

TOWN OF WARWICK
ZONING BOARD OF APPEALS
FEBRUARY 25, 2019

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Kevin Shuback

Chris Daubert

Members Absent:

Diane Bramich

Attorney Robert Fink

PUBLIC HEARING OF View Wireless Infrastructure Fund LP and Orange County Poughkeepsie Limited Partnership - dba Verizon Wireless for property owned by Pine Island Warehousing & Storage LLC and located at 39 Transport Lane, Warwick, New York and designated on the Town tax map as Section 3 Lot 2 Block 2.222 and located in an AI District for variances of Sections 164.77(C)(1) – maximum height – an increase from permitted height of 120 feet to 164 feet; 164.77(C)(2)(c) – setbacks - a decrease from the required 164 feet to 138 feet and 145 feet; 164.79(C)(3) – foundation - delaying the submission from a professional engineer until a time concurrent with the building permit application, and 164.80(C)(8) omitting the requirement of a landscaping plan, for the purpose of construction of a wireless communications facility.

As per letter, dated November 15, 2018 – Applicant has placed application on “HOLD.”

PUBLIC HEARING OF Mark & Alex Vinelli - for property located at 52 Sleepy Valley Road, Warwick, New York and designated on the Town tax map as Section 31 Block 2 Lot 78.3 and located in an SL District for a variance of the Bulk Area Requirements of the Code to permit a 12 ½ foot X 16 foot addition and 16 foot X 16 ½ foot screened porch with a rear setback of 48 (+/-) feet where 50 feet are required.

CHAIRMAN JANSEN: Briefly tell the board what it is you want to do.

MR. VINELLI: I'm just looking for 2 feet in the back to make a dining room addition. The setback is 50 feet and I'm at 48 feet. Those 2 additional feet will make a world of difference on the inside of the home in the proposed dining room addition.

CHAIRMAN JANSEN: Does anyone have any questions at this point? No. Let me open it up to the public. Is there anyone from the public that would like to address this application? No. OK, Public Hearing is now closed.

CHAIRMAN JANSEN: Will the proposed variance cause an undesirable change to the character of the neighborhood or be a detriment to nearby properties?

MR. SHUBACK: No.

MR. MALOCSAY: No.

CHAIRMAN JANSEN: Can the benefit sought by the applicant be achieved by any other feasible method?

MR. DAUBERT: No.

MR. MALOCSAY: No.

CHAIRMAN JANSEN: Is it a substantial variance?

MR. DAUBERT: No.

MR. SHUBACK: No.

CHAIRMAN JANSEN: Will this have an adverse effect or impact on physical or environmental conditions?

MR. MALOCSAY: No.

MR. SHUBACK: No.

CHAIRMAN JANSEN: Is the alleged difficulty self-created?

MR. MALOCSAY: Yes.

MR. DAUBERT: Yes.

CHAIRMAN JANSEN: Would someone care to type this as “Unlisted”
with no adverse environmental impact?

MR. SHUBACK: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: All in favor? [4 ayes]
Motion carried.

CHAIRMAN JANSEN: Does anyone care to move that the variance be
granted as advertised?

MR. SHUBACK: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: All in favor? [4 ayes]
Motion carried.

PUBLIC HEARING OF Ken Brown - for property located at 141 Brady Road, Warwick, New York and designated on the Town tax map as Section 64 Block 1 Lot 48.22 and located in an MT District for a variance of The Bulk Area Requirements of the Code permitting construction of a roof over an existing porch with a side setback of 32 (+/-) feet where 75 feet are required by the Code.

CHAIRMAN JANSEN: The porch is already there. You're just trying to cover it, correct?

MR. BROWN: Yes. The porch was already in existence when we purchased the home. My other addition approvals are within the required setbacks because it's going in a different direction (or area) on the property. I also want to cover this existing porch and it's not considered within the required setback. That's why I am here tonight.

CHAIRMAN JANSEN: Does anyone have any questions? No. Let me open it up to the public. Is there anyone from the public that would like to address this application? No. OK, Public Hearing is now closed.

CHAIRMAN JANSEN: Will the proposed variance cause an undesirable change to the character of the neighborhood or be a detriment to nearby properties?

MR. MALOCSAY: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Can the benefit sought by the applicant be achieved by any other feasible method?

MR. DAUBERT: No.

MR. SHUBACK: No.

CHAIRMAN JANSEN: Is it a substantial variance?

MR. MALOCSAY: No.

MR. SHUBACK: No, because the porch is pre-existing. It just doesn't have a roof.

CHAIRMAN JANSEN: Will this have an adverse effect or impact on physical or environmental conditions?

MR. MALOCSAY:	No.
MR. SHUBACK:	No.
MR. DAUBERT:	No.
CHAIRMAN JANSEN:	Is the alleged difficulty self-created?
MR. MALOCSAY:	Yes.
MR. DAUBERT:	Yes.
CHAIRMAN JANSEN: with no adverse environmental impact?	Would someone care to type this as "Unlisted"
MR. SHUBACK:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	All in favor? [4 ayes] Motion carried.
CHAIRMAN JANSEN: granted as advertised?	Does anyone care to move that the variance be
MR. SHUBACK:	So moved.
MR. MALOCSAY:	Seconded.
CHAIRMAN JANSEN:	All in favor? [4 ayes] Motion carried.

OTHER CONSIDERATIONS:

CHAIRMAN JANSEN: Motion to approve the ZBA Minutes from the
October 29, 2018 and November 26, 2018 meetings.

MR. SHUBACK: So moved.

MR. MALOCSAY: Seconded.

CHAIRMAN JANSEN: All in favor? [4 ayes]
Motion carried.

Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]