

APPROVED: 6/17/13

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
APRIL 15, 2013**

A regular meeting of the Zoning Board of Appeals was held in the Town Hall , Highland Falls, New York, on Monday, April 15, 2013, at 7:15 P. M.

THERE WERE PRESENT:

Board Members:

Jack Jannarone, Deputy Chairman
Tim Donnery
Ray Devereaux
Tony Galu

Absent:

Tim Doherty, Chairman
Ralph Montellese

One Vacancy on Board

John C. Cappello, Attorney (Jacobowitz & Gubits, LLP)

ALSO PRESENT: Mike McMahon.

MR. JANNARONE: We will open the meeting with a Moment of Silence for the people of Boston. Thank you.

MR. JANNARONE: I will open the Zoning Board of Appeals meeting for April 15, 2013, and note that I am present, as well as Mr. Donnery, Mr. Devereaux, and Mr. Galu. Mr. Doherty and Mr. Montellese are absent.

The Board does not have the Minutes for the January 22, 2013 meeting. If it is legal, we will hold them over until the next meeting.

MR. CAPPELLO: You can table the vote, but if anyone did ask to see them, they would be entitled to view them with the notation that they are not approved yet.

MR. JANNARONE: The only item that we have tonight is Mr. McMahon. You are present. I will note that John Hager is sick tonight and that is why he is not here tonight. Please have a seat. Who is this young fellow?

MR. McMAHON: This is Charlie.

MR. JANNARONE: Okay. Again, you are still under oath from the time you were here before. You have the surveys?

MR. McMAHON: Yes, sir.

MR. JANNARONE: Apparently John has reviewed them and he has amended this application to show the variances that are required. It looks like, based on the survey, that he only needs a 2.7% variance on the lot area and a 2.9 foot variance on the side yard setback.

MR. DONNERY: Okay.

MR. JANNARONE: I will pass this down so the rest of you can take a look at it.

MR. DONNERY: What are we putting up here, refresh my memory.

MR. McMAHON: What I eventually want to do is build a room in the back. Just for this year I want to do the slab and the footings, and then next spring do the roof. I want to do everything right, so that when it is time to build the room, there are no problems.

MR. JANNARONE: And you have the surveys?

MR. McMAHON: I have the surveys.

MR. JANNARONE: And it shows that you actually have more room than you thought you had.

MR. McMAHON: Yes.

MR. JANNARONE: The boundary is farther away.

MR. McMAHON: The fence is up. The people who lived there before me, because it was rock walls, they wanted to follow the rock walls.

MR. JANNARONE: So the fences are inside the boundary lines. How much are they inside the boundary lines?

MR. McMAHON: I think four (4) feet in the back and two (2) feet on the side on Mrs. Crill's side. I think it was two (2) feet they said.

MR. JANNARONE: So you have another two (2) feet that you did not even know you owned.

MR. McMAHON: No, but the fence is already there.

MR. JANNARONE: Any discussion on this item? No one appeared at the Public Hearing to speak about it.

A motion was made to approve a 2.7% Lot Area Variance and a 2.9 square foot Side Yard Setback Variance for this project.

Motion: Mr. Devereaux Seconded: Mr. Donnery Approved, with a

ROLL CALL VOTE:

Mr. Galu	-	Aye
Mr. Devereaux	-	Aye
Mr. Donnery	-	Aye
Mr. Jannarone	-	Aye
Mr. Doherty	-	Absent
Mr. Montellese	-	Absent
One Vacancy		

MR. JANNARONE: The motion carries. Mr. Hager will get you the necessary paperwork you need.

MR. DONNERY: The Building Permit.

MR. McMAHON: Thank you very much.

MR. JANNARONE: It took an awful long time, but you got it.

MR. McMAHON: I went to another surveyor in Cornwall and people saw him there. People saw him there. I called him and he never called me back. You gave me another opportunity to get another one. I then went to another one in Red Hook. He saw evidence that another surveyor was there. I don't know what happened to the one in Cornwall.

MR. JANNARONE: He didn't want your money.

MR. McMAHON: I guess not. It was \$900.

MR. DONNERY: Anything else?

MR. CAPPELLO: Alyse will write up a resolution for the record with the proper language. She will be back in the office tomorrow. I will tell her what a tough job you put me through

MR. DONNERY: She will put it in the proper language.

MR. JANNARONE: It took so long for him; we knew what we were going to do, especially when we learned that he had more room than he thought. Is there any other business?

MR. DEVEREAUX: I think it is a waste of the lawyer's time to be here and a waste of the town's money, in my estimation. I just have to enunciate that. We were sort of muddled a little bit because of Tim's situation. I think we should very carefully review what is coming up. If it is a simple process, we don't need a lawyer. I was chairman for three years, not once did I have a lawyer. If I saw something that was coming down the pike that looked as though it might be

complicated, then I would consult a lawyer. Beyond that, if you ran into something, then you would have to say we are going to have to table this until the next meeting. It is pretty simple. We have been taken to task for this by the Town Board who talked about cutting the numbers from seven to five which I am not sure is happening. I don't know where Ralph is, we have not seen him. That is my take on it.

MR. DONNERY: We did discuss that a while back and said we were going to take a closer look at it. We figured we would let Tim get his feet wet.

MR. CAPPELLO: To add my two cents in for Alyse. I think that if you have a procedure with the chairman calling a few days before the meeting to run through the agenda issues would be good. If they are simple area variances, I agree that we don't necessarily need to be there. I would suggest that you give us the minutes and discuss the applications with a ten minute phone call.

MR. DONNERY: Like Ray said, he was chairman for a number of years, and I was chairman for a number of years and after a while, once you get your feet wet, it is okay. Tim is just starting out so he has to get his feet wet so he feels comfortable.

MR. DEVEREAUX: But Tim has been on the Board for a long time, too. By osmosis, he should know what is going on essentially.

MR. JANNARONE: You raise a valid point and I think we are going to have to start paying more attention to this. We will see what Tim wants to do when we see him. Are there any other issues?

MR. DEVEREAUX: There are a couple of courses coming up that relate to the Zoning Board of Appeals being presented by the Orange County Municipal Planning Federation. I have been pushing for this. Tim and I used to go to courses years ago and I think it is advantageous that we received refresher training, if fact, it is a requirement by the State. With that said, I have said it again.

MR. CAPPELLO: Good Night.

MR. JANNARONE: When is the next session?

MR. DONNERY: It is due by April 5.

MR. DEVEREAUX: They would take you. That is not a problem. The Town would pay for it and we could consolidate and go in one car. I pushed them to do this, quite frankly last year. Is there is any interest?

MR. JANNARONE: When is the session?

MR. DEVEREAUX: It is Monday, May 13, from 7-9, two hours. The following week is the Planning and Zoning tool kit, clustering and so forth. It talks about floating an overlay in zoning districts. The Village had a proposal that was about to happen until it was pulled back. It might be kind of interesting to find out something about that.

MR. JANNARONE: For the second one on the 20th, I won't be here and it is also our meeting night. That one is out. If the meeting is cancelled, it would be good if someone went to that.

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

Motion: Mr. Donnery Seconded: Mr. Devereaux Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Monday, May 20, 2013**