

APPROVED: 11/21/11

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
OCTOBER 17, 2011**

A regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, October 17, 2011, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

David Weyant, Chairman
Tim Doherty
Tim Donnery
Tony Galu
Ray Devereaux

Absent:

Jack Jannarone, Deputy Chairman
Ralph Montellese

Alyse Terhune, Attorney (Jacobowitz & Gubits, LLP)

ALSO PRESENT:

Bill Edsall, Town Councilman, John Hager, Building Inspector, John Janson, and Daniel Malarkey.

MR. WEYANT: I am going to open the Consolidated Zoning Board of Appeals of the Town of Highlands Meeting of October 17, 2011, and note that we have two members absent: Mr. Jannarone and Mr. Montellese. First thing we need to do, is to approve the Minutes for September 19, 2011 that were sent to you prior to tonight's meeting. You should all have them. Any corrections or changes to the minutes?

MR. DOHERTY: I have none.

MR. WEYANT: Would someone like to make a motion?

A motion was made to approved the September 19, 2011 Minutes.

Motion: Mr. Doherty Seconded: Mr. Devereaux Approved

MR. WEYANT: We are going to start with the Public Hearing for Mr. Janson. Mr. Janson, come up, please. Have a seat, Mr. Janson. Before we start the Public Hearing, we have to have from you your Affidavit of Mailing and Postage of Signage. I will note for the record that I have an Affidavit of Posting and an Affidavit of Mailing, duly notarized stating that the posting of signage and the mailings were done on October 6, 2011. I also want to note for the record that I have an Affidavit of Publication in the News of the Highlands of tonight's Public Hearing. All is in order to have the Public Hearing.

At 7:02 P. M., the Public Hearing was opened.

MR. WEYANT: Mr. Janson, 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?

MR. JANSON: Yes.

MR. WEYANT: Please review with the Board what we talked about last month about your situation with the non-conformity of your house and what you intend to do.

MR. JANSON: Basically, all I want to do is square the house off. It is a 10 by 12 area that makes like just a little "L" in the house. When we put up the new house, I want to be able to square it off. It will be easier to assemble the new house.

MR. WEYANT: We are talking about a rear yard variance. I think we figured that out last month.

MR. JANSON: Yes.

MR. WEYANT: You are looking for how many feet?

MR. JANSON: It is a 10 foot by 12 foot area.

MR. DOHERTY: Well, the set back.

MR. WEYANT: So how many feet of variance do we need here?

MR. DOHERTY: It requires 25 feet and he has 10.6 feet. 14.6 feet are required.

MR. WEYANT: You need a rear yard variance of approximately 14.6 feet in order to rebuild the house. Or should I say, Mr. Janson that you are going to take the old house down and then rebuild.

MR. JANSON: Yes.

MR. WEYANT: You need an additional footing which is what you need the variance for.

MR. JANSON: Yes.

MR. WEYANT: Because it is non-conforming and it pre-existed Code. Any further discussion or comments, Gentlemen?

MR. GALU: No, I have no problem with it.

MR. DONNERY: To see some work down in that area of the community would be a good sign.

MR. DOHERTY: I agree.

MR. MALARKEY: Do I fill this out. Do I post this?

MR. HAGER: The sign gets posted on the property. Does the hearing notice need to be amended?

MS. TERHUNE: Yes, I will have to change the date.

MR. HAGER: He can't mail it out tomorrow.

MR. WEYANT: We will republish for November in the paper, also.

MR. MALARKEY: Also, I keep reiterating, I have no question about and I understand that utility poles can be put anywhere. Mr. Hager, please stop putting utility poles - this is regarding private light pole, not utility poles. Could this be retyped up?

MR. WEYANT: Mr. Malarkey, we are getting away from the issues before this Board. Whatever you want to take up with Mr. Hager you can do after we have finish.

MR. MALARKEY: I would rather it be done before.

MR. WEYANT: It is not going to be done with this Board. We will re-hear your Public Hearing on November 21 providing you comply with what you need to do. Don't forget to please bring in the affidavits that you are required to bring in. Mr. Hager's office can help you with all of this. I also want to point out to you that on your original application that you signed, these requirements were written in there for what you needed to do prior to the Public Hearing.

MR. MALARKEY: Is there a chance that I can get this typed up without utility poles?

MR. WEYANT: That is between you and Mr. Hager. That does not concern us.

MR. MALARKEY: I am just looking for an interpretation.

MR. HAGER: What do you have there?

MS. TERHUNE: It says "utility poles."

MR. MALARKEY: Utility poles can be put anywhere. I just wish you would break out a dictionary and look up "unobstructed" for an interpretation of the Code. I would be satisfied with Merriam-Webster's interpretation.

MR. HAGER: This does not really concern me. This is the Zoning Board.

MS. TERHUNE: I typed it up.

MR. MALARKEY: I am not questioning utility poles. That kind of screws things up; I don't want utility poles in there. I am questioning private lamp poles. Utility poles can be put anywhere, in your living room if they really want, if they have a right-of-way or an easement, they can put them anywhere.

MS. TERHUNE: That is fine. I will change that.

MR. WEYANT: Mr. Malarkey, we will see you at our November 21, 2011 meeting.

MR. MALARKEY: I have to get 41 envelopes and 41 stamps to mail out to all these people on my income. I have to spend \$75 to get an interpretation of “unobstructed.”

MR. WEYANT: That is correct.

MR. MALARKEY: Thank you very much gentlemen and ladies. Have a good night.

MR. WEYANT: As far as other discussion goes, Homeland Towers is still in a holding pattern. They submitted a similar letter to me this month as they did last month. As soon as they decide what they want to do for a location, then we will probably get involved in it, if they do. Other than that, I have no other matters to come before this Board. Would someone like to adjourn?

At 7:12 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Doherty Seconded: Mr. Donnery Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Monday, November 21, 2011**