

TOWN OF WARWICK
ZONING BOARD OF APPEALS

November 24, 2014

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Attorney Robert Fink

Kevin Shuback

Norman Paulsen

Members Absent:

Diane Bramich

CHAIRMAN JANSEN: Is there a motion to have the minutes from the meeting of October 27, 2014 approved? I make a motion to amend the number of voting members from 5 to 4.

MR. MALOCSAY:

I second the motion.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

PUBLIC HEARING OF SHARI AND DAN FORST - for property located at 37 Grandview Place, Florida, New York and designated on the Town tax map as Section 20 Block 2 Lot 17.1 and located in an RU District for variances from Sections 164.40.N(p), 164.46(J)(2) (16) and (102) for the following variances (required/existing): lot area 10 acres / 2.6 (+/-) acres for an existing building – lot depth 200 feet / 120 (+/-) feet; front setback 100 feet / 54.4 feet; yard adjacent to special areas 100 feet / 54.4 feet; front and 52.5 feet rear; to allow a kennel within 300 feet of a lot line – requested 54.4 feet front and 52.5 feet rear; 135.1 feet side; a variance which allows no more than 1 bitch and 2 other dogs to allow 3 personal dogs and 3 kennel dogs; a variance from the requirement that no animals or fowl be housed within 100 feet of a lot line – allowing 54.4 feet front, 52.5 feet rear, and a variance from the requirement of 30 foot separation between buildings to 19 feet. **Continued from the 10/27/14 ZBA Meeting.**

CHAIRMAN JANSEN: I don't think we need any additional information at this time.

ATTORNEY FINK: Yes, but I want to add one thing. I noticed that the kennel is not defined in the code. There are various definitions of kennel under which one may keep dogs to train. The Planning Board was not out of line defining this as a kennel as opposed to a home occupation. As long as you limit it to 3 and 3, it is technically a kennel.

CHAIRMAN JANSEN: They also had the support of the surrounding properties. The Public Hearing is still open; is there anyone here from the Public 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?

MR. MALOCSAY: No.

MR. PAULSEN: No.

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

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this a substantial variance?

MR. MALOCSAY: Yes.

CHAIRMAN JANSEN: Indeed.

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

MR. MALOCSAY: No.

MR. PAULSEN: No.

CHAIRMAN JANSEN: No.

ATTORNEY FINK: Is this self-created?

MR. MALOCSAY: Yes.

MR. PAULSEN: Yes.

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

MR. MALOCSAY: So moved.

MR. PAULSEN: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 ayes) Motion carried.

ATTORNEY FINK: Would someone care to motion that the variance be approved as advertised indicating the number of animals as is in the ad.

MR. MALOCSAY: So moved.

MR. PAULSEN: Seconded.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 ayes). Motion carried.

PUBLIC HEARING OF SAYED M. SHAH - for property located at 827 County Rt 1, Pine Island, New York and designated on the Town tax map as Section 3 Block 1 Lot 44 and located in an LB District for a variance of Section 164.53(B)(12) extending a variance granted on 10/22/12 for conversion of a 1 family home to a 2 family dwelling and a variance of Section 164.41A.(1) allowing an existing garage 1.1 feet from the front line where 50 feet are required.
Continued from the 10/27/14 ZBA Meeting.

ATTORNEY FINK: There are no changes so what we are considering is the 1.1 foot setback.

CHAIRMAN JANSEN: Is there anything you would like to add at this point?

MR. DEHAAN: No, nothing.

CHAIRMAN JANSEN: The Public Hearing is still open; is there anyone here from the Public that would like to address this application? If not, the Public Hearing is closed. Any discussion?

MR. MALOCSAY: No.

CHAIRMAN JANSEN: If not, 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.

MR. PAULSEN: No.

ATTORNEY FINK: Can it be achieved by any other feasible method? Other than moving the garage?

MR. MALOCSAY: No.

ATTORNEY FINK: Is this a numerically substantial variance?

MR. MALOCSAY: Yes.

MR. PAULSEN: 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.

MR. MALOCSAY: No.

ATTORNEY FINK: Is this self created?

CHAIRMAN JANSEN: Yes.

MR. PAULSEN: Yes.

MR. MALOCSAY: Yes.

ATTORNEY FINK: Would someone care to type this as Unlisted with adverse environmental impact?

MR. MALOCSAY: So moved.

MR. PAULSEN: I second it.

CHAIRMAN JANSEN: All in favor; any discussion?

All in favor (4 Ayes) Motion carried.

ATTORNEY FINK: Would some one care to move to approve the application as to the extent of the variance and the setback?

MR. PAULSEN: So moved.

MR. MALOCSAY: I second it.

CHAIRMAN JANSEN: All in favor; any discussion?

All in favor (4 Ayes) Motion carried.

PUBLIC HEARING OF LINDA DWYER - for property located at 368 Old Tuxedo Road, Monroe, New York and designated on the Town tax map as Section 67 Block 13 Lot 8 and located in an SL District for a variance of Section 164-41A(.1) permitting an existing shed (5 feet X 8 feet) attached to a single family dwelling with a 22 foot front setback where 50 feet are required and the existing shed is attached to the dwelling.

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

MS. DWYER: My name is Linda Dwyer.

CHAIRMAN JANSEN: Why are you calling it a shed?

MS. DWYER: Because it is a shed.

CHAIRMAN JANSEN: It is attached to the house?

MS. DWYER: It is.

CHAIRMAN JANSEN: There is an in and out of it?

MS. DWYER: There is only access in it from the outside.

ATTORNEY FINK: I spoke to the Building Inspector about this, and the only issue he has with this is with it having a fireproof wall between the structure of the house and the shed. Other than that, if it is not attached, it has to be 10 feet; if it is attached, it is ok. But that has nothing to do with us; the Building Inspector will handle that.

CHAIRMAN JANSEN: Any questions; no? I will open this up to the Public. 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 detriment to nearby properties?

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No.

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

MR. MALOCSAY: No.

CHAIRMAN JANSEN: No, it is pre-existing.

ATTORNEY FINK: Is this a numerically substantial variance?

CHAIRMAN JANSEN: 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?

MR. MALOCSAY: No.

MR. PAULSEN: No.

ATTORNEY FINK: Is this self created?

CHAIRMAN JANSEN: I'm not sure because she didn't know.

ATTORNEY FINK: She did buy it subject to existing zoning.

CHAIRMAN JANSEN: Someone should have flagged it when you bought the property.

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

MR. MALOCSAY: So moved.

MR. PAULSEN: I second it.

CHAIRMAN JANSEN: Any discussion; all in favor?

All in favor (4 Ayes) Motion carried.

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

Would someone care to

MR. PAULSEN:

So moved.

MR. MALOCSAY:

I second it.

CHAIRMAN JANSEN:

Any discussion; all in favor?

All in favor (4 Ayes) Motion approved.

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