

TOWN OF WARWICK
ZONING BOARD OF APPEALS
JUNE 26, 2017

Members Present:

Jan Jansen, Chairman

Mark Malocsay, Co-Chairman

Kevin Shuback

Diane Bramich

Attorney Robert Fink

PUBLIC HEARING OF Moyna Singh – for property located at 18 West Lake Road, Warwick, New York and designated on the Town tax map as Section 19 Block 1 Lot 25 and located in an RU District for a variance of the Bulk Area Requirements of the Code permitting a 13' 6" X 16' 6" addition to a single family dwelling decreasing side setback from 58.5 feet to 45 (+/-) feet where 75 feet are required. **Continued from the April 24, 2017 ZBA Meeting.**

CHAIRMAN JANSEN: The first item on the agenda is the continued Public Hearing of Moyna Singh. Ms. Singh, please approach. You applied to decrease the size of the side setback from 58.5 feet to 45 feet where 75 feet are required. Do you have anything else to add at this point?

MS. SINGH: Just that I have looked into alternate directions as to where to put this extension. I think I sent you some pictures to show that due to the way the house was constructed in order to do the addition in any another location would be a major construction project and would totally reconfigure the entire house. I feel I need this space for better enjoyment of my home as I am spending more time in Warwick. This is basically a covered porch with no major construction like pouring of concrete. It would be a continuation of the existing deck and adding a roof and windows.

CHAIRMAN JANSEN: The Public Hearing is still open; is there anyone here to address this application?

MS. GOLDMAN: My name is Irit Goldman and I live next door to Ms. Singh. I was under the impression that this meeting a decision would be made which it should have been made 3 months ago.

CHAIRMAN JANSEN: The Public Hearing hasn't been closed yet.

MS. GOLDMAN: So now we are here and the facts remain the same. There is plenty of room there to do the building. Anything coming in closer than 75 feet, which is the law, and when she bought the property it was 58 feet, I don't think there is any reason to come closer to 45 feet. Especially, when she can do the addition on the other side of the home. I understand that there is a tree there, but that tree would be about 50 feet off the end of that addition if it were built on that side. I'm sure it would be more expensive to do this but that is the cost of building additions. I would like to hear that the variance not be extended based on the fact that it would be easier in location she proposes. Sometimes easier is not the right way. There is a law and we should obey that law. Thank you.

CHAIRMAN JANSEN: Thank you. Anyone else?

MS. SINGH: I would like to say one thing. I have offered to plant trees and some foliage over there to give my neighbor the privacy she desires. The side that she suggests requires more than a little additional expense because that whole side is windows. I think I sent you the pictures. These windows would be blocked and/or need to be moved. I don't feel it would be practical. I notice there are multiple applications similar to mine.

CHAIRMAN JANSEN: The only difference in your situation is all of the lots are relatively large lots which give people lots of privacy. By allowing you to build closer to that person you are changing the character of the neighborhood.

MS. SINGH: Yes, but it's about 10-15 more feet that I'm asking for.

CHAIRMAN JANSEN: It's really more than that.

MS. SINGH: It's 13 feet. From where we are we're just coming out another 13 feet. If it would be a big difference, I could lessen it to 10 feet.

CHAIRMAN JANSEN: It's really 30 feet closer than is permitted.

MS. SINGH: It is 10-12 feet closer than what is there now. There really is no other way. One side is the septic, one side is the entrance to the home, and the third side, which my neighbor suggests, has a huge 30-year-old pine tree that I do not wish to cut down. In addition to that, the way the house is configured it would not be feasible to build there. It would be basically rebuilding that side of the home especially the lower section.

CHAIRMAN JANSEN: There are 4 members here tonight and you would need a positive vote from 3 of them in order to pass the resolution. You have the option to wait until there are 5 people here.

MS. SINGH: We had the same problem the last time.

CHAIRMAN JANSEN: So, you have the choice. Do you want us to vote tonight? Or do you want us to hold it over?

MS. SINGH: I don't know. I would need 3 out of 4?

CHAIRMAN JANSEN: Yes. You would need 3 out of 4 positive votes as opposed to 3 out 5.

MS. SINGH: If we were to push it back, when would that be?

CHAIRMAN JANSEN: Monday, July 24, 2017 at 7:30pm.

MS. SINGH: Let's push it back one more time.

CHAIRMAN JANSEN: So at this point I am closing the Public Hearing and there will be a decision at the July 24th meeting. Thank you.

MS. SINGH: Thank you.

PUBLIC HEARING OF Peter Ladka – for property located at 17 Silvertail Road, Warwick, New York and designated on the Town tax map as Section 23 Block 2 Lot 4 and located in an RU District for a variance of the Bulk Area Requirements of the Code reducing 1 side setback to 40 (+/-) feet where 75 feet are required for the purpose of construction of a single family dwelling.

CHAIRMAN JANSEN: Please identify yourself for the record.

MR. LADKA: My name is Peter Ladka.

ATTORNEY BOB FINK: Just for the record, I have recuse myself because I represented Mr. Ladka in the purchase of the property.

CHAIRMAN JANSEN: OK. Briefly, please tell the board what it is you wish to do.

MR. LADKA: The piece of property I have at 17 Silvertail Road the area where the house was originally zoned to be built is between a pond and the property line for the Black Meadow Club which has a fence on the back part of the property. In an effort to not encroach on the pond anymore and make a usable dwelling for myself and not make it feel like the house is facing right back at the fence. If the house could be turned I would be utilizing or getting the benefit more of the length of the property rather than having the house backed up straight against the fenced area. That is really what the usage of that setback is for – to be able to turn the house without having it encroached any further on the pond. The pond is a Federal Wetland. I wish to have the house as far away from that as possible while still making it a usable piece of property for the home.

CHAIRMAN JANSEN: Does anyone on the Board have questions? No. Let me open it up to the Public. Would anyone from the Public like to address this application? No. I will close the Public Hearing at this time.

CHAIRMAN JANSEN: Will an undesirable change be produced in the character of the neighborhood and a detriment to nearby properties be created by the granting of the area variance?

MS. BRAMICH: No.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Can the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance?

MS. BRAMICH: Not on this piece of property.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Is the requested variance substantial?

MS. BRAMICH: Not really.

MR. MALOCSAY: Yes, 40 feet to 75 feet is almost half the distance. It's substantial.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Will the proposed variance have an adverse effect or impact upon the physical or the environmental conditions in the neighborhood or district?

MS. BRAMICH: No.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: I don't think so either. He's trying to stay away from the pond which is very important.

CHAIRMAN JANSEN: Is the alleged difficulty self-created?

MS. BRAMICH: Yes.

MR. MALOCSAY: Yes.

MR. SHUBACK: Yes.

MR. DAUBERT: Yes.

CHAIRMAN JANSEN: This is a Type 2 Action so there is no environmental concern. I need a motion to pass as advertised.

MR. MALOCSAY: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: Any discussion?

All in favor? (4 Ayes) Motion carried.

PUBLIC HEARING OF Blue Arrow Too, LLC – for property located at 86 Glenwood Road, Pine Island, New York and designated on the Town tax map as Section 24 Block 1 Lot 19.11 and located in an RU District for a variance of Section 164.41.A.(1)(a) permitting construction of an 80 foot X 200 foot building and a second building 50 feet X 104 feet where the Code requires that each building shall not exceed 1,200 square feet in floor area and not more than 48 feet in greatest median dimension. Continued from the May 22, 2017 ZBA Meeting.

MR. GRIGGS: I'm David Griggs with ERS Consultant representing the applicant.

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

MR. GRIGGS: There's nothing new. I just wanted to go over this a little bit because I feel like this has gotten out of control with why we're here. We've been with the Building Department every step of the way with all the activities that have been going on out there. They're doing the inspections for the additions, footings, framing, electric, etc. There has been a variety of complaints, like fencing for example. I just feel I need to talk about this for a second.

CHAIRMAN JANSEN: The only thing in front of this Board right now is the dimension of the buildings.

MR. GRIGGS: Correct. That's really what I want to talk about. This was a horse farm, it is a horse farm. There's talk of planes, trains, parties, Woodstock, you name it – it's been talked about. This was a horse farm, this is a horse farm. These buildings will be an indoor arena and a maintenance building. That's it. The DEC came out and looked at where the wetlands are. There's no fill to wetlands, no disturbance to wetlands where the buildings are proposed regardless of whether you give us those permits or not. We have to abide by all State and Federal permits. I just thought that's what we're here for and that's what we should be talking about.

CHAIRMAN JANSEN: That's what you are here for and that's what we will talk about. Not any of the other things because they really don't concern us. They concern the Building Department and the Planning Board.

MR. GRIGGS: I know. I'm sorry. I just felt I needed to talk about it. Any proposed changes the applicants are contemplating for change of use will go in front of the Planning Board. We've talked with the Planning Board about that and any of those things would go before the Planning Board and at that point the public would be notified of any proposed land use changes.

CHAIRMAN JANSEN: Any questions at this time? The Public Hearing is still open. Is there anyone from the Public that would like to address this?

MR. MERRITT: I'm Bill Merritt. I live across the road. There's rumor all over town about concerts.

CHAIRMAN JANSEN: Rumors don't count.

MR. MERRITT: Would they count peaceful to the lady that lives next door and talked to her about concerts? I have grandchildren who come and visit. So you can shrug your shoulders. Are we going to back here again then when he wants a micro-brewery? Where's the hardship here?

CHAIRMAN JANSEN: This has nothing to do with hardships or micro-breweries. The only thing before us is the size of those 2 buildings: the indoor riding rink and the accessory building. There is nothing else before us.

MR. MERRITT: I understand. Why does it need to be 21,000 square feet of building?

CHAIRMAN JANSEN: An 80 X 200 square foot riding rink is a normal sized rink. Nothing abnormal, nothing unusual.

MR. MERRITT: No concerts or other stuff?

CHAIRMAN JANSEN: It has nothing to do with us.

MR. MERRITT: Right, it has nothing to do with you. But it has to do with me and my property. I think if any one of you people lived next door you would give much more of a damn than this chevalier attitude you're giving me.

CHAIRMAN JANSEN: You are absolutely wrong because anything they do other using that as a horse farm has to come before the Planning Board. You will be notified if that ever happens and you will have your input.

MR. MERRITT: Yeah, like this, huh?

MR. GROSS: My name is Hans Gross. I live at 43 Glenwood Road. I'm a neighbor and have lived there for 45 years. I have seen this property really in despair and we are very delighted. I have all my neighbors and my whole family here today and we are in support of the project.

MS. DISCORFANO-CATANIA: Hi, I Susan Discorfanio-Catania. I am the owner of the home that's on that property. I typed a letter and it went out to the Board and I know you received it on the 22nd of May. I was not able to make it then. Can I ask you what those 2 buildings are going to be used for?

MR. GRIGGS: There's going to be an indoor arena in the center of the area and off to the right over in the woods is going to be a maintenance building.

MS. DISCORFANO-CATANIA: Ok. There is a huge building on there now. What is that being used for?

MR. GRIGGS: That's stables.

MS. DISCORFANO-CATANIA: How many horses are going to be on this property? I've spoken to Don and he had said this was going to be used for therapeutic horses.

MR. GRIGGS: Yes, that is correct.

MS. DISCORFANO-CATANIA: That's what we're doing with it? We're going to leave it as therapeutic horses and it's going to be a horse farm?

MR. GRIGGS: Correct.

MS. DISCORFANO-CATANIA: I've lived on that property for 26 years and what happens is after a certain amount of time (at one point my father-in-law did own it) and by 3:00 or 4:00 at the utter latest, it was closed down. For therapeutic horses when you have the impaired, and I have autism in my family, they're regimented. So this is something that would be closed down at what time?

MR. GRIGGS: I don't know. We are going to leave that open because we are going to be a farm so we're going to have working farm early in the morning to sunset just like a typical farm. We're not going to have restrictions on times when horses are going to be fed or anything like that. It will be used as a typical farm. It was a horse farm and it will be a horse farm.

MS. DISCORFANO-CATANIA: I understand that. For almost 9 years it was nothing and it was a mess and things needed to be taken care of.

MR. GRIGGS: It was dilapidated, it was falling apart, there were squatters and things like that and now the owners have elected to fix that up and go above and beyond. It's certainly not a money proposition here. They're spending a ton of money to do what they love to do.

MS. DISCORFANO-CATANIA: I understand that.

MR. GRIGGS: Since you live next door to the farm I expect that you would expect it to be used as a horse farm versus some other activities.

MS. DISCORFANO-CATANIA: Yes. The day of the last meeting was on a Monday obviously, it's always on the 4th Monday. On that Wednesday he did come to my home and I spoke to him at 7:15 in the morning. We spent about 2 hours together. So I happen to know firsthand (and it is not rumor) that we did discuss the train, the lighting around the track, and the micro-brewery. Are you denying those?

MR. GRIGGS: What I'm saying is that right now is it was a horse farm, it will be a horse farm, and should any change of use such as a brewery or anything like that happen then we have to go in front of the Planning Board in order to do those changes. At that point during the Planning Board process there is another Public Hearing in which case the Planning Board (not this Board because this is not the Board that handles changes of use) that's where that input would come in if at that point down the road the owners contemplate change. He's got a lot of ideas, he always has a lot of ideas.

MS. DISCORFANO-CATANIA: Of course he does. I have that written right there. So my thing is these 2 buildings that are exceeding: 1 is 13 times the amount that the building should be and the other one is 4 times the amount that the building should be. Pictures here don't lie. So my thing is you have a bigger plan for this piece of property and I live there. It was always closed down by 4:00 so there's no lighting. I don't mind if you're feeding them. First of all I have an easement on that track so you're not going to be able to really go totally around it.

CHAIRMAN JANSEN: That would be between 1 lawyer and another lawyer. That's not in front of this Board.

MS. DISCORFANO-CATANIA: What I'm telling you is you're saying this is going to be for horses strictly because it is still designated as a horse farm. My thing is horses even go to sleep. So you're telling me that after 6:00 tops that nothing else would be going on?

MR. GRIGGS: I'm not telling you that. It's not up to me to tell that. We're here to discuss 2 buildings. One building will be for an indoor arena. The second building will be for maintenance.

MS. DISCORFANO-CATANIA: Is it an indoor arena? Or is it indoor for horses?

MR. GRIGGS: It's for the horse farm.

MS. DISCORFANO-CATANIA: That's not my question. You're saying it's for the horse farm. I'm saying to you is that big building of 16,000 square feet going to be used for horses or for the mini concert arena he wanted?

MR. GRIGGS: Currently it's going to be used for horses.

MS. DISCORFANO-CATANIA: Right. And use that word currently. And that is why I'm saying no because I know it's going to be more than that. I do not believe and I have spoken to the owner of that property. Here is another picture of the building that is already there that it can be used for the horses. This is just a broader picture of it of how big it is taken from the street.

MR. GRIGGS: The barn has about 20 horse stalls in it.

MS. DISCORFANO-CATANIA: I understand that. But it can be made into more. That's what I'm saying. He doesn't need that big piece there. He doesn't need that.

CHAIRMAN JANSEN: The big piece is just an indoor arena.

MS. DISCORFANO-CATANIA: Again, it's an arena. It's just not going to be used for horses. The setup here is going to be he's planning his way for what he wants to do with that property. My hardship is that I've lived there for 26 years. The mental anguish that I am dealing with every day is unbelievable. The only thing that he has changed is he is not starting at 7:00 in the morning. Now it's about 7:30 to 7:45. If that property does become anything more than what he is saying, which I can prove right here, he does have his sights on already. So I see where this is going.

CHAIRMAN JANSEN: All of this would still need to go through the Planning Board.

MS. DISCORFANO-CATANIA: I understand that. Then there is no reason at this point if he doesn't have all those horses there yet. Why does he need that big piece right now? Right now why does he need that? Because he's getting ready. What concerns me is I've lived in this Town for 26 years and for 26 years I've been going to Applefest and everything else. You know what happens with Applefest, the people of Warwick can't stand it because it disrupts everyone for one day. This, however, will disarray my life every day. So again like Mr. Merritt did say, this isn't really affecting you because it's not your property.

CHAIRMAN JANSEN: I have an 80 X 200 foot indoor riding arena right across the street from me and I'm perfectly happy with it.

MS. DISCORFANO-CATANIA: Is that Winslow?

CHAIRMAN JANSEN: No.

MS. DISCORFANO-CATANIA: I did call Winslow. Winslow is closed every day. They work 9:00 – 6:00. On Saturday it's 9:00 – 3:00. For the therapeutic horses because the people are impaired, they have to go home at a certain time. They are on a regular schedule. However, I did ask Winslow today if they serve any kind of alcoholic beverage. She thought I was insane because why would they do that when they're running therapeutic horses for the impaired.

CHAIRMAN JANSEN: Excuse me but they did have a function there not too long ago that did have alcoholic beverages.

MS. DISCORFANO-CATANIA: Not actively. She said that does not happen now. This is really going to be a hardship for me and we all know what happened with Pennings and Warwick Valley Winery that it starts off small then it becomes what it has become in somebody's neighborhood. That is not why I chose to move here. It is still a residential area. I am all for the therapeutic horses. I don't believe that big monstrosity of 16,000 square feet is what it is intended for. I truly, truly don't. I feel it's going to change the character of my neighborhood. I feel that the therapeutic horses, there's no hours, there's no nothing, you're just going to run therapeutic horses. You've put so much thought and effort into everything that's going on no one has the scheduling of what they really plan on doing with those horses.

MR. GRIGGS: We have to complete these buildings. Once we're there then there will be a schedule but we're not there yet.

MS. DISCORFANO-CATANIA: You're not there yet because you have to keep coming back here and is the vote still the same that it has to be 5 people because 1 is missing?

CHAIRMAN JANSEN: No, it has to be 3 out of 5.

MS. DISCORFANO-CATANIA: But they're only 4 people here. I'd like to also wait.

CHAIRMAN JANSEN: That's the decision of the applicant. That's not your decision.

ATTORNEY BOB FINK: Have you checked the Zoning to see what's allowed in your District?

MS. DISCORFANO-CATANIA: I have. The Code says they are only allowed 1,200 square feet for a building.

ATTORNEY BOB FINK: I'm referring to Usage. I see the first thing that might be even applicable to what you're afraid of, but I don't think it is, is Number 41 Special Use and to go before the Planning Board that's: hotels, motels, health spas, health resorts, tourist homes, clean renewable energy technology businesses, large scale solar energy.

MS. DISCORFANO-CATANIA: I don't know what you're talking about.

CHAIRMAN JANSEN: Those are all permitted uses of the District.

ATTORNEY BOB FINK: These are all uses that the property can be used for. There can be health-type facilities as annual membership clubs, recreational facilities, private playgrounds, golf clubs, swimming pools, tennis courts that are all allowed in your District. Camping grounds are allowed.

MS. DISCORFANO-CATANIA: In my area?

ATTORNEY BOB FINK: In your District.

MS. DISCORFANO-CATANIA: On my street?

MS. SARDO: That's the RU Zone. So, yes.

ATTORNEY BOB FINK: Camps are allowed. Recreational facilities, buildings, club houses, golf courses, indoor recreation, institutions of higher learning, nursery schools, outdoor amusement establishments, game farms, skating rinks, swimming pools, beaches, toboggans, rest and convalescent homes, places of worship.

MS. DISCORFANO-CATANIA: Ok, but still we're talking about 2 buildings.

ATTORNEY BOB FINK: What you are afraid of, if I understand it, is that they are going to be putting something in there that you don't want.

MS. DISCORFANO-CATANIA: What I am afraid of is that this is a horse farm and has always been a horse farm and it was always shut down by a certain time.

ATTORNEY BOB FINK: The issue here before this Board is the size of the buildings that need a variance. As I understand that the concern of the residents is really not the size of the buildings, it's what these buildings will be used for other than horses in the future. Is that correct?

MS. DISCORFANO-CATANIA: No. I feel that we should go by the Code that says you're only allowed 1,200 square feet.

ATTORNEY BOB FINK: That's not the feeling I get. But at any rate, I just went through all the special permitted uses in that District and it seems to me that most of the uses aren't uses that people who object to proposed uses apply.

MS. DISCORFANO-CATANIA: What I'm objecting to is something that is going to be 13 times and 4 times the initial size.

CHAIRMAN JANSEN: Now we're really talking about what we should be talking about and that is the size of the buildings.

MS. DISCORFANO-CATANIA: Right. I feel that is very absorbanent. You're talking 4 times and 13 times amount. That's a very large size.

CHAIRMAN JANSEN: You're right.

MS. MARINO: My name is Eleanor Marino of 49 Glenwood Road. My house is diagonally across from this lovely horse farm and on a positive note after all of this negativity, I want to say I am thrilled to see their beautiful use of this space. I couldn't imagine anything to be more wonderful. I am just all for it. Everything is done beautifully. He's put so much money into it and to look out on my porch and to think of these horses, I think it's fabulous. I did want to add that. Thank you.

MR. CAIAFA: My name is John Caiafa of 110 Glenwood Road. So I go to ask, my grandfather had a race team there of 50 horses, he's got 3. My grandfather had almost 20 times the horses there. Look at all the people that are here tonight. The guy who's happy to receive his real estate check, the commission man, the guy that's happy he's building everything, the engineer getting his, everyone is happy here. I noticed the last time we had this meeting they didn't work on the middle of that track for 2 weeks then all of a sudden construction started right back up. Which leads me to believe that he met with at least some of you, I knew the fix was in like the 1919 World Series.

CHAIRMAN JANSEN: Wait a minute, I object to that. There is absolutely no basis for you to make that kind of accusation.

MR. CAIAFA: I don't know.

CHAIRMAN JANSEN: Well I do. There is no basis for you to make that accusation. Keep your comments to the facts please. If you want to tell us what's happened, that's fine. Do not make unfounded accusations about this board.

MR. CAIAFA: Have any of you met with him since last meeting?

CHAIRMAN JANSEN: We don't answer questions. We ask them.

MR. CAIAFA: Ok, well there you go.

MS. BATZ: I am Beverly Batz from Vernon. I actually have 3 horses on the property. I have the only 3 horses on the property. An indoor arena is for performance horses, it has nothing to do with racing. If we were to do therapy there they would have to be in an indoor arena. What's being proposed is the average size of an indoor arena. If any of the people who are objecting would like to come over at any time as long as it's cleared with the property owner, I am there, I am very quiet, I know no one ever hears me. What I do hear at 10:30-11:00 at night is gun shots. So that is concerning to me. Whoever lives there should be more concerned about that than anything. These are good quality animals. I was the environmental chair in Vernon for 5 years so I'm very environmentally minded. The horses are clean, the stalls are clean, etc. I resent the fact that people don't understand that performance horses that you do need an arena to ride in. It's safe for the animals. In the winter time you have a place to ride. It has nothing to do with concerts or shows or racing. I am on the farm right now. My animals are on the property and anytime anyone is welcome to come over. If I'm there at night it's just to feed my animals and tuck them in. That's all that's going on. Any one of the neighbors who has a problem, please come over and visit. You might have a different view when you leave than what you have today. Thank you.

CHAIRMAN JANSEN: I would just like to give a comment because we get this all the time. When people don't want something new they say "the law is the law, why don't they abide by the law?" If that was what the criteria was, then this Board would not exist. This Board is created by State Law for the very purpose of granting variances to the Code in a proper circumstance. Now I would suggest that since this use is a permitted use in the District (horse farms) and then you look at the Code which says you can't have an accessory building more than 1,200 square feet, I wonder if a 1,200 foot restriction on a horse farm is reasonable. I suggest that it probably isn't. That's the very purpose for this Board being here, is to look at the facts to see if the applicant should be restricted by the Code or if there is a reason that a reasonable variance should be granted. This Board is looking at the size of the building. Any uses other than a horse farm, or some other permitted uses, have to go before the Planning Board. And again, as I went through the uses book for permitted and special permitted uses it didn't seem to me that much, if not all, the fears voiced here are even permitted in your District. Anyone else?

MR. SIMISCALCHI: My name is Bryson Simiscalchi. My fiancé and I live at 33 Glenwood Road and have been over to see what the farm is now. When we first bought our house last summer it was a wreck and it has come up expediently since then. I don't believe there is any reason why these buildings shouldn't be permitted if it's needed for the operation of the horse farm.

MS. GROSS: My name is Linda Gross and my family lives at 43 Glenwood Road. I am a rider since 5-years-old and I can say that the indoor riding arena that

they are planning for the use is a wonderful idea. Everything they are going to do I was invited to come over and volunteer and ride and train, so I am a big component. And to your point, I believe the restrictions are a little bit unrealistic. I've been in many indoor riding arenas and the size they are looking for is not a problem. Thank you.

CHAIRMAN JANSEN: Anyone else? If not, the Public Hearing is closed. The Board has all been out to see this facility, correct? Yes, Ok.

CHAIRMAN JANSEN: Will an undesirable change be produced in the character of the neighborhood and a detriment to nearby properties be created by the granting of these area variances?

MS. BRAMICH: No.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: It's in the middle of a track. It's located quite a distance from the road. It's really set down low. It's a perfect spot. It was a horse farm. At one time it was once used as a racing track but is no longer a racing track. It's still a horse farm.

CHAIRMAN JANSEN: Can the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance?

MS. BRAMICH: No.

MR. MALOCSAY: No. The big question about the size of the arena itself, I don't know of any arenas that are actually smaller than that size. The size maintenance building is equal in size to what we've done for other farms.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Are the requested variances substantial?

MS. BRAMICH: Yes.

MR. MALOCSAY: Yes.

MR. SHUBACK: Yes.

MR. DAUBERT: Yes.

CHAIRMAN JANSEN: Will the proposed variances have an adverse effect or impact upon the physical or the environmental conditions in the neighborhood or district?

MS. BRAMICH: No.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Is the alleged difficulty self-created?

MS. BRAMICH: Yes.

MR. MALOCSAY: Yes.

MR. SHUBACK: Yes.

MR. DAUBERT: Yes.

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

MS. BRAMICH : So moved.

MR. MALOCSAY: Seconded.

CHAIRMAN JANSEN: Any discussion?

All in favor? (4 Ayes) Motion carried.

ATTORNEY FINK: Need a motion to grant the variance as advertised.

MR. MALOCSAY: So moved.

MS. BRAMICH: Seconded.

CHAIRMAN JANSEN: Any discussion?

June 26, 2017 ZBA Minutes

All in favor? (4 Ayes) Motion carried.

PUBLIC HEARING OF Brian Civatee/Animal Hospital – contract purchaser for property owned by Joseph and Karen Raymond and located at 85 Kings Highway, Warwick, New York and designated on the Town tax map as Section 44 Block 1 Lot 91 and located in an RU District for a variance of the Bulk Area Requirements of the Code for an existing structure 41.4 feet from the front yard setback where 75 feet are required and 92 feet from the closest residential property line where 100 feet are required for the purpose of conversion of an existing accessory structure to an animal hospital.

CHAIRMAN JANSEN: Please identify yourselves for the record and please tell the Board what it is you're trying to do.

1. ALAN LIPMAN, ATTORNEY
2. KAREN EMMERICH, LEHMAN & GETZ ENGINEERING
3. DR. BRIAN CIVATEE
4. DR. MARPET

MS. EMMERICH: We have our 5-acre parcel here which is in the RU Zone. It's currently an antique shop and a design studio which is in the existing garage on the property. These two would like to purchase the property. They would like to live in the house and convert the existing garage into a veterinary clinic. They would both practice there. The building, as I said, already exists. In fact, we were here probably 10 years ago for a variance for the same exact thing as far as the separation of the building from the property line, the front setback, which it does not meet. It is 41.4 feet where 75 feet is required. Then also, we're having a small parking area on the other side of the building that the Code requires to be 100 feet away from a Residential District boundary line and we are at 92 feet. Those are the 2 variances we are requesting.

CHAIRMAN JANSEN: Anything to add? Any questions at this time?

ATTORNEY ALAN LIPMAN: I could say one thing easily. We're not changing anything. These dimensions exist today. We have a different use for tomorrow.

CHAIRMAN JANSEN: What was the last use, Karen?

MS. EMMERICH: It's an antique shop and the design studio – Hands of Time.

ATTORNEY ALAN LIPMAN: It's not a change of any kind in terms of the property.

CHAIRMAN JANSEN: Let me open it up to the Public then. Is there anyone from the Public that would like to address this application?

MRS. NYE: My name is Eleanor Nye and I live at 96 Kings Highway. This is my husband Phil. My only question is with this being a veterinary hospital and it says that the structure isn't going to be increased, but are there going to be any pens built or anything outside?

DR. CIVATEE: No.

CHAIRMAN JANSEN: All of that would be an issue before the Planning Board.

CONNIE SARDO: It's not a dog kennel. Everything is inside.

MR. NYE: I'm concerned about the potential for noise, like a dog barking all night. We live about 500 feet from the property and we can hear noise from the animal shelter. So we're not that far away.

CHAIRMAN JANSEN: What you're really talking about is 8 feet. If it were 8 feet further, they wouldn't have to be here. It's 92 feet now.

MRS. NYE: Are you going into that other lot? I know to that property there is also another lot. Is that lot part of your property or not?

MS. EMERICH: To the corner. If you look here's the plan.

MRS. NYE: I know the way the property is now. On the corner of Nieland Drive, Mr. Nielson also owned that property. So when he sold this property was that included in that parcel?

MS. EMMERICH: This is all one lot. The church is here and then here is the property in question.

MRS. NYE: You're not going to extend over into this section?

DR. CIVATEE: There's going to be no extra building what so ever.

CHAIRMAN JANSEN: Any other questions?

MS. ROAHE: I'm Carol Roahe at 92 Kings Highway. I'm diagonally across. I was curious about putting parking on the back side.

MS. EMMERICH: There is parking there currently for 2-3 cars. They're just going to expand it slightly. The driveway exists.

MS. ROAHE: So, you're putting gravel?

Dr. MARPET: Yes. We're basically going to spruce it up. It's already there. We're just going to make it look nicer.

MS. ROAHE: I was here 10 years ago when they did the last variance. It never really came to be as far as what they were going to do in that area.

Dr. MARPET: We're not planning on paving it. We're planning on graveling it because it's gravel existing right now.

MS. ROAHE: Then I want to address the other concern mentioned earlier. There will be no kennel or boarding?

Dr. MARPET: No.

CHAIRMAN JANSEN: Anyone else? The Public Hearing is now closed.

CHAIRMAN JANSEN: Will an undesirable change be produced in the character of the neighborhood and a detriment to nearby properties be created by the granting of the area variance?

MS. BRAMICH: No.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Can the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance?

MS. BRAMICH: It's already there.

MR. MALOCSAY: It exists.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Is the requested variance substantial? There are really 2 variances, again the buildings exist. One is only 8 feet, that being near a Residential District. The other is the setback on the front yard which requires 75 feet and it is 41 feet presently. The buildings are already there. Are we talking about substantial variances?

MS. BRAMICH: Yes. On the one: the front setback.

CHAIRMAN JANSEN: Except it does exist and we did approve it 9 years ago.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Will the proposed variance have an adverse effect or impact upon the physical or the environmental conditions in the neighborhood or district?

MS. BRAMICH: No.

MR. MALOCSAY: No.

MR. SHUBACK: No.

MR. DAUBERT: No.

CHAIRMAN JANSEN: Is the alleged difficulty self-created?

MS. BRAMICH: Yes.

MR. MALOCSAY: Yes.

MR. SHUBACK: Yes.

MR. DAUBERT: Yes.

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

MS. BRAMICH: So moved.

MR. MALOCSAY: Seconded.

CHAIRMAN JANSEN: Any further discussion?

All in favor? (4 Ayes) Motion carried.

ATTORNEY BOB FINK: I propose a motion to move forward as advertised.

MR. MALOCSAY: So moved.

MR. DAUBERT: Seconded.

CHAIRMAN JANSEN: Any further discussion?

All in favor? (4 Ayes) Motion carried.

PUBLIC HEARING OF Ryan Stumpe – for property located at 55 Lake Trail, Greenwood Lake, New York and designated on the Town tax map as Section 72 Block 1 Lot 112 and located in an SM District for a variance of the Bulk Area Requirements of the Code reducing front yard setback from 18 (+/-) feet to 10 feet 8 inches (+/-) for construction of a 12 foot X 22 foot open deck in the front of a single family dwelling where 30 feet are required.

CHAIRMAN JANSEN: The County has 30 days to respond to your request and they haven't responded as it's been less than 30 days. It can't be granted conditionally but you can present it and get a consensus from the Board whether it's going to be granted or not. Assuming that it is or if it is, you don't even have to come back next meeting. You'll have to wait until next meeting to get the approval but you won't have to come back.

MR. STUMPE: So we won't be able to start the work?

CHAIRMAN JANSEN: That's up to you and the Building Inspector.

MS. STUMPE: They already told us the staircase is in disrepair and we need to fix them anyway.

MR. STUMPE: The stairs are in disrepair and are going to need a lot of work to come up to Code with railing and lighting.

MS. STUMPE: Plus they are unsafe and we have a toddler. We would prefer to have a deck. And if we built a deck it actually brings it closer.

MR. STUMPE: Yes, the setback would actually be more because we would be bringing it back from the street by approximately 2 feet.

CHAIRMAN JANSEN: Could you make it smaller? And what's it like in the neighborhood? Is everybody up as close as you are?

MR. STUMPE: Yes. It's Indian Park. There are a lot of decks and houses closer to the road than what we're proposing. We would like to leave enough space between the road and the deck for a car, a parking spot, which there is now and would like to continue to have that.

CHAIRMAN JANSEN: Public Hearing is open. Public Hearing is closed. Consensus is favorable? Yes. So the Board will officially vote on it at the July 24th meeting and you don't have to attend.

OTHER CONSIDERATIONS:

CHAIRMAN JANSEN: Motion to approve the ZBA Minutes from the April 24, 2017 meeting.

MS. BRAMICH: So moved.

MR. MALOCSAY: Seconded.

CHAIRMAN JANSEN: All in favor? (4 Ayes) Motion carried.

CHAIRMAN JANSEN: Motion to approve the ZBA Minutes from the May 22, 2017 meeting.

MS. BRAMICH: So moved.

MR. MALOCSAY: Seconded.

CHAIRMAN JANSEN: All in favor? (4 Ayes) Motion carried. Meeting adjourned.

[ZBA Recording Secretary – Mary Hebel]