

VILLAGE OF WARWICK
ZONING BOARD OF APPEALS
DECEMBER 20, 2022

The monthly meeting of the Village of Warwick Zoning Board of Appeals was held on Tuesday, December 20, 2022. Present were: John Graney, John Prego, Jonathan Burley, Margaret Politoski and ZBA attorney, Robert Fink. Other's present were: Michael Rinaldi, Marc Lloyd, Eileen and Jim Patterson, Mr. Ciara, Mr. Prial and Angelo Theologis.

The meeting was held in Village Hall.

A MOTION was made by John Prego, seconded by John Graney and carried to approve the minutes of the October 18, 2022 meeting. (4 Ayes)

12 S. LYNN ST.

AREA VARIANCE

MICHAEL RINALDI

Mr. Graney – read the public hearing notice.

Mr. Rinaldi – Before I purchased the RV, I spoke to the Building Dept. and asked if there was a problem parking a mobile home at your home. I was told that it can not be parked on your lawn, it can not be so many feet from the street, can not be lived in, they gave me a list of things that can not be. Never was the length of it an issue when I made the initial call. Upon purchasing it, the intention was to fix it up. It does have a few repairs that need to be done and I am still working on it, there is a small leak in the master bedroom and once that leak is fixed it is not my intention to store it in my residence, my intentions is to have it so we can use it and so I can enjoy it with the children, I have 7 adopted children. My intentions are not to keep it stored here in Warwick. But, right now I am doing the renovations and unfortunately I was not able to get everything done because of Covid, finances, my brother passing away, surgery on my shoulder, there are things that have prevented me from getting this done in a timely manner. I apologize to the Board for that but my intentions are to get the roof done in the Spring and by that point move it to a location and very rarely would it have to be at my location. However if I ever have to work on it, like change the oil or any type of maintenance would have to be done on my property because they don't let you do it at those sites. My intentions are not to upset any of my neighbors and I apologize because many of them are emotional and upset by this and they feel I am changing the footprint of Warwick and that is not my intention. One of my neighbors made an assumption that a) I was living in it. That was never the case, no one has slept in it. b) That my children were living in it. Which was not the case. The Building Inspector came over and he said

he could tell that no one was living in it. There is a solar light so the battery needs to be plugged in and I put that on for security reasons and I purchased a cover so the entire RV is covered. The cover was not designed to upset anyone, it was designed to take away some of the stress that was being caused by the neighbors thinking this was some type of dwelling. I don't know if we could come up with a plan for how many months I am allowed versus not allowed but my intentions again is not to store it at my location.

Mr. Burley – When you called the Village to get all of the details on whether or not you could have it on your property, did you ask for the law?

Mr. Rinaldi – I gave him the make and model number and I also had Keybank speak to him too to make sure that there were no issues.

Mr. Burley – Was it second hand information or did they give you a copy of the law?

Mr. Rinaldi – They did not give me any copies, it was verbal over the phone. I gave them that it was a 2003 Winnebago, V-33 over the phone.

Mr. Burley – With all that said, someone could have made a mistake.

Mr. Rinaldi – Granted, I am not saying they didn't I am saying I did not intentionally do this.

Mr. Burley – No, not on your end, someone else because obviously you did not get all of the information.

Mr. Rinaldi – I did not but maybe I should have done more research and that is something I know going forward.

Mr. Burley – How long do you think you would need?

Mr. Rinaldi – I have to have surgery on February 1, on my rotator cuff so I will be a little tied up because of that and I will have limited use for about 2 months.

Mr. Fink – When the repairs are finished where are you going to store it?

Mr. Rinaldi – There are two local campsites that I am working with that will charge me to have it there but I will be able to use it there at the site.

Mr. Fink – Is there a reason you can't put it there now?

Mr. Rinaldi – The repair is holding me up, I have to get the repair done first so I can monitor it is leaking before I move it. Even with the cover it is not 100% that there is not water damage.

Mr. Fink – Where are you going to store it, how far away?

Mr. Rinaldi – About 45min away.

Mr. Fink – Is there another location that is closer?

Mr. Rinaldi – That was the one that was reasonable priced.

Mr. Fink – What about storage sites.

Mr. Rinaldi – I have spoken to several and they wanted quite a bit of money per month, about \$250.00 per month just to store it on the property which did not include any electricity or anything else, just to park it there.

Mr. Fink – You are going to do that anyway, once the roof is finished correct?

Mr. Rinaldi – No, it would be hooked up to water and electric and it would be useable, it is not just parked somewhere. I wouldn't be able to use it at the storage location.

Ms. Politoski – Do you have arrangements made for the repairs now?

Mr. Rinaldi – I have spoken to 2 different companies and one gentlemen said he would come to the house but not until after any threats of frost.

Ms. Politoski – So there is no repair till April, your surgery will take you to April, so it is going to stay where it is till April is basically what you are saying.

Mr. Rinaldi – Correct, that would be what I would ask.

Mr. Graney – Before we start to negotiate anything, what about winter, is it every winter going to come back...

Mr. Rinaldi – The only reason it would have to come back would be for maintenance.

Mr. Graney – I think everyone would like to know how long you intend for it to be there.

Mr. Rinaldi – That is why we were talking mid April, if that is reasonable that would give me time for it to be frost free.

Mr. Burley – How long has it been on the property now?

Mr. Rinaldi – June 14, 2022.

Mr. Burley – So it has been on the property for 6 month.

Ms. Politski – It has been there since June and has to be there till at least mid April and that is if you get a contract for the roof...

Mr. Lloyd – I am Mr. Rinaldi's fiancé. The thing you have to realize is either the person is going to come and do the roof either on the property or it is going to be moved to another facility and done there. The problem is, it is hard trying to schedule these things because you have so many people coming in and not that many people that...

Mr. Rinaldi – And no one wants to work, no one wanted to come to Warwick and to schedule it was like a year out.

Mr. Lloyd – You have to order the part and wait for it to arrive and then they schedule the time and then they let you know when.

Ms. Patterson – I helped prepare the zoning document and I specifically remember the discussion of recreational vehicles and determining the size limit that would be permitted parked in a residents driveway. We appreciated the fact that RV's are common in our community but also the impact of what such a large vehicle would have on the neighbors. It was determined that 26' was a fair number. Mr. Rinaldi let me know that is asked the Village if his 33' RV was in limits and was told it was, so a mistake was made there.

Mr. Fink – I don't remember the applicant stating that he told anyone how big it was, just the general question about being able to have one, am I correct?

Mr. Rinaldi – I did go over the year, make and model.

Ms. Patterson – Regardless of what Mr. Rinaldi asked or if he was given the wrong information when he asked, we are here because the neighbors have an issue with it. The issue of a 26' may seem like a random number but it is not, it was a detailed discussion. As one of Mr. Rinaldi's neighbors I have a problem with this and other issues with the property, that is why the Code Enforcement Officer was notified 3 years ago.

Mr. Rinaldi – No, the RV was not there 3 years ago, it was not June of 2022.

Mr. Prego – Do you have a copy of the title?

Mr. Lloyd – The insurance was put on in June of 2021.

Ms. Patterson – That is when it was insured not how long it has been there.

Mr. Lloyd – It has to been insured to register it.

Ms. Patterson – I am just saying I feel like it is a lot more than that.

Mr. Prego – So it is 1.5 years.

Ms. Patterson – It is important to note that the RV has never left the driveway and it has never been used for it's intended purpose.

Mr. Lloyd – That is wrong, that needs to be corrected.

Ms. Patterson – In my conversation with Mr. Rinaldi in October he indicated to me that he wishes to sell it. We are a kind and supported neighborhood and we reach out when we think it is needed. On November 11, he promised me that he would get a dumpster...

Mr. Rinaldi – That is not what this meeting is about...

Ms. Patterson submitted pictures of the property to the Board.

Mr. Fink – I think the Board has seen the property.

Mr. Prego – We were given pictures.

Ms. Patterson – Probably but this is our view of it. He told me he was going to get a dumpster...

Mr. Fink – Is this relevant to the size of the RV?

Ms. Patterson – No, it is not. My husband and I and the rest of our neighbors do work hard to keep our properties looking pulled together for our benefit and the benefit of our neighbors and I know there is a criteria that the Board must use to consider this application and I would like to review them now with you and discuss why I think none of the criteria apply in this case:

Financial Hardship – Does not apply because it is not a commercial property.

Mr. Fink – No, financial hardship is not a criteria for an Area Variance.

Ms. Patterson – Adverse effect to the neighborhood – We are hear tonight because the neighbors contacted the CEO about the adverse effects of having an RV open and expanded all of the time and also the fact that is beyond the permitted length for an RV parked in a residential driveway, there is also concern about rodent infestation in the surrounding homes, in addition to the RV there has been several other issues. Reasonableness – It is unreasonable to attach a permanent variance to a property for a RV. There is no such thing as a temporary variance.

Mr. Fink – Variances can be conditioned.

Ms. Patterson – Self-Created – it is because he did not own the vehicle when he moved in the property. He did not do his due diligence. Alternative – There are several location within 10 miles that provides storage for RV's. The cost for storing is part of the cost for owning such an expensive vehicle. Substantial Change – Typically a ZBA will allow a variance up to a 15% change of the code.

Mr. Fink – I have never heard that and that is not correct.

Ms. Patterson – Okay, but this is a substantial change, it is a 25% change. It is 7ft. longer than what is allowed. I am asking this Board to deny this application.

Mr. Fink – Can you substantiate the figures you gave the Board to store the vehicle?

Mr. Rinaldi – Yes, I can get you a list of prices.

Mr. Fink – Once it is fixed where are you going to store it.

Mr. Rinaldi – Yogi Bear campsite.

Mr. Fink – And you are going to incur those costs, is that correct?

Mr. Rinaldi – I don't see any other option.

Mr. Fink – You don't want to incur those costs at the present time...

Mr. Rinaldi – Until the roof is repaired it is not advisable to move it with the current leak.

Mr. Fink – Why can't you move it with the leak and then cover it in storage.

Mr. Lloyd – You could create more damage to leak area.

Mr. Rinaldi – I can't watch it, I can't do the necessary things.

Mr. Fink – Can't you cover it?

Mr. Rinaldi – It is covered.

Mr. Fink – If it is covered how can it leak?

Mr. Lloyd – You have to remove the cover to move it along with the process of moving it and the distance that we have to move it will create more damage. I would like to address the comment that the RV has never been moved from the property and that is inaccurate because I have moved it myself.

Mr. Ciara, 10 S. Lynn St. – Is it feasible that the ZBA would be allowed to give him a temporary variance to get repairs done?

Mr. Fink – Yes. Everyone who comes in here seeking a variance wants something that the code does not allow, that is why this Board exists and a proper case to grant a variance can have conditions. Now, they run with the land but if the variance were to be conditioned for perhaps a period of time or some other reasonable condition, the Board has the authority and the power to do that. If a variance is granted it does not change the ordinance, it just allows that particular property and owner to build what they want to build. This gentleman from what I understand is looking for a variance to allow this vehicle to be parked there till April at which time it would be moved and he would then be in compliance with the ordinance.

Mr. Rinaldi – The reason why Mr. Ciara is asking the question is Ms. Patterson called me and stated that under no circumstances will Warwick accept this change because she helped write the code.

Mr. Fink – That is irrelevant.

Mr. Ciara – I am in favor of giving a temporary till May of 2023 to take care of this and get it fixed and move it or sell it whatever they want to do. I would also like to see the Building Inspector follow up on this.

Mr. Patterson – If the variance was granted for something on wheels could the applicant simply move it to another location on the property, can they open it up, expand it in width?

Mr. Fink – No.

Mr. Patterson – As was said earlier, that Mr. Rinaldi was talking about selling it and if that is the case why would we even talk about granting a variance? And if he is planning on moving it why would you also entertain that as well? I am a neighbor and I am opposed to the variance. I researched Guardian storage and it is \$129.00 per month.

Mr. Rinaldi – Not for a 33ft. RV, I can get you a quote tomorrow.

Mr. Greg Prial, 15 S.Lynn – I think you need a compelled reason to get a variance and I also think it is reasonable if you can do it to give him a temporary variance to April or May but it has to be with no extensions.

Mr. Lloyd – It has been brought up a couple of times about selling the RV and the only time that came up was when the situation came up and we thought we had to get rid of it, one of the options was selling it.

Mr. Rinaldi – I felt pressure to get rid of it.

A MOTION was made by John Prego, seconded by Jonathan Burley and carried to close the public hearing. (4 Ayes)

The Board reviewed the 5 criteria:

- 1) Undesirable Change – Yes – the vehicle is a visual detriment.
- 2) Achieved by another method – No
- 3) Substantial – Yes
- 4) Adverse effect – No
- 5) Self-Created – Yes

A MOTION was made by John Prego, seconded by Margaret Politoski and carried to declare this an Unlisted Action under SEQR with no adverse environmental conditions. (4 Ayes)

A MOTION was made by John Prego, seconded by Margaret Politoski for a limited variance to and including April 30, 2023 of Section 145-76A of the Code to permit storage of a recreational vehicle 33 feet long where no more than 26ft is allowed be granted.

John Graney – No

John Prego – Yes

Jonathan (Wes) Burley – No

Margaret Politoski – No

The granting of the variance of Section 145-76A was denied (3 Nays) (1 Aye)

A MOTION was made by John Prego, seconded by Jonathan Burley to grant the application as advertised.

John Graney – No

John Prego – No

Jonathan (Wes) Burley – No

Margaret Politoski – No

The granting of the variance as advertised was denied (4 Nays) (0 Ayes)

10-12 GALLOWAY HTS.

AREA VARIANCE

E. THEOLOGIS

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

Mr. Theologis – I am before the Planning Board for a site plan application to convert a single family home with a doctor's office attached into a 2 family home. The house was built in 1949 and does not meet the front and side yard setback required for a 2 family home.

The Board reviewed the application.

The Board went through the criteria's.

- 1) Undesirable Change – No
- 2) Achieved by another method – No
- 3) Substantial – Yes
- 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 effect under SEQR (4 Ayes)

A MOTION was made by John Prego, seconded by John Graney and carried to grant the variance for a pre-existing front yard of 37.4ft. instead of the required 40ft. and a pre-existing sideyard of 11.8ft. instead of the required 25ft as advertised. (4 Ayes)

A MOTION was made by John Prego, seconded by Margaret Politski and carried to adjourn the meeting. (4 Ayes)

Respectfully submitted,

Maureen J. Evans,
ZBA secretary