

TOWN OF WARWICK
ZONING BOARD OF APPEALS
SEPTEMBER 26, 2016

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Diane Bramich

Kevin Shuback

Attorney Robert Fink

Chris Daubert

CHAIRMAN JANSEN:
the minutes from the ZBA meeting of 8/22/16?

Do I have a motion to accept

MS. BRAMICH:

So moved.

MR. SHUBACK:

Seconded.

PUBLIC HEARING OF Black Bear Campground – for property owned by Rita P. Smith as Trustee of the Rita P. Smith Living Trust and located at 197 Wheeler Road, Warwick, New York and designated on the Town tax map as Section 8 Block 2 Lot 27.14 and located in an RU District for an interpretation of whether the applicant is subject to the limited occupancy provisions of Section 164-49.2D of the Warwick Code for the existing 74 sites. Continued from the 8/22/16 ZBA Meeting.

CHAIRMAN JANSEN:
over to the October ZBA meeting.

This application will be held

PUBLIC HEARING OF Kimberly Somers - for property located at 30 Amity Road, Warwick, New York and designated on the Town tax map as Section 27 Block 1 Lot 72.22 and located in an RU District for a variance of Section 164.46J-16 & 101 to house chickens and goats in a structure 70 (+/-) feet from the lot line where 150 feet are required. Continued from the 7/25/16 ZBA Meeting.

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

MR. LIPMAN: My name is Allen Lipman.

MS. SOMERS: My name is Kimberly Somers. I was looking for a home in this area because I knew it was big on livestock farming. I wanted a house and acreage in order to own livestock and that already had coops and sheds.

MR. LIPMAN: She wanted to own a mini-farm.

MS. SOMERS: Yes.

MR. LIPMAN: So there was a coop on this property?

MS. SOMERS: Yes.

MR. LIPMAN: Was it being used as a chicken coop?

MS. SOMERS: Yes.

MR. LIPMAN: What kind of fowl were in the coop?

MS. SOMERS: There were chickens, goats and a mini horse on the property when I viewed it.

CHAIRMAN JANSEN: You are asking to continue housing the chickens and goats, not the horses or pigs.

MS. SOMERS: Correct.

MR. LIPMAN: All she wants to do is maintain the coop in its present location as there is nowhere else to locate it and still comply with the regulations.

CHAIRMAN JANSEN: The Public Hearing is now open; is there anyone here to address this application? Any questions from the Board? Is this the result of a complaint from someone?

MS. SOMERS: Yes, but I spoke with all my neighbors and obtained signatures from every adjoining neighbor stating they had no problem with the chickens and goats and the placement of the chicken coop.

CHAIRMAN JANSEN: We would appreciate a copy of the letters. It appears that the only neighbor that would have a problem with your property is the neighbor on the right hand side and he is a considerable distance from your property.

MS. SOMERS: I have his signature.

ATTORNEY FINK: What is the approximate distance from this neighbor?

CHAIRMAN JANSEN: The house must be 150 feet away.

MS. SOMERS: My barn is 50 feet away from my property line and his house is at least another 200 feet.

CHAIRMAN JANSEN: The Public Hearing is closed.

ATTORNEY FINK: Does any member of the Board have anything else to say?

CHAIRMAN JANSEN: Two of us went out and looked at the property; it is clean and you cannot see it from the road.

MR. DAUBERT: It has been there forever.

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

MR. DAUBERT: No.

MS. BRAMICH: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK:	Can it be achieved by any other means?
CHAIRMAN JANSEN:	Not really.
MR. DAUBERT:	No.
ATTORNEY FINK:	Is this a numerically substantial variance?
MR. SHUBACK:	Yes.
CHAIRMAN JANSEN:	Numerically, yes.
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:	Self-created?
MR. MALOCSAY:	Yes.
CHAIRMAN JANSEN:	Yes.
ATTORNEY FINK:	Would someone care to type this as Unlisted
with no adverse environmental impact?	
MS. BRAMICH:	So moved.
MR. SHUBACK:	Seconded.
CHAIRMAN JANSEN:	Any discussion?

All in favor? (5 Ayes) Motion carried.

ATTORNEY FINK: Usually we move that the variance be granted as advertised; however, in this instance we are talking about housing goats and chickens. The advertisement must be specific to goats and/or chickens. The applicant may house chickens or goats, or chickens and goats.

MR. SHUBACK:

So moved.

MR. DAUBERT:

Seconded.

CHAIRMAN JANSEN:

Any discussion?

All in favor? (5 Ayes) Motion carried.

PUBLIC HEARING OF Howard & Russell Hansen #4 – for property located at Seminole Drive and Hansen Place, Warwick, New York and designated on the Town tax map as Section 64 Block 1 Lots 24-29 and located in an MT District for an extension of a variance of Section 164-53B(12) and 280-a variance granted on 9/22/14.

CHAIRMAN JANSEN: Please identify yourself for the record.

MR. CLEARWATER: My name is James Clearwater, Land Surveyor, representing the Hansens.

ATTORNEY FINK: And you are looking to renew this, right?

MR. CLEARWATER: Yes.

ATTORNEY FINK: To make things easier, on renewal of all variances; the rule is, if there have been no changed circumstances then there is no basis to deny it. If circumstances have changed due to time, neighborhood changing, whatever, but has there been any changes?

MR. CLEARWATER: No.

CHAIRMAN JANSEN: Is this the first extension?

ATTORNEY FINK: Second, I believe, but that doesn't really matter. It is a 280A.

CHAIRMAN JANSEN: The Public Hearing is now open. Is there anyone here from the Public that wishes to address this application? No, the Public Hearing is closed.

ATTORNEY FINK: We do not have to go through the 5 criteria questions as nothing has changed. So would someone care to type this as Unlisted with no adverse environmental impact?

MR. MALOCSAY: 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

MS. BRAMICH:

So moved.

MR. MALOCSAY:

Seconded.

CHAIRMAN JANSEN:

Any discussion?

All in favor (5 Ayes) Motion carried.

PUBLIC HEARING OF Carl & DeAnne Singer - for property located at 117 Cascade Road, Warwick, New York and designated on the Town tax map as Section 65 Block 1 Lot 74 and located in a CO District for a variance of Section 164-41.A.(1)(a) of the Town Code allowing a 35 foot X 60 foot existing pole barn wherein the Code provides the building shall not exceed 1,200 sq. ft. in floor area nor be more than 48 feet in greatest median dimension.

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

MS. SINGER: My name is DeAnne Singer and this is my husband, Carl Singer. I want to thank you all for your time and energy that you put into this sometimes thankless job.

ATTORNEY FINK: Thank you but it won't influence our decision tonight.

MS. SINGER: Let me explain what our dilemma is.
(She started to prepare visual aids and drawings on a cardboard on the front table.)

ATTORNEY FINK: We are the only ones that can see this. Are you here for the Public Hearing on this variance?

MS. DICOSTANZO: My name is Jennifer Dicostanzo and I am interested in this application as I am a realtor representing a prospective buyer.

ATTORNEY FINK: I know you have prepared to explain a great deal to the Board but it is not necessary. Please tell us why you need the variance, and why it would be impractical to move the pole barn and is it visible from anywhere.

MS. SINGER: We moved into the house without giving much thought as to who or how we would keep our driveway plowed in the winter. We build a pole barn to house our vehicles in the only practical place on our mountain property.

ATTORNEY FINK: How big is this pole barn?

MS. SINGER: It is 35 by 60 feet.

CHAIRMAN JANSEN: So at some point in time, you had to get a building permit to build this?

MS. SINGER: No, that is not what happened. We started buying bigger and bigger trucks, sander, a tractor and plows as we had to plow and salt the driveway ourselves. So we needed a large pole barn.

ATTORNEY FINK: Would it be possible make the building smaller?

MS. SINGER: No.

ATTORNEY FINK: Can anyone see this building from the road?

MS. SINGER: No.

MR. SHUBACK: It's been there for how long now?

MS. SINGER: 17 Years.

CHAIRMAN JANSEN: Any other questions from the Board? No, the Public Hearing is open. Anyone here that would like to address this application? No, 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 nearby properties?

MS. BRAMICH: No.

MR. MALOCSAY: No.

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

MR. SHUBACK: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this numerically substantial variance?

MR. MALOCSAY:	Yes.
MS. BRAMICH:	Yes.
ATTORNEY FINK: adverse effect or impact on the physical or environmental conditions of the neighborhood?	Is this going to have an
MR. MALOCSAY:	No.
MS BRAMICH:	No.
CHAIRMAN JANSEN:	No.
ATTORNEY FINK:	Is this self-created?
MR. MALOCSAY:	Yes.
MS. BRAMICH:	Yes.
CHAIRMAN JANSEN:	Yes.
ATTORNEY FINK: this as Unlisted with no adverse environmental impact?	Would someone care to type
MS. BRAMICH:	So moved.
MR. MALOCSAY:	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. MALOCSAY:	So moved.
MS. BRAMICH:	Seconded.
CHAIRMAN JANSEN:	Any discussion?

All in favor (5 Ayes) Motion carried.

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