

TOWN OF WARWICK
ZONING BOARD OF APPEALS
SEPTEMBER 28, 2015

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Attorney Robert Fink

Diane Bramich

Norman Paulsen

Members Absent:

Kevin Shuback

CHAIRMAN JANSEN:
minutes from the meeting of August 24, 2014 approved?

Is there a motion to have the

MR. MALOCSAY:

So moved.

MR. PAULSEN:

I second the motion.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (5 Ayes) Motion carried.

PUBLIC HEARING OF MICHAEL FERKO - for property located at 220 Big Island Road, Warwick, New York and designated on the Town tax map as Section 17 Block 1 Lot 5 and located in an RU District for a variance of Section 164-41.A(4) allowing a garden shed (10 feet X 16 feet) within the required front yard setback.

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

MR. FERKO: I own a corner lot and when I went for the permit, I assumed that my address was the front yard. I did not realize that I needed that setback for the other side as well. This is the only practical spot I can put the shed.

CHAIRMAN JANSEN: Does anyone have any questions?

MR. MALOCSAY: No.

CHAIRMAN JANSEN: Does anyone have any reasons why he should not have it there?

MS. BRAMICH: Is it going to be located here?
(She gestures to a plot map).

MR. FERKO: I placed the 4 X 4's on the ground where I plan to put it.

CHAIRMAN JANSEN: Any more questions?

MR. MALOCSAY: No, this property basically has 2 front yard setbacks being a corner lot.

CHAIRMAN JANSEN: Yes, 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?

MS. BRAMICH: On the tax map, it is not showing it as a corner lot.

ATTORNEY FINK: I see that. Does it show Willow Road? I think the wrong area of the survey was circled. So the answer is no?

CHAIRMAN JANSEN: Yes, that is correct.

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

MS. BRAMICH: Yes, he could put it
someplace else.

CHAIRMAN JANSEN: It would be difficult to do so.

ATTORNEY FINK: Is this a numerically
substantial variance?

MR. MALOCSAY: 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?

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: Is this self-created?

CHAIRMAN JANSEN: Yes.

MR. MALOCSAY: Yes.

ATTORNEY FINK: 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?

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?

All in favor (5 ayes) Motion carried.

PUBLIC HEARING OF PAUL & JULIE-ANNE HELMRICH - for property located at 8 Blauvelt Lane, Warwick, New York and designated on the Town tax map as Section 27 Block 1 Lot 42 for a variance of Section 164-41.A(4) for location of an above ground pool (27 feet X 52 feet) within the required front yard setback.

CHAIRMAN JANSEN: Please come forward and identify yourself for the record. Please let it be known that they are the only people in attendance for this hearing.

MR. HELMRICH: My name is Paul Helmrich. We want to put up a swimming pool. We have a private road that dissects the center of our property. But because of the '9/11' code, it was designated a corner lot. We picked a location in the back without any trees and level ground. It would alleviate grading of the ground and the taking out of any trees.

MS. HELMRICH: My name is Julie-Anne Helmrich.

CHAIRMAN JANSEN: Any questions?

ATTORNEY FINK: Yes, you are on Scott's Corner Road?

MR. HELMRICH: Yes but my address is Blauvelt Lane. He explained the location of the private road on his property.

MS. BRAMICH: Where is Blauvelt Lane on this map?

ATTORNEY FINK: Does anyone else use this private road?

MR. HELMRICH: No, it is on my private property.

ATTORNEY FINK: But it is on your property and no one uses it?

MR. HELMRICH: Yes, sir.

ATTORNEY FINK: hairs. Ok, that is really splitting

MR. HELMRICH: That is why we are here.

CHAIRMAN JANSEN: dwelling and your dwelling, which is yours? So there is a proposed

MR. HELMRICH: are both mine under one deed. They are both there and they

MS. BRAMICH: There are two houses.

MR. HELMRICH: Correct.

MR. MALOCSAY: give access to the bigger lot behind it? Is it possible that it is there to

ATTORNEY FINK: survey. It doesn't show that on the

MR. HELMRICH: There is a right-of-way on the far end of the property. This ends in a steep drop off; it was never intended to be a right of way. There is no deeded right of way for it.

MR. MALOCSAY: there. I don't know why it is even

ATTORNEY FINK: I don't either.

MR. HELMRICH: They told me that it was designated because of '9/11' and because it is located on a corner lot.

CHAIRMAN JANSEN: Public hearing is closed.

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

MS. BRAMICH: No.

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

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

MS. BRAMICH: It can be placed elsewhere.

CHAIRMAN JANSEN: It can be moved, but it is all
his property anyway.

ATTORNEY FINK: Is this a numerically
substantial variance?

CHAIRMAN JANSEN: No.

MS. BRAMICH: No.

ATTORNEY FINK: I am going to look into this a
little closer and maybe make a comment or footnote on this. 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?

MS. BRAMICH: Yes.

ATTORNEY FINK: Maybe.

CHAIRMAN JANSEN: We will leave this one open.

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

MS. BRAMICH: So moved.

MR. MALOCSAY: Seconded.

CHAIRMAN JANSEN:

Any discussion? All in favor?

All in favor (5 Ayes) Motion carried.

ATTORNEY FINK:
maybe with a footnote?

Motion to grant as advertised,

MR. PAULSEN:

So moved.

MR. MALOCSAY:

Seconded.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (5 Ayes) Motion carried.

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