

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
AUGUST 17, 2009**

A regular meeting of the Zoning Board of Appeals was held in the Court Room, Town Hall, Highland Falls, New York, on Monday, August 17, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Ray Devereaux, Acting Chairman
Jack Jannarone
Tim Doherty
Tony Galu

Absent:

David Weyant, Chairman
Tim Donnery
Jim Miller

Alyse Terhune, Attorney

ALSO PRESENT:

John Hager, Building Inspector, Scott and Katherine Fish, John Giordano, and Amy Yavorek.

The meeting was called to order by the Chairman, at 7:00 P. M., with the Pledge to the Flag. It was noted that a quorum was present.

MR. DEVEREAUX: I am going to open the Consolidated Zoning Board of Appeals for the Town of Highlands meeting of August 17, 2009, and note that we have a quorum and members that are absent are: Mr. Weyant, Mr. Donnery and Mr. Miller. The first matter is to approve the Minutes of July 20, 2009, which have been sent to you prior to tonight's meeting. Are there any corrections or changes to the Minutes?

A motion was made to approve the July 20, 2009 Minutes.

Motion: Mr. Doherty

Seconded: Mr. Galu

Approved

MR. DEVEREAUX: Tonight we have two Applicants returning from the July meeting. Mr. and Mrs. Fish and Mr. Giordano. We also have a new Applicant, Ms. Yavorek. She gave an overview of her project at the July meeting.

At 7:02 P. M. the Public Hearing for Mr. Scott Fish, 130 Mountain Avenue, Highland Falls, NY, was reopened.

MR. DEVEREAUX: Mr. and Mrs. Fish, you have two variances. A front yard variance of 16.5 feet and a side yard variance of 7.2 feet. Is there anything new or different that we should know about?

MR. FISH: Nothing that I know. That is correct.

MR. DEVEREAUX: It is unnecessary to swear you in because you were sworn in previously at the July 20, 2009 meeting. Do any members of the Board have any questions?

MS. TERHUNE: The Public Hearing is still open and you should ask the Public if there are any questions or comments.

MR. DEVEREAUX: Is there any public comment? None noted.

At 7:03 P. M., a motion was made to close the Public Hearing.

Motion: Mr. Jannarone Seconded: Mr. Doherty Approved

MR. DEVEREAUX: The Public Hearing is closed and now we need to see if we have any additional thoughts and put it to a vote.

MR. JANNARONE: I did not hear anything at last month's meeting in opposition. In fact, the only one person who spoke thought it was a good idea.

MR. DEVEREAUX: Right, Mr. Sullivan.

MR. DONNERY: I am familiar with the home and can see no objection to it whatsoever.

MR. GALU: No objection.

Refer to ATTACHMENT A to these August 17, 2009 Minutes – Highlands Consolidated Zoning Board of Appeals Determination of Application of Scott and Katherine Fish for Area Variances.

MR. DEVEREAUX: Congratulations. Good luck with your construction. You need to see Mr. Hager to get all the details.

MR. FISH AND MRS. FISH: Thank you.

At 7:04 P. M. the Public Hearing for Mr. Giordano, 142-144 Main Street, Highland Falls, NY, was reopened.

MR. DEVEREAUX: Mr. Giordano. This is a continuation from the last meeting. We will complete the Public Hearing. You need two variances. One for parking: you have 31 spaces and need 36; therefore the requirement is 5 additional. And the side yard variance of 12 feet on the south side. Those are the two variances that are required. Do we need to review further Mr. Giordano's plans?

MR. DOHERTY: I can say with all honesty, that anything that John has ever done in the Village has been top notched. I have no qualms with whatever he plans to do. I have seen his work.

MR. DEVEREAUX: I agree with you. Are there any public comments? There were none.

At 7:05 P. M. a motion was made to close the Public Hearing.

Motion: Mr. Jannarone Seconded: Mr. Galu Approved

Please refer to ATTACHMENT B of these August 17, 2009 Minutes – Highlands Consolidated Zoning Board of Appeals Determination of Application of John Giordano for Area Variances.

MR. DEVEREAUX: Congratulations. You need to see Mr. Hager for the details. You will still have to go back before the Village Planning Board. That meeting is Thursday, August 27, 2009, at 7:00 P. M.

MR. GIORDANO: Thank you.

At 7:08 P. M., a motion was made to open the Public Hearing for Amy Yavorek, 11 Cedar Lane, Highland Falls, NY.

Motion: Mr. Jannarone Seconded: Mr. Galu Approved

MR. DEVEREAUX: Mrs. Yavorek, we appreciate you coming in. I have to swear you in.

Ms. Yavorek, please hold up your right hand. Do you solemnly swear that the information provided herein to be accurate and true to the best of your ability?

MRS. YAVOREK: Yes.

MR. DEVEREAUX: Do you have the Affidavits?

MRS. YAVOREK: Yes, I have the Affidavits of Mailing and Posting for you tonight.

MR. DEVEREAUX: You know that we are not voting on this tonight because it was not posted in the News of the Highlands.

MRS. YAVOREK: That seems to be a recurring problem.

MR. DEVEREAUX: The Chairman, Mr. Weyant is resolving that; therefore, I won't discuss it, but it will be taken care of in the future. It is regrettable. We apologize, but there is not a thing we can do about it because it is New York State Law.

MS. YAVOREK: I understand.

MS. TERHUNE: I might also add that there would be a problem anyway because Mr. Galu will likely recuse himself, correct?

MR. GALU: If she hires me. She has not hired me yet.

MR. DEVEREAUX: You are still partial at this point so you would have to recuse yourself.

MS. TERHUNE: Even if everything was fine with the publishing, you would only have three (3) of the seven (7) Board Members present. A vote would be void.

MRS. YAVOREK: There are not enough members. I understand.

MR. DEVEREAUX: We have opened the Public Hearing. Perhaps you would like to discuss the project with us again.

MRS. YAVOREK: You have a corrected plan because the first one was two (2) feet shy on the front to back. It did not change the variance at all, we corrected it. It is the addition of a single story, two-car garage on what is now the existing driveway. It will be even with the front of the house. Because of the distance to the street, there is a five (5) foot variance from the front, and about a two (2) foot variance from the side. This is mostly from the back end of the property, because the property line runs at a bit of an angle there. That is basically it.

MR. DEVEREAUX: So what you need is a five (5) foot variance for the front yard and a two (2) foot variance for the side yard, your driveway. It seems clear and simple. Any questions, gentlemen?

MR. GALU: All of the houses are lined up the same way. Hers would not be any different.

MR. JANNARONE: The front is really a non-issue and the side is the only threat I am hearing. No one is here to say anything about it.

MR. DEVEREAUX: There is no public comment.

MS. TERHUNE: Because it was not published, we should just adjourn it.

At 7:10 P. M., a motion was made to adjourn the Public Hearing.

Motion: Mr. Doherty Seconded: Mr. Jannarone Approved

MR. DEVEREAUX: We have gone as far as we could tonight and we will vote at the next meeting. Things are looking quite good.

MR. GALU: It was published in the paper this week. We have the ten days; we don't have to wait 30 days to have another meeting.

MR. DEVEREAUX: Technically, we don't, you are right. I would have to defer to the Chairman.

MS. TERHUNE: The Chairman would need to call a special meeting.

MR. DOHERTY: Just for this particular case?

MS. TERHUNE: Yes, he can do that.

MR. DOHERTY: We should leave it up to the Chairman to contact the Board Members to find out what is the best way to proceed.

MS. TERHUNE: If it were just for this case, you would not need a lawyer present.

MR. DEVEREAUX: The Chairman will be gone for about two (2) weeks. How pressed are you?

MRS. YAVOREK: There is still time to get it built before the winter. That is what I am looking at. The sooner the better.

MR. DEVEREAUX: We will pose it to the Chairman.

MS. TERHUNE: A special meeting would need to be noticed, five (5) days in the paper.

MR. DEVEREAUX: The prudent thing to do is to defer it until Mr. Weyant returns. He could set up that meeting. I will leave a message for him how this has transpired, and that the suggestion was made that to cut down the 30-day period a special meeting could be held.

MRS. YAVOREK: When is the next meeting?

MR. DEVEREAUX: September 21, 2009.

MRS. YAVOREK: Thank you.

MR. DEVEREAUX: Again, our apologies.

At 7:15 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Doherty Seconded: Mr. Jannarone Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Monday, September 21, 2009**