

TOWN OF WARWICK
ZONING BOARD OF APPEALS

AUGUST 24, 2015

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Norman Paulsen

Kevin Shuback

Attorney Robert Fink

Members Absent:

Diane Bramich

CHAIRMAN JANSEN:
minutes from the meeting of July 27, 2015 approved?

Is there a motion to have the

MR. MALOCSAY:
minutes.

I motion to approve the

MR. SHUBACK:

I second the motion.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (4 Ayes) 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.
Continued from the 7/27/15 ZBA Meeting.

CHAIRMAN JANSEN: This is a continued hearing of Joseph Irace. Do you have anything to add at this time?

MR. IRACE: Yes, I brought the owner tonight to explain why the building has to be the particular size. And the use he has planned of the building.

ATTORNEY FINK: The Town has no objection to the use of the building.

CHAIRMAN JANSEN: Any questions? Ok, Mr. Fukui, would you come up?

MR. FUKUI: My name is Nobu Fukui and I decided to move here because of the peace and quiet in this area. I have showings in New York City once a year, or a year and a half. I drive a Honda Pilot and can easily fit my paintings in this to transport to my studio in NYC. My artwork is mural sized and I need a large area in which to paint them. I am approaching retirement and plan on staying for a long time. I have no plans to re-sell this property. My wife and I hosted an open house recently to introduce myself to my neighbors and explain my plans for this studio. I want to be a good neighbor.

MR. SHUBACK: Is it possible to change your plans to change the shape or the building so that one or sections is behind the other to make the building shorter? Then you would not need a variance.

MR. FUKUI: That is possible but it will cost me a lot more money to build.

CHAIRMAN JANSEN: I want the Public to know that if Mr. Fukui were to decide to build 3 separate buildings, he would not need a variance. Then the neighbors would have more buildings to look at. Mr. Fukui, would you agree to plant screen foliage on one side of the building to block the view for the neighbors?

MR. FUKUI:
trees and foliage.

Yes, I agree to plant some

There was a lengthy discussion of the size and use of this building by the following neighbors: Mr. Red Klepper, Mr. Neal Wallace, Mr. Dennis Swanson, Mrs. Klepper, Ms. Pam Swanson, Ms. Nancy Humes. They expressed their concerns for the size and the use of the building for a dwelling, either by Mr. Fukui or a future owner. Attorney Finks reminded the Public that this Board cannot rule on the use of the building, now or in the future. Chairman Jansen informed the Public that they have the recourse to appeal the decision made tonight, if they were not happy with the outcome.

CHAIRMAN JANSEN: There is a Board member absent tonight and you will need a majority of votes to be granted this application. You may postpone the vote until the next meeting or you may have the vote tonight.

MR. FUKUI: Thank you but I wish to proceed with the vote tonight. I already made the purchase of this property. I cannot wait another month or two to begin construction because of the threat of frost interfering with the ground-breaking. I will abide by the decision of this Board.

CHAIRMAN JANSEN: The Public Hearing is closed.
Mr. Fink?

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. There are other buildings
in the neighborhood just as large.

MR. SHUBACK: No.

CHAIRMAN JANSEN: No.

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

MR. MALOCSAY: Yes, by constructing 3
buildings.

CHAIRMAN JANSEN: Yes, but it would be cost prohibitive.

MR. SHUBACK: Yes.

ATTORNEY FINK: Is this a numerically substantial variance?

MR. MALOCSAY: Yes.

MR. SHUBACK: Yes.

MR. MALOCSAY: Yes.

ATTORNEY FINK: Is this going to have an adverse effect or impact on the physical or environmental conditions of the neighborhood? He referenced a section from a signed petition from the neighbors concerning a possible wetlands problem.

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this self created?

MR. MALOCSAY: Yes.

CHAIRMAN JANSEN: Yes.

MR. SHUBACK: Yes.

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

MR. MALOCSAY: So moved.

MR. SHUBACK: Seconded.

CHAIRMAN JANSEN: Any discussion?

All in favor? (4 Ayes) Motion carried.

ATTORNEY FINK: Would someone care to
motion that the variance be granted as advertised, providing the applicant plant some trees and
foliage above the back of the building by the end of this year/ prior to being issued a Certificate
of Occupancy?

MR. MALOCSAY: So moved.

MR. SHUBACK: Seconded.

CHAIRMAN JANSEN: Any discussion?

All in favor? (4 Ayes) Motion carried.

ATTORNEY FINK: You are again reminded that
you have 30 days to appeal this decision.

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