

APPROVED: 6/18/12
MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
MAY 21, 2012

A regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, May 21, 2012, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

David Weyant, Chairman
Jack Jannarone, Deputy Chairman
Tim Donnery
Ray Devereaux
Tim Doherty

Absent:

Tony Galu
Ralph Montellese

Alyse Terhune, Attorney (Jacobowitz & Gubits, LLP)

ALSO PRESENT: Michael Deegan, Michael Slapp, Sue Slapp, and Ray Alter.

MR. WEYANT: I am going to open the Consolidated Zoning Board of Appeals Meeting for the Town of Highlands for May 21, 2012, and note that all members are present with the exception of Mr. Montellese and Mr. Galu.

The first item on the agenda is to approve the Minutes of April 16, 2012. Are there any changes to these Minutes?

MR. DOHERTY: I have no objections to the Minutes of April 16, 2012.

A motion was made to adopt the Minutes for April 16, 2012.

Motion: Mr. Doherty Seconded: Mr. Jannarone Approved

MR. WEYANT: The Minutes for April 23, any changes to those?

MR. DONNERY: I skimmed through them; I was not here. They seemed okay to me.

MR. DOHERTY: On my review I did not see anything outstanding.

A motion was made to adopt the Minutes for April 23, 2012.

Motion: Mr. Doherty Seconded: Mr. Jannarone Approved

MR. WEYANT: Now, Mr. Deegan, please come forward. To review gentlemen, at our last meeting, we thoroughly went over the request for a Use Variance for Mr.

Deegan for his property at 55 Schneider Avenue. The reason we did not finish Mr. Deegan at our last meeting was because Orange County Planning did not notify us within the 30-day period. I still have not gotten any notification from them on Mr. Deegan.

MR. DOHERTY: So they lost their window of opportunity.

MR. WEYANT: The 30 days are now up. If you want to review from the Minutes, you can. If not, any further discussion?

MR. JANNARONE: I think we hashed it out pretty thoroughly. I am ready for a vote.

MR. WEYANT: I thought we did, too.

MR. DOHERTY: I would like to make a motion to approve the variances required for the property on 55 Schneider Avenue.

MR. DEVEREAUX: Shall we take them separately, David?

MR. WEYANT: Yes, let's do them separately. Let's do the Use Variance first.

A motion was made to approve the Use Variance for 55 Schneider Avenue.

**Motion: Mr. Doherty Seconded: Mr. Jannarone Approved
With a Roll Call Vote:**

Mr. Devereaux	-	Aye
Mr. Donnery	-	Nay
Mr. Doherty	-	Aye
Mr. Jannarone	-	Aye
Mr. Weyant	-	Aye
Mr. Montellese	-	Absent
Mr. Galu	-	Absent

A motion was made to approve the Area Variance for 55 Schneider Avenue.

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

Mr. Devereaux	-	Aye
Mr. Donnery	-	Aye
Mr. Doherty	-	Aye
Mr. Jannarone	-	Aye
Mr. Weyant	-	Aye
Mr. Montellese	-	Absent
Mr. Galu	-	Absent

MR. WEYANT: Simple as that, Mr. Deegan because we hashed it all out last month. You will talk with Mr. Hager about your next step in getting your permits.

MR. DEEGAN: Yes. I think I have to go before the Planning Board.

MR. WEYANT: Yes, I think you are right. Anyway, our part is complete.

MR. DEEGAN: Thank you very much.

MR. WEYANT: We are waiting for Mr. Slapp. He is getting some paperwork for us. While we are waiting, I will open the Public Hearing. Sue, do you want to say anything?

MRS. SLAPP: No, my husband is in charge of this whole thing. I am moral support.

MR. JANNARONE: What do we have and what are we missing at this point?

MR. WEYANT: He is bringing us the Affidavits of Posting and Mailing. In the meantime, I think we can discuss it before he gets here and then I can open the Public Hearing once he is here. You are putting an addition to the house?

MRS. SLAPP: Yes.

MR. WEYANT: Which involves a garage if I remember right?

MRS. SLAPP: Right.

MR. WEYANT: We are worrying about the front yard setback that we need a variance for.

MR. DONNERY: This is pre-existing non-conforming, right?

MR. DEVEREAUX: The house is.

MRS. SLAPP: It was built in 1954.

MR. JANNARONE: So the addition is less non-conforming than the existing non-conforming, if I remember right.

MR. DOHERTY: Most likely.

MR. DEVEREAUX: It is a nice big lot and I think if you looked down the road you would find a bunch of other houses there in a similar position.

At 7:07 P. M., a Recess was called.

At 7:09 P. M., the Regular Meeting resumed.

MR. WEYANT: We will go back on the record. We have Michael Slapp in front of us. I will note for the record that we have an Affidavit of Mailing, an Affidavit of Signage, and an Affidavit of Publication from the News of the Highlands showing that we have a Public Hearing tonight.

At 7:10 P. M., the Public Hearing was opened.

MR. WEYANT: Mr. Slapp, please hold up your right hand. Do you solemnly swear that the information provided herein to be accurate and truthful to the best of your ability?

MR. SLAPP: I do.

MR. WEYANT: Please review with the Board again what you want to do to your house.

MR. SLAPP: I want to put an addition on my house - 10 feet of living room and dining room and 20 feet of a garage.

MR. WEYANT: In order to do that you will need a variance for the front yard setback requirements. The Zoning Code requires 30 feet and you will need approximately 10 feet 6 inches worth of a variance from this Board in order to do that construction. Tim, you brought up that this was a non-conforming property prior to tonight. The house was built before Code.

MR. DONNERY: Yes. It would come under the pre-existing non-conforming.

MR. WEYANT: Does anyone in the audience wish to speak on this application? Hearing none, I ask that the Public Hearing be closed.

At 7:12 P. M., a motion was made to close the Public Hearing.

Motion: Mr. Doherty Seconded: Mr. Jannarone Approved

MR. WEYANT: Further discussion on this?

MR. DONNERY: Looking at the map, he has more than enough property all around him. Obviously, his neighbors have no concerns or objections.

MR. WEYANT: No one is here tonight to object to it. You are correct.

A motion was made to approve the front yard variance for this property.

Motion: Mr. Donnery Seconded: Mr. Doherty Approved

With a Roll Call Vote:

Mr. Devereaux	-	Aye
Mr. Donnery	-	Aye
Mr. Doherty	-	Aye
Mr. Jannarone	-	Aye
Mr. Weyant	-	Aye
Mr. Montellese	-	Absent
Mr. Galu	-	Absent

MR. WEYANT: Your request for a variance has been approved. Your next step will be to get with Mr. Hager to get your building permit and go from there.

MR. SLAPP: Thank you.

MR. WEYANT: I have no further discussion. There has been nothing that I am aware of on the Cell Tower situation. Our next meeting will be June 18. I understand from Mr. Hager that we will have a new application for that meeting that is being worked on right now.

At 7:14 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, June 18, 2012**