

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS
DECEMBER 17, 2018

The monthly meeting of the Village of Warwick Zoning Board of Appeals was held on Monday, December 17, 2018. Present were: John Graney, John Prego, Jonathan Burley, John MacDonald, Lynn Ruvolo and Zoning Board attorney, Robert Fink. Others present were: Jim Tomaselli, Robert Schmick, Theresa & Robert Lipiro, Mr. & Mrs. Kunert and Mr. & Mrs. Dietrich.

The Board recited the Pledge of Allegiance.

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to accept the minutes of the September 17, 2018 meeting. (5 Ayes)

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to accept the minutes of the October 15, 2018 meeting. (5 Ayes)

116 SOUTH ST. EXT. AREA VARIANCE JAMES TOMASELLI

The Board received the comments from the Orange County Dept. of Planning indicating Local Determination.

A MOTION was made by John MacDonald, seconded by John Graney and carried to close the public hearing. (5 Ayes)

The Board reviewed the criteria's:

- 1) Undesirable - No
- 2) Achieved by Another Method Feasible - No
- 3) Substantial - Yes, numerically
- 4) Adverse Impact - No
- 5) Self-Created - Yes

A MOTION was made by John Graney, seconded by Jonathan Burley and carried to declare this an Unlisted Action with no adverse and significant impacts. (5 Ayes)

A MOTION was made by John Graney, seconded by Jonathan Burley and carried to grant the application as advertised: for a variance of the Bulk Area Requirements of the Code permitting a

2 lot subdivision with the following dimensions: (proposed/required, existing*)-Proposed Lot 1: Minimum Lot Area 17,302 sq. ft./20,000 sq. ft. Lot Width 90.27ft./100 ft. Front setback: 23.9ft*/35ft; Front Yard setback: 23.9ft*/35ft.Side Yard: 7.1ft*/10ft.: Proposed Lot 2: Lot Width 70 ft./100ft. Total Side Setback: 38ft./50ft. Street Frontage: 70ft./80ft. (5 Ayes)

21 FAIRVIEW AVE.

AREA VARIANCE

THERESA & ROBERT LIPIRO

Mr. Graney read the public hearing notice.

Mr. Lipiro - We want to extend on the side to create a master suite and the way the property is angled the actual setback it really only impedes at the front of the property. The purpose of bringing it out to the point of for a couple of reasons buy mostly to match and conform with the existing house.

Mr. Kunert -19 Fairview Ave. -We are adjacent to the property.

Mr. Graney - Are you opposed?

Mr. Kunert - I am not opposed to the addition, my concern is the location of the driveway is and what those setbacks are for the driveway or from the house itself. We can not tell from the sketch. It is a steep piece of property going down.

Mr. Lipiro - The driveway will go down to the bottom along the side.

Mr. Kunert - And as I understand it the new garage will be in the rear side facing our property. There was a garage there before when they moved in.

Mr. Lipiro - Not when moved in, there was no garage. I think it was in the basement but there was not garage at all. Our backdoor used to be an opening that might have been a garage.

Mr. Kunert - One of the concerns that we have is that when they exit from that side driveway at night those headlights will come right into my house?

Mr. Lipiro - We would have to back out anyway so the headlights would not be in the house.

Ms. Kunert - Did you say that the driveway will be behind the addition or the side?

Mr. Lipiro - The side.

Ms. Kunert - The addition does not have a survey so I am very disinclined to favor this until I actually see how it would look once it has been surveyed. It is a very steep property. When Bob moved in he had a single driveway, he put a whole load of gravel to the side of it to enlarge his driveway, he also built up with great big railroad ties to level the driveway so that he park his car. So that structure exists there.

Mr. Lipiro - That structure will be removed.

Ms. Kunert - He added stairs in the back so that they could go down so there is a lot of stuff that has been done. I just don't feel comfortable having our setbacks encroached on until we see a surveyed plan and show us exactly how close the driveway is to us, where it is going to be and what he is going to do about the grade.

Mr. Graney - Before we go much further on that, when you park are your cars in the front of the house?

Ms. Lipiro - Yes.

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Mr. Graney - From a visual standpoint, don't you think that it is going to be much nicer when you look at this house to not see cars.

Mr. Kunert - Is that really going to happen?

Ms. Kunert - We still see cars.

Mr. Graney - The second thing is, there really are no restrictions on where a driveway can go on the side of your property, how close it can be to the property line. If we can find a way to amicably work this out and have everyone go away happy, that is what we really want to happen. So, your main objection is by chance you may get headlights that will shine into your house?

Ms. Kunert - I don't care about that.

Mr. Graney - Because I don't see that as an issue. So, what we are talking about here now is that the applicant is going for a variance for 26ft. on the side setback where 30ft. are required. So we are really not talking about much, a 10% variance.

Mr. Lipiro - And it is only at the point, it is not the whole side yard.

Mr. Kunert - You are wrong, of course we are going to see cars. I don't care if he parks his cars in the driveway, I am not concerned about not seeing his cars, I am concerned about the way it is going to come out once the survey is in place and once he has his driveway and garage in plan.

Mr. Graney - Everyone is going by the math according to the maps, so as far as another survey done, do you want stakes driven in with a ribbon?

Mr. Kunert - No, just the setbacks.

Ms. Kunert - I want to see this new thing planned with the sides and driveway.

Mr. Graney - We are going off of the survey of the applicant.

Mr. MacDonald - If they are granted a variance and they go outside of their variance that would be a Building Dept. issue. They enforce where it gets built.

Ms. Kunert - Especially this driveway thing...

Mr. Lipiro - Where I added the gravel is pretty much where the driveway is going to be. It is the same spot it would just go further down and it will either be paved or blacktopped. And the 4ft. encroachment is only at the very point of the building and coming out of the garage and the headlights would be pointed to your backyard not at the house.

Ms. Kunert showed pictures of the railroad ties.

A MOTION was made by John Prego, seconded by John MacDonald and carried to close the public hearing. (5 Ayes)

The Board reviewed the criteria's:

- 1) Undesirable - No
- 2) Achieved by Another Feasible Method - No
- 3) Substantial - No
- 4) Adverse Effect - No
- 5) Self-Created - Yes

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to declare this an Unlisted Action with no significant or adverse effect. (5 Ayes)

A MOTION was made by John Prego, seconded by John Graney and carried to grant the application as advertised: for a variance of the Bulk Area Requirements of the Code permitting an 18ft. x 30ft. addition to an existing single family dwelling with 1 side setback of 26ft. where 30 ft. are required and a total side setback of 44.9ft. where 50ft. is required conditional upon the removal of the railroad ties before an Certificate of Occupancy be issued. (5 Ayes)

The reading of the public hearing notice was waived due to the lack of public attendance.

Mr. Dietrich - Our family is growing and we need the addition. We just want to follow the same existing line of the house as is.

Mr. Burley - So you are removing the deck?

Mr. Dietrich - Yes, we may put in a patio.

A MOTION was made by John Graney, seconded by John Prego and carried to close the public hearing. (5 Ayes)

The Board reviewed the criteria's:

- 1) Undesirable - No, it follows the line of the existing home
- 2) Achieved by Another Feasible Method - No
- 3) Substantial - Yes, numerically
- 4) Adverse Effect - No
- 5) Self-Created - Yes

A MOTION was made by John Graney, seconded by John Prego and carried to declare this an Unlisted Action with no adverse or significant effect. (5 Ayes)

A MOTION was made by John Prego, seconded by John MacDonald and carried to grant the application as advertised: for a variance of the Bulk Area Requirements of the Code permitting a 32ft. x 26ft. addition to an existing single family dwelling with 1 side setback of 17.6ft. where 30 ft. are required and a total side setback of 38.10ft. where 50ft. is required. (5 Ayes)

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to adjourn the meeting. (5 Ayes)

Respectfully submitted;

Maureen J. Evans,
Zoning Board secretary