) Motion carried.

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