

**Town of Wawayanda ZONING BOARD OF APPEALS**  
**September 15, 2016 / 7:00 P.M.**

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Members Present:           **Richard Onorati, Chairman**  
Bruce Lewis  
Jeffrey Soons  
Raymond Spiak  
Russ LaSpina, alternate

Members Absent:  
Daniel Post

Recording Secretary:  
Patricia Battiato

The September 15, 2016 Town of Wawayanda Zoning Board of Appeals was called to order by Chairman Richard Onorati at 7:00 P.M. Chairman Onorati asked alternate board member Russ LaSpina to join the board at the dais in the absence of board member Daniel Post.

I.     **INFORMAL**

**Lewis / SBL# 11-1-25 / US Rte. 6 / TC-Town Commercial Zone**

Applicant is applying for a Use Variance of 195 Schedule of Zoning District Regulations to allow for a two family residence in the Town Commercial Zone, and for an Area variance to allow for less than the required lot area on an existing mother-daughter residence.

At this time Board Member Bruce Lewis recused himself from this application, stepped down and sat in the audience.

Chairman Onorati asked who was presenting. Mrs. Linda Lewis and her daughter Larissa Lewis approached the board and stated their names for the record.

Mrs. Lewis explained that their request is to take their legally approved mother-daughter residence and make it a legal two family home. She went on to explain that they are retiring down south and are planning on leaving around the first of the year. Their daughter would like to purchase the house and use it as an income property.

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Mrs. Lewis continued that her Mom was living with them and passed away in April. They had gone through the process of getting a permit and receiving approval from the Building Inspector Jack Grifo to put in a Mother Daughter.

Chairman Onorati asked what the total acreage was.

Larissa Lewis responded, "That it was .40 of an acre".

Chairman Onorati said that he understood the use and also the request for the area would be for 2.6 acres.

Mrs. Lewis explained that it was a legal Mother Daughter for 7 years, and it would be the same usage and acreage now; the septic, parking etc.

Chairman Onorati said that he thought there were a few extenuating circumstances here, are there any questions from the board?

Board Member Jeffrey Soons asked if there has been any attempt to sell the property as is.

Mrs. Lewis replied, no because my daughter is interested in purchasing it.

Jeffrey Soons said that he was just wondering here what the hardship is.

Mrs. Lewis explained that the hardship is because it is not in a residential zone, because the house was built before zoning was adopted. I understand if it was in a residential zone it could be a two family home. We are not trying to change anything. It has a nice little apartment that my Mom used as a Mother Daughter. It is extremely hard because how many mother daughter situations are there. Even if I were to sell it to my daughter it will limit it. Just trying to sell a mother daughter is a lot harder than selling a two family.

Board Member Raymond Spiak asked how many bedrooms are there in the house.

Mrs. Lewis replied, three

Raymond Spiak asked, so it's a two bedroom and a one bedroom?

Mrs. Lewis replied, "Yes"

Chairman Onorati asked if there was a door between the house and apartment and Mrs. Lewis said yes.

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Raymond Spiak asked if there were two kitchens, and Mrs. Lewis said yes.

At this time, board member Jeffrey Soons is talking to Mrs. Lewis and other board members are talking about the layout and the secretary cannot decipher the conversation.

Board Member Russ LaSpina asked if they were still running the business out of it. Mrs. Lewis said yes. Mr. LaSpina asked if it was going to continue as well. Mrs. Lewis said, yes, for now, because I still live there. Once she purchase's it (her daughter), it would be up to her, I don't know what she would do with it. Mrs. Lewis explained that her business is a one chair salon.

Raymond Spiak said so when you leave, the business would not be there. Mrs. Lewis said it was her personal business, I can't sell my name on my business, but can't it still be used as such?

Chairman Onorati said that there are a couple of extenuating circumstances because it is in this zone now and before it was RA - Residential Agricultural and now TC- Town Commercial. He said that he understood why they have the three acres for a two family, and why you have two acres for an accessory apartment and have to live there. The reason is because this is generally in a residential zone; this is not a residential zone. So what do you do, you are caught between a rock and a hard place. If this was in a residential area, it would be quite substantial, but it's not.

**Motion by Raymond Spiak, seconded by Jeffrey Soons to set a Public Hearing date for October 13, 2016.**

**All in Favor**

**MOTION CARRIED**

Chairman Onorati suggested that the applicant be prepared to answer the criteria for both the area and use variance being sought and that they would be able to find that information in the packet that was previously provided them.

**II. OTHER BUSINESS**

Approval of Minutes for August 11, 2016

At this time Board Member Bruce Lewis re-joined the board at the dais.

**Motion by Raymond Spiak, seconded by Bruce Lewis to approve the minutes from August 11, 2016 as submitted.**

**All in Favor**

**MOTION CARRIED**

The September 15, 2016 Town of Wawayanda Zoning Board of Appeals meeting was adjourned by Chairman Richard Onorati at 7:13 P.M.

Respectfully Submitted,

Patricia Battiato  
Secretary to Zoning