

APPROVED: 1/17/12

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
DECEMBER 19, 2011**

A regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, December 19, 2011, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

David Weyant, Chairman
Tim Donnery
Tony Galu
Ray Devereaux
Ralph Montellese

Absent:

Jack Jannarone, Deputy Chairman
Tim Doherty

Alyse Terhune, Attorney (Jacobowitz & Gubits, LLP)

ALSO PRESENT:

John Hager, Building Inspector, Michael Maggio (James M. Copeland R.A., Hudson Design), and Bob Gillick.

MR. WEYANT: I am going to open the Consolidated Zoning Board of Appeals of the Town of Highlands Meeting of December 19, 2011, and note that all members are present with the exception of Mr. Doherty and Mr. Jannarone.

The first matter on the agenda is approval of the Minutes of November 21, 2011. I understand from talking with various members of the Board tonight that they did not receive these minutes that were emailed to them. Would you prefer holding the minutes over until our next meeting or would you be willing to approve them now?

MR. MONTELLESE: I don't have a problem approving them now. The fact is that whoever saw them has to make a motion, I can't.

MR. WEYANT: I have them here.

MR. DEVEREAUX: So let's hold them, David. It is not a big deal.

MR. WEYANT: You prefer to hold them over?

MR. DONNERY: Yes, let's hold them over.

MR. WEYANT: Fine.

MR. DEVEREAUX: If you would be kind enough to resend them.

MR. WEYANT: The approval of the minutes of our meeting of November 21, 2011 will be held over until our next meeting on January 17, 2012.

First up on the agenda is a Public Hearing for Marchese Chevrolet, 1018 Route 9W, Fort Montgomery, NY, for variances for front yard and side yard. Mr. Maggio, come forward please.

MR. MAGGIO: The board is okay. We went to it the last time.

MR. WEYANT: Mr. Maggio, before we start the Public Hearing, I have to go through the formalities of your affidavits of mailing and posting, please.

MR. MAGGIO: This is all the information, the list of the individuals that it was sent out to as well as the copies and the white stickers. We had one return receipt.

MR. WEYANT: Thank you. I note for the record that I have an Affidavit of Mailing duly notarized and also an Affidavit of Posting and Signage duly notarized. I also want to note that I have an Affidavit of Publication of tonight's meeting in the News of the Highlands ten days prior to tonight's meeting. I also want to note for the record that the Orange County Department of Planning has replied to our request for their opinion. Their opinion is that they are leaving it up to us as a local determination to be made here. They have no opinion on this matter.

At 7:03 P. M., the Public Hearing was opened.

MR. WEYANT: Mr. Maggio, 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. MAGGIO: Yes, I do.

MR. WEYANT: Please describe to the Board again what you want you want the variances for and why.

MR. MAGGIO: We are proposing a variance for the front setback. Right now it is a pre-existing non-conforming building. What we are doing is actually putting a new façade on the building as you can see from this board. The bottom two pictures are the existing façades that are presently on the building. The top photograph is the proposed façade change to the building. There will also be a renovation to the showroom, as well as a small addition on to the rear of the building.

MR. WEYANT: The timing of all this, what do you anticipate?

MR. MAGGIO: The start of construction?

MR. WEYANT: Well, you need to get Planning Board approval, am I right, after you are done here?

MR. MAGGIO: That is the next phase. That is correct.

MR. WEYANT: Assuming you get your approvals on time, when would you like to begin construction?

MR. MAGGIO: We would like to start probably April or May, if possible.

MR. WEYANT: If I have the dimensions right, you need a variance of approximately 8 feet and 3 inches for the front yard.

MR. MAGGIO: That is correct. That is to support the new façade.

MR. WEYANT: And 12 feet of the side yard.

MR. MAGGIO: That is correct. Again, for the new façade.

MR. WEYANT: Those are the only two variances you need at this point? Any discussion Gentlemen? Does anyone in the audience wish to speak? Please stand up, sir and give us your name and address.

MR. BOB GILLICK, 87 Montgomery Road, Fort Montgomery, NY. I live right behind the property.

MR. WEYANT: Behind Marchese?

MR. GILLICK: Yes. I am interest in exactly what he is doing. I don't necessarily have anything against that. My concern is a little privacy. There is a small wooded area. What I would like is a privacy fence and some fast growing evergreens.

MR. WEYANT: What you are requesting is something the Planning Board would do. You would want to make your feelings known to their Public Hearing.

MR. GILLICK: Thank you.

MR. WEYANT: If I am right, Mr. Maggio. I think that is part of the Planning Board process.

MR. GILLICK: All I got was a letter. It does not say a lot, at least not in layman's terms, anyway.

MR. WEYANT: This is the early stage of this project here with us.

MR. MAGGIO: That would be for the rear of the project?

MR. GILLICK: Yes, I live behind your parking lot, basically.

MR. MAGGIO: We are supposed to do a small addition.

MR. GILLICK: It is very hard to tell what exactly you are doing.

MR. DONNERY: So you are directly behind them or across the street on Montgomery Road?

MR. GILLICK: I am directly behind their parking lot. From my back door I see their building. I see their whole parking lot. I am the triangle property there.

MR. DONNERY: This one here, two lots? This is the building, this is the parking lot.

MR. GILLICK: Yes, right there. I don't know if the building is getting larger, height wise.

MR. DEVEREAUX: If you are located where you say you are, what will change from what you are viewing today?

MR. GILLICK: I don't honestly know, sir because I could not tell by the letter I could not tell what they are doing. My first step was obviously to come here. I don't mean to take up your time.

MR. WEYANT: No, no you are not this is part of the Public Hearing process. Mr. Maggio can explain to you exactly what is going on here tonight with those two variances.

MR. GILLICK: Quite honestly, not knowing and hearing rumors they were building a garage. Now here I am hearing something different. That garage was supposed to be on that property.

MR. WEYANT: So you know that that is not happening.

MR. GILLICK: Correct. Not that I wouldn't like a nice little neighborly fence and some fast growing evergreens.

MR. MAGGIO: Basically what we are doing is cleaning up the building, putting a new façade on it. The rear of the building will have a small addition in the back here for a wash bay. We are really just cleaning up the building and a little bit of the parking lot. That is the extent of the project, as well as the interior renovation.

MR GILLICK: It needed that too.

MR. HAGER: Anytime you want to look at the plans, they are available in the Building Department.

MR. GILLICK: Thank you. I am not home much.

MR. WEYANT: You should be notified when the Planning Board holds their Public Hearing and that is when you want to talk about your issues.

MR. GILLICK: Okay, thank you very much.

MR. WEYANT: Not hearing any other public comment, I would like a motion that the Public Hearing be closed.

At 7:08 P. M., a motion was made to close the Public Hearing.

Motion: Mr. Devereaux Seconded: Mr. Donnery Approved

MR. WEYANT: Any further discussion, opinions.

MR. GALU: I think that this guy is looking for maybe a greenway to plant some tall evergreens between him and the property line.

MR. WEYANT: But again, Tony that is part of the Planning Board.

MR. MAGGIO: He said he is in this position? I did not see what he was pointing to.

MR. DEVEREAUX: He is across the street, I think.

MR. DONNERY: No, no he is right there.

MR. HAGER: Is this the house that sits behind the dealer?

MR. MAGGIO: Yes, there is a house.

MR. HAGER: I think he is over here somewhere. Here is his name, Gillick. This is like a triangular because the road comes to a crest here and then starts to turn. His house is actually between him and the garage.

MR. MAGGIO: He is looking for some screening at this point and maybe possibly this point.

MR. HAGER: I suppose.

MR. DEVEREAUX: To my point.

MR. HAGER: He may have thought there was a bigger expansion going there.

MR. DEVEREAUX: I could not see the logic.

MR. DONNERY: He probably can't even see your building.

MR. MAGGIO: There is actually a little bit of woods in this vicinity of the parking lot.

MR. WEYANT: Any further discussion? I will entertain a motion.

A motion was made to approve the granting of a front yard variance of approximately 8 feet and 3 inches and a side yard setback of 12 feet.

**Motion: Mr. Devereaux Seconded: Mr. Donnery Approved
With a Roll Call Vote**

Mr. Galu	-	Aye
Mr. Montellese	-	Aye
Mr. Devereaux	-	Aye
Mr. Donnery	-	Aye
Mr. Weyant	-	Aye

MR. WEYANT: We all voted in favor. Your request for the variances has been approved. Thank you, Mr. Maggio.

MR. MAGGIO: Thank you.

MR. DONNERY: It is good to see some work going on.

MR. WEYANT: Yes.

MR. DEVEREAUX: I noticed that the second photo which shows the façade is very darkened. To exaggerate. I am only kidding.

MR. MAGGIO: It needs to be changed.

MR. DONNERY: Good luck.

MR. MAGGIO: Thank you.

MR. WEYANT: Homeland Towers has sent us a letter stating "... they are still investigating and evaluating a list of alternative sites that was received from the Planning Board in connection with their pending application. It will be more productive to adjourn our scheduled appearance tonight until your January meeting." If that happens. We will make note of that for the record.

The January meeting is going to be on a Tuesday as we always go through this in the month of January because of the Martin Luther King Holiday on Monday, January 16. We will meet on January 17, 2012. We will go through our formal reorganization and then go on from there. I have nothing else; I will entertain a motion to adjourn.

MR. DEVEREAUX: A quick question about Homeland Towers. There was a clock theoretically that was ticking before pertaining to that whole process. Are we in that bind or not?

MS. TERHUNE: No, you can grant extensions. So long as they are asking, you can grant. If they were not asking for an extension, then you would be.

MR. DEVEREAUX: So the clock has not started.

MS. TERHUNE: It hasn't started.

At 7:11 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Devereaux Seconded: Mr. Donnery Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Tuesday, January 17, 2012**