

Town of Wawayanda ZONING BOARD OF APPEALS
February 11, 2016 / 7:00 P.M.

Members Present: **Richard Onorati, Sr. Chairman**
Bruce Lewis
Daniel Post
Jeffrey Soons
Raymond Spiak
Russ LaSpina, alternate member

Consultant Present:
David Bavoso, Esq.

Recording Secretary:
Patricia Battiato

The February 11, 2016 Town of Wawayanda Zoning Board of Appeals meeting was called to order by Chairman Richard Onorati Sr., at 7:00 P.M. Chairman Onorati welcomed Russ LaSpina as the board's new alternate member.

At this time Ray Spiak recused himself from this application and sat in the audience. Alternate Member Russ LaSpina joined the board at the Dais

I. PUBLIC HEARING / Continued

Ferrara / SBL# 12-1-111&112 / SR-Suburban Residential Zone / Greeves Road

Applicant is applying for an area variance of 195 Schedule of Zoning District Regulations for less that the required lot area for each lot.

Chairman Richard Onorati started the continuation of the Public Hearing by asking the neighbor Mr. Truex if he had anything else to offer since the last meeting.

It is noted for the record, that the applicant Mr. Robert Ferrara was not in attendance.

Mr. Truex explained that the neighbor, Mr. Ferrara did additional Perc Tests on the property, three in all.

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Chairman Onorati asked the board if they had any questions or comments. They had none at this time.

Chairman Onorati said that he had a few. Chairman Onorati went thru the variance criteria and explained, that although Mr. Truex feels that there would be an undesirable change, he explained that his opinion was that maybe to a certain degree but he was more concerned about the impact of what Counselor Bavoso said at the last meeting. That if we were to grant a variance, it would now loose its grandfathered status regarding the lot size that he can build upon. That would make the request for an area variance very substantial, being that the lot sizes are 0.52 and 0.58 acres.

Chairman Onorati continued that you have to ask yourself, can this benefit be achieved by any other means? Yes it can. Mr. Ferrara can revamp the garage, and although Mr. Ferrara said it would cost him around \$40000.00, one of our board members who is in this line of work said that it would not cost that much. Also, they can revamp the driveway as well. The other option is that the house and the lot can still be sold. Everyone knows the reason he can't sell it, and that it has been on the market for three years, is because of the driveway. People didn't want anything to do with the lot; people didn't want anything to do with the house is that correct Mr. Truex?

Mr. Truex responded, yes, that's what it was because he has the driveway on the other lot. They didn't like it because the lot is so small with a driveway on it. I offered to buy half the vacant lot so he wouldn't have all these problems; half to my lot and half to his other lot with the house on it.

Chairman Onorati said that the other thing that has to be taken into consideration is if the alleged difficulty was self-created. When Mr. Ferrara bought the house seven years ago, he bought that lot to, and he knew then what he was buying.

Board Member Daniel Post said, so he knew what he was buying and Chairman Onorati replied, yes.

Chairman Onorati explained to Mr. Truex that is this variance is denied, the applicant can still sell that lot and still sell the house, and someone could build on it.

Chairman Onorati asked Counselor Bavoso if he had any comments at this time.

Board Attorney David Bavoso said that ultimately if the variance isn't granted and Mr. Ferrara finds the right buyer someone could still buy the lot and build a house on it. Ultimately this is an AREA variance and like any other area variances it is up to the board to balance those criteria, weight them against each other and determine on their own what they feel the determining factors are. There is no one that necessarily has to be the determinate; it's within the discretion of the board. Just to clarify that point, the

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reason he could not sell that lot is because of the easement, but, this doesn't necessarily mean it will happen, but if you find the right buyer who is willing to take it with that easement on there, they could still sell it as a buildable lot.

Chairman Onorati asked if there were any other questions before closing the Public Hearing.

Board Member Daniel Post asked for clarification on how big the lots were again.

Chairman Onorati said, currently 0.52 and .58 – with the lot line change they would be 0.42 and 0.68.

Upon no further questions or comments Chairman Richard Onorati closed the Public Hearing and asked for a motion.

Motion by Bruce Lewis, seconded by Daniel Post to deny the area variance.

UPON ROLL CALL VOTE:

Daniel Post	Aye
Bruce Lewis	Aye
Russ LaSpina	Aye
Richard Onorati	Aye

Ayes	4	Nays	0	Abstentions	0
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Chairman Richard Onorati declared the variance request **DENIED**.

The February 11, 2016 Town of Wawayanda Zoning Board of Appeals meeting was adjourned by Chairman Richard Onorati at 7:14 P.M.

Respectfully Submitted,

Patricia Battiato
Secretary to Zoning

