

**APPROVED: 6/15/15**

**MINUTES OF THE  
CONSOLIDATED ZONING BOARD OF APPEALS  
OF THE  
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS  
APRIL 20, 2015**

A Regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, April 20, 2015, at 7:00 P. M.

**THERE WERE PRESENT:**

**Board Members:**

Tim Doherty, Chairman  
Jack Jannarone, Deputy Chairman  
Ray Devereaux  
Tim Donnery  
Tony Galu

**Alyse Terhune, Attorney, (Lewis & McKenna)**

**ALSO PRESENT:** Dean Walko.

MR. DOHERTY: I will note for the record that this is the April 20, 2015 meeting of the Consolidated Zoning Board of Appeals of the Town of Highlands. Roll Call: Tony Galu, Tim Donnery, Ray Devereaux, Jack Jannarone, and myself.

**At 7:04 P. M., the Public Hearing was opened for Dean Walko, 12 Bridge Street Fort Montgomery, NY.**

MR. DOHERTY: Does anyone in the audience wish to speak on this application? Hearing none, I will ask for a motion to close the public hearing.

**At 7:05 P. M., the Public Hearing was closed.**

**Motion: Mr. Jannarone Seconded: Mr. Devereaux Approved**

**At 7:06 P. M. the Regular Meeting was opened for the Consolidated Zoning Board of Appeals of the Town of Highlands.**

MR. DOHERTY: I will ask for a motion that we table approval of the March 16, 2015 Minutes, since Fran DeWitt is not here this evening.

**Motion: Mr. Donnery Seconded: Mr. Jannarone Approved**

MR. DOHERTY: I will ask that the Applicant step forward, please. Raise your right hand, please. Do you swear that the information and testimony you are about to give before this Board is truthful to the best of your ability?

MR. WALKO: Yes.

MR. DOHERTY: We need the Affidavit of Mailing and Affidavit of Posting. I have the Affidavit of Publication from the News of the Highlands.

MR. WALKO: This is the list of the names of all the people I mailed to. I have the originals and copies.

MS. TERHUNE: It is good to have the originals for the file.

MR. DOHERTY: Please briefly describe what your application entails.

MR. WALKO: Because of the side lots and there is no frontage there, I want to take the existing space and convert it into a garage and breezeway. I can't have a detached garage in our R-1 district, so I will connect it with the breezeway. This area here, because I only have five feet on this side and 13 feet over here, I need a combine 40 feet from both sides. I don't have that on my existing house. Basically, that is where the variance comes in. The combined two sides in order to get that side variance. I am not going any further than what has been occupied for the last 25 years. It will occupy the space of the shed and carport.

In the front, again because my well is right here, I can't go any further than the street. The existing retaining wall and fence will come down. The new foundation will be the exact same footprint, basically. That would be it.

MR. DOHERTY: Does anyone have any questions or discussion?

MR. DEVEREAUX: Did your neighbors agree to this?

MR. WALKO: Yes, Jim and Fran Murray, they live right next door. He has been pushing me to get the garage done, because he is tired of looking at it my stuff.

MR. JANNARONE: Is that the guy on the south side?

MR. WALKO: On the right side are Jim and Fran Murray. On the south side, on the left of my house, facing the river, are Barbara and Jeremy on the other side. I am almost mimicking what they are doing.

MR. JANNARONE: Theirs sticks out a lot further.

MR. WALKO: You have been by. Theirs is right by the street. If you have been there, mine is going right where that white fence is. It will occupy that same space. Jim came over and asked if I wanted to go higher at the peak for more

storage space. Everyone always has ideas. They have no issues. Their concern was that I had a tree right here and they hoped it would not be disturbed. We applied for 10 and the final drawing is 11.4.

MR. DOHERTY: We have 11.5

MR. WALKO: That is where it was tweaked a bit. It moved an inch. It is still staying the same dimension.

MS. TERHUNE: Less than the variance. The last time, the Board allowed the Applicant a little bit of leeway.

MR. JANNARONE: Just use the numbers there.

MR. DOHERTY: The front yard setback zoning requirements are 45 feet, the existing conditions are 61. The proposed construction calls for 30 feet and the variance required is a 15 foot variance for the front yard setback.

MS. TERHUNE: You might want to just go through all three of them and then go through the questions.

MR. DOHERTY: The side yard setback zoning requirement is 20 foot, the existing conditions are 11 1/2, as listed on the application. Proposed construction calls for 8 feet, so the variance is a 12 foot side yard variance. Finally, we have a total for both side yard setbacks. Zoning requirement is a 40 foot requirement, the existing conditions are 18 1/2 feet. Proposed construction calls for 15 feet and the variance required is 25 feet. So we have a front side and a total for the two side yard setbacks. Does any member of the Board have any questions?

**The Board agreed to group the Balance Test:**

- **whether benefit can be achieved by other means feasible to applicant;**

MR. DOHERTY: My feeling is that with the layout of the property, this the most feasible design that would allow for this to occur on this piece of property.

MR. JANNARONE: I concur with that, since it is within the footprint that has been in existence for 25 years.

- **undesirable change in neighborhood character or to nearby properties;**

MR. DOHERTY: Not being rude or anything, as opposed to the shed and covered canvas area, I think the garage and breezeway will bring more to the neighborhood than what exists right now.

- **whether request is substantial;**

MR. DOHERTY: That is a six of one and half a dozen of another kind of thing for me.

MR. JANNARONE: With the small lots, and it being within the existing footprint of what's been there, I don't see a problem.

- **whether request will have adverse physical or environmental effects;**

MR. DOHERTY: Personally, I don't think that would be an issue. Like you say, you are not clear cutting anything.

MR. WALKO: It already naturally drains right down my driveway around the house anyway so nothing would change as it is. Grade is not affected.

MS. TERHUNE: Drainage not affected. Same grade and no trees are coming down.

MR. WALKO: Other than digging a little dirt for the footings and the slab, that is about it.

- **whether alleged difficulty is self-created.**

MR. DOHERTY: To me that it is not so much that it is self-created. It doesn't apply to this situation.

MR. DEVEREAUX: I don't think it is applicable.

**A motion was made that the variances be approved, as listed here.**

**Motion: Mr. Jannarone Seconded: Mr. Devereaux Approved,  
With the following Roll Call Vote:**

<b>Mr. Galu</b>	-	<b>Aye</b>
<b>Mr. Donnery</b>	-	<b>Aye</b>
<b>Mr. Devereaux</b>	-	<b>Aye</b>
<b>Mr. Jannarone</b>	-	<b>Aye</b>
<b>Mr. Doherty</b>	-	<b>Aye</b>

MR. DOHERTY: Five votes in favor. Mr. Walko is good to go?

MS. TERHUNE: He is good to go. I will draft a resolution on this and will get it to the Board.

MR. DOHERTY: So you will want to talk with John toward the end of the week.

MR. WALKO: Yes, I will do that.

MR. DOHERTY: Any other discussion, gentlemen?

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

**Motion: Mr. Devereaux Seconded: Mr. Jannarone Approved**

Respectfully submitted,

Fran DeWitt  
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is  
Monday, May 18, 2015**