

**APPROVED: 4/18/16**

**MINUTES OF THE  
CONSOLIDATED ZONING BOARD OF APPEALS  
OF THE  
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS  
NOVEMBER 16, 2015**

A Regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, November 16, 2015, at 7:00 P. M.

**THERE WERE PRESENT:**

**Board Members:**

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

**Absent:**

Tim Donnery

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

**ALSO PRESENT:** John Hager, Building Inspector, Konstantinos G. Fatsis, Esq., Rakhil Patel, Dilip Patel, Nicole Renda, John Loch, Ned Kopald, Esq., and Albert Valejos. Mr. Mike Colacicco arrived at 7:06 P. M.

MR. DOHERTY: Roll Call for this evening, we have Ray Devereaux, Jack Jannarone, Tony Galu, and myself, along with Counsel Alyse Terhune, and John Hager, Building Inspector. Absent is: Tim Donnery.

First on the agenda for this evening is to approve the Minutes of October 19, 2015. Are there any questions or comments?

**A motion was made to approve the October 19, 2015 Minutes.**

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

**Holiday Inn Express, 1106 Route 9W, Fort Montgomery, NY, Mr. Dilip Patel and Mr. Rakhil Patel.**

MR. DOHERTY: Gentlemen, please step forward. If you are going to speak to this project, please come up to be sworn in. Mr. Dilip Patel, Mr. Rakhil Patel, and Mr. John Loch, please raise your right hand. Do you swear to give all the information as truthful and accurate to the best of your ability for this application?

MR. DILIP PATEL, MR. RAKHIL PATEL AND MR. JOHN LOCH: We do.

MR. DOHERTY: Please go over what your plan is.

MR. LOCH: My name is John Loch, Engineer Land Surveyor working for AFR Engineering Land Surveying. We have the existing Holiday Inn here, and we are looking to put another hotel building out in the front. It will be a bit taller which is why we are here in front of the Zoning Board.

We have looked at a number of ways to improve the property, and we ended up with the conclusion our best bet is to put as many of the improvements as possible into one new structure. It works better in terms of construction, operations, and running the facility. It is not the intention to have ballrooms or anything along those lines. There will be hotel rooms and meeting rooms. There will be a pool as one of the amenities. One of the reasons we decided to look into the possibility of having a pool in this building because we felt it wasn't feasible to have people going from one building to the other.

We had presented something a little bit different before. Upon evaluation by the architect is why we modified this plan. We were here last month primarily so that it could be circulated to County Planning and any other agencies that you needed. We are here to answer any questions the Board has or anything from the public. That is the gist of it.

**At 7:05 P. M., a motion was made to open the Public Hearing.**

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

MR. DOHERTY: Gentlemen, any questions from the Board?

MR. JANNARONE: I think we have all seen it.

MR. DOHERTY: Does the public have any questions?

MR. NED KOPALD: How tall will the structure be?

MR. LOCH: 60 feet.

MS. TERHUNE: Does this continue to be three (3) lots, or did you consolidate it into one?

MR. LOCH: It has been consolidated into one.

MR. DEVEREAUX: Did you say 50 feet?

MR. LOCH: 60 feet.

MR. JANNARONE: How many floors?

MR. LOCH: Five (5).

MR. DOHERTY: The 60 feet, that includes the parapet and is the complete height?

MR. LOCH: Yes. We put together an architectural rendering of what would be the southerly face of the building and we had dimensions and it would be 60 feet as the maximum with the parapet.

MR. KOPALD: How far is it planned to be from the lot line that adjoins with the Fort Fitness Center?

MR. LOCH: The building is approximately 24 1/2 feet.

MR. KOPALD: Thank you.

MR. DOHERTY: For the record we have the Affidavit of Mailing, the Affidavit of Posting, and the Notice of Publication that go with this project.

MR. MIKE COLACICCO: 3 Hillcrest Road, Fort Montgomery, NY. I am concerned about the height of the building. 60 feet, it will be much taller than anything in the area and it just kind of doesn't fit. That is my major concern. I am not opposed to the basic building the original plan of 50 feet. I had no problem with that. It is just too high. I guess the additional traffic has been accounted for, but I guess that is a Planning Board issue. I just think it is too high for the neighborhood.

MR. DOHERTY: Duly noted. Anyone else?

MR. KOPALD: Is there any plan to put the cell tower on this new structure?

MR. PATEL: On the existing building?

MR. KOPALD: On either the existing building or this new building.

MR. PATEL: It is a separate application. It is not going to be on the property of this one. Not on the building.

MR. KOPALD: I'm sorry.

MR. PATEL: The cell tower won't be on the same lot as the proposed project. It is a separate application. It is a totally different project.

MR. KOPALD: Where is the cell tower that you are considering to be placed?

MR. PATEL: Showed on the map where the cell tower was proposed. It has nothing to do with this building.

MR. DOHERTY: I respect Mr. Kopald's question but it does not apply to this particular application at this point in time. We have no paperwork or anything before us even mentioning that.

MR. PATEL: Cell tower will be located somewhere here, pointing to the map.

MR. DOHERTY: Anyone else from the public?

MR. JANNARONE: Have we received anything in writing from the fire department about these heights. We haven't in the past.

MR. DOHERTY: I have not seen anything in writing.

MR. JANNARONE: Did we ask for it at the last meeting?

MR. DEVEREAUX: Have they been before the Planning Board?

MS. TERHUNE: No, not yet. I don't believe you have made application yet or you did and you were referred?

MR. PATEL: Not yet.

MR. DOHERTY: I have spoken to them about the height of the building and it is the same thing that came down with the hotel on Route 9W that they feel comfortable that they have the apparatus should the event occur that they need to get to the top of the structures, height-wise. The last time I spoke with them about the last application, they were pretty adamant about the fact that the structures pretty much put themselves out nowadays.

MR. LOCH: It will have a full sprinkler system. Additionally, it is my understanding that the local fire department is equipped to go up to buildings that go up to 65 foot with their own equipment.

MS. TERHUNE: I would think that the Planning Board will review all that as part of their site plan application. That does not mean that this Board if you want to refer it.

MR. JANNARONE: Specifically, we are here for only a height variance now so that is germane to that subject.

MS. TERHUNE: It would be germane to know whether there is apparatus that could reach that height.

MR. JANNARONE: Motion to close the public hearing, unless anyone else has anything else.

MR. DEVEREAUX: Tim, I have reservations, too about the height. If the fourth floor were on the other building and you had four floors it might be more in balance. But to take it to the fifth floor is, I think, is a little bit extreme. I know these people, they run a very fine operation and I would trust them to continue to do so. That doesn't minimize the fact that it is 60 feet. They are probably going to go through five measures.

MS. TERHUNE: We have not heard back from the County yet. So we have to wait until we hear back from them or 30 days passes. The Board cannot take any action tonight. You would either have to take an action at the next meeting or if we hear back from the County between now and then, you could call a special meeting to further consider and make a determination. At this point you still have some time to think through your concerns, ask any questions, and you will probably be talking to the applicant one more time.

MR. JANNARONE: I had a motion to close the public hearing.

**At 7:13 P. M., a motion was made to Close the Public Hearing.**

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

MR. DOHERTY: So, Gentlemen, we are waiting for the County to get back to us.

MS. TERHUNE: It has to be referred to the County Planning Board again. It is actually the third referral. In the meantime, I think all members have been to the site, correct?

MR. PATEL: Please know that anyone can come to the site and we can go through and explain in more detail.

MR. DEVEREAUX: Fortunately, I think you have time because you probably would not break ground until next spring anyway.

MR. PATEL: That is the goal, so the process will start as soon as we can get through some of steps.

MR. DOHERTY: Our next meeting is December 21. Hopefully, we will hear back from the County by then. John, you will contact Mr. Patel when the 239 comes in.

MR. HAGER: I can do that, if it crosses my desk.

MS. TERHUNE: It will come back to you.

MR. DOHERTY: Thank you, Gentlemen.

**Nicole Renda, 46 Fort Putnam Street, Highland Falls, NY.**

MR. DOHERTY: Next on the agenda is Nicole Renda, 46 Fort Putnam Street, Highland Falls, NY. Do you have your Affidavits?

MS. RENDA: Yes.

MR. DOHERTY: I have an Affidavit of Mailing. Do you have the Affidavit of Posting?

MS. RENDA: I did not know there was one behind it. I can get it done tomorrow. Shall I bring it to John?

MS. TERHUNE: Yes, we need to see that.

MS. RENDA: Sorry about that.

MR. DOHERTY: I need to swear you in. Please raise your right hand. Do you swear to give all the information as truthful and accurate to the best of your ability for this application?

MS. RENDA: Yes.

MR. DOHERTY: There are a couple questions since you change this. We have three (3) variances that we are going to discuss this evening. A side yard setback, a total for both side yards of setbacks, and accessory structure separation. That would apply to the existing garage. Ms. Renda, please go over what you would like to do.

MS. RENDA: What I would like to do is push my kitchen out a little more and with that addition I would like to put a deck on attached to the kitchen.

**At 7:18 P. M., a motion was made to Open the Public Hearing.**

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

MR. DOHERTY: Do the Board Members have any questions?

MR. JANNARONE: We discussed it last month trying to figure out exactly what she needed. That was the big thing. It is not any farther than it was, just deeper.

MR. DOHERTY: We will go through the questions. These are all area variances. Tony, do you have any questions?

MR. GALU: No.

MR. DOHERTY: Any questions from the public?

**At 7:20 P. M., a motion was made to Close the Public Hearing.**

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

MR. DOHERTY: Can we do these as a group?

MS. TERHUNE: You mean the criteria. Yes, you can group them.

MR. DOHERTY: For the Balance Test:

- Whether benefit can be achieved by other means feasible to applicant.

MR. DOHERTY: She can't go to the left or the right. That is heading east, right.

MR. JANNARONE: It would be east southeast.

- Undesirable change in neighborhood character or to nearby properties.

MR. DEVEREAUX: I don't see any.

MR DOHERTY: I don't see any qualms there.

MS. TERHUNE: Do you know if her house once it is built out will be substantially different in terms of size to the rest of the houses in that neighborhood? You are familiar with the neighborhood.

MR. DEVEREAUX: I looked at it today. The main thing I was focusing on was how close the houses were, as exemplified by what is depicted here.

MR. DOHERTY: It is considered the north end of town and the houses are very tightly packed in there.

MS. TERHUNE: Okay.

- Whether request is substantial.

MR. JANNARONE: I don't see it as substantial. She is not going any closer than that line that is already there and it is just going out to that area there.

- Whether the request will have adverse physical or environmental effects.

MR. DOHERTY: I don't see any environmental or physical effects there.

- Whether alleged difficulty is self-created.

MR. DOHERTY: That is always the tough call.

MR. JANNARONE: I don't see that this is an issue in this case.

MR. DEVEREAUX: Practically anyone who comes before this Board might answer that question in the affirmative. I have one question: Are you building just one story or two?

MS. RENDA: Just one.

MR. DEVEREAUX: Thank you.

MS. TERHUNE: It is a two and a half story so you are not going up.

MS. RENDA: I am not going up.

**A motion was made to approve all three variances upon the receipt of the Affidavit of Posting from the Applicant.**

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

MS. RENDA: May I ask a question. If I hand this into John tomorrow, can I start tomorrow?

MS. TERHUNE: You need building permits. John is here, so he knows it has been approved. I am on Jury Duty this week so it may take me a day or two to write the resolution, but I think you can get your building permit as long as we receive the Affidavit of Posting.

MR. HAGER: So it is conditioned on receiving the Affidavit of Posting?

MR. DOHERTY: Yes.

**Fayed Realty, Kleitz/West Street Interpretation**

MR. DOHERTY: The next item on the agenda is Fayed Realty, Kleitz/West Street Interpretation.

MR. FATSIS: Introduced his client, Albert Vallejos. When we were last before the Board, one of the concepts that I had inquired about was the use of a condominium in terms of a form of ownership and I believe that Alyse had suggested that it wouldn't be an issue as far as the condominium ownership because that is a form of ownership we wouldn't look to ban the form of ownership as opposed to what is allowed to be on this plan.

MS. TERHUNE: That's correct.

MR. FATSIS: Currently the plan has two family houses or two family units on three separate lots. The question we have before the Board is a two part question: whether the Board would consider instead of the form of ownership being condominiums the form of ownership being townhouses, but in the same setup as the two family units. This would allow individually deeded units but not going for three units put together or four units put together like in the PRD type of issue. It would simply be a form of ownership that would label it as a townhouse to allow the units to be individually deeded to prospective purchasers.

MS. TERHUNE: That is a condominium though. Right now you have three lots with one house, two family houses. Again, townhouse development is not allowed in that district, meaning zero lot line. I think we have discussed that, it's like beating a dead horse, right?

MR. FATSIS: But not town house development, the same setup as it is now with the two units on each lot. Not changing it or not developing into a townhouse like Wind Haven where it is a whole row of buildings put together. It would be the same two family units where we would deed, for example the unit itself and then the percentage of the common area on the individual lots.

MS. TERHUNE: Typically, there is a fee ownership of the lot under the townhouse. That is not what you proposed to the Planning Board.

MR. FATSIS: No, because that is what we would look to propose, the concept of having a fee ownership of the area underneath it and a percentage of the common area, the rights of the common area.

MS. TERHUNE: I don't see how that works. I am not sure, either you are selling a lot, or you are selling a lot with a two family house on it, or you are creating a condominium. You have to do one of those things. You can't do a townhouse where the ownership is like a condominium. I am not understanding how that would work from a real estate perspective.

MR. FATSIS: It would be sold as a townhouse.

MS. TERHUNE: But it is not a townhouse.

MR. FATSIS: See that is the issue with the definition of a townhouse. They are single family units. We agree that they are single family.

MS. TERHUNE: We went through that at the Planning Board level and again here. A townhouse is like a single family. What typically happens is every townhouse is on its own lot. That is why it is not permitted, because you are not permitted to have zero lot line. I don't know how you would represent a two

family house as a townhouse. If you can figure out a way to do that legally, then do that. This Board cannot do that.

MR. FATSIS: I understand that. It is an interpretation of whether we would have an opportunity for a variance that would allow with the same configuration to basically have a zero lot line change, but it is as it is now, not adding extra units.

MS. TERHUNE: What you are asking for is a use variance to allow townhouse development in that district. That is what you are asking for. You need to come back with an application for a use variance. And you know that use variances have an extremely high bar. I think that is what you are asking for.

MR. FATSIS: What we are asking for is an interpretation at this point or just to get a gut feeling of how the Board might think of the possibility of asking for a use variance as townhouses but without adding anything different to the pre-approved plan, without adding anything new to the mix.

MS. TERHUNE: I don't remember whether the two family houses are up and down.

MR. VILLEJOS: No, they are side by side.

MR. FATSIS: Like a conventional townhouse, per se.

MS. TERHUNE: What you are asking for then is a use variance to allow zero lot line townhouse development and with six (6) units. Is that what you are asking?

MR. FATSIS: It would still be two separate units. It is not six put together.

MS. TERHUNE: What you are asking for is a use variance. Aside from a site plan, if the Board were to grant a use variance that would in fact allow zero lot line townhouse development on that parcel, then it opens the door for more units. I am not saying that you want more units, but it would open the door for more units. I think what we have to address is if you are asking for a use variance, then modify the application to specifically say you are asking for a use variance of Section 240.29q for townhouse development. This Board will then consider that.

MR. JANNARONE: I still don't understand. If they are putting six (6) units on, total, what is the issue they are trying to solve?

MS. TERHUNE: They have a preliminary subdivision approval from the Village Planning Board that allows them to subdivide this property into three lots and put one two family house on each lot. They would be sold, or maybe not sold depending on what the owner wants to do. You could sell, for example three lots and then whoever buys that is going to own one two family house on each one. I

think the applicant is concerned that the market is not great for buying two family houses.

MR. FATSIS: Correct.

MS. TERHUNE: So they approached the Planning Board with a townhouse development which I think they were asking for more?

MR. FATSIS: More, on that one, but now we are back to six.

MS. TERHUNE: But they were told at the Planning Board that townhouse development is not allowed on that property. So now they are here and I think what they are asking for is a use variance so they could develop townhouses on that property and maybe not subdivide it except as to the townhouse.

MR. FATSIS: You are pretty much right and I am not trying to belabor the point or make it harder for you, because I know we are not coming to you in an orthodox manner. We are not looking to necessarily not divide the lots, but we are also not looking to put a monstrosity of six or seven or eight units in a row. It would be as it is now, two family so that they are aesthetically more pleasing and fit more into the community, into the surroundings but their ownership would essentially be townhouses instead of two family houses. So they could individually be sold as Unit A and Unit B, Unit C and Unit D, as opposed to someone having to buy Unit A and B and C and D. So you are right, it is really a use variance.

MR. VILLEJOS: I have a question and I think I have asked this before, but what is, in your interpretation, the difference between a townhouse and an attached single family home?

MS. TERHUNE: The problem you have with the Code is that there is no provision in the PRD Code, which is what you submitted the second time around to the Planning Board - Planned Residential Development. There is no provision in that Code that allows zero lot lines, so when you have townhouse development, you have one townhouse right next to each other, verses a two family house which is in a townhouse development. If, you have eight townhouses, you have eight lots and a common area.

MR. VILLEJOS: So each one has its own lot, technically.

MS. TERHUNE: Yes. That is the problem that you are having. You want to be able to sell a townhouse on a lot in fee simple. Unlike the condominium for example, where you only own the common land and the space inside your walls. You could condominiumize the two families, but I think it is very difficult to do that when you only have six.

MR. FATSIS: The cost is the factor.

MR. VILLEJOS: We could do it, but it would be very costly. Is there any other way?

MR. FATSIS: The problem is it is almost financially prohibitive to do it as the condominium. Your point was well taken last time when we were going from six units to eight units trying to do a PRD as a townhouse. I get it. That is asking for far more and outside the reach and scope of what was originally presented to the Planning Board a thousand times over. It is a significant difference. We just wanted to get an idea of how the Board might feel regarding the same setup as it is now without any specifics of trying to open the door to sneak in more units like where the question would be under this specific two unit, two unit, two unit, whether it would be allowed to do as a townhouse so they could be individually sold as individual units.

MS. TERHUNE: You would have to come back to this Board with a request for a use variance with some type of plan, because the way you have it right now it is not a townhouse. If you are going to put six units on that property, six townhouses, if you get a use variance and you want to do that, then this Board can't give you a use variance absent any idea of what you are actually going to do.

MR. VILLEJOS: It would be the same, right?

MS. TERHUNE: But it isn't the same because now you have three lots.

MR. FATSIS: They haven't been separated yet. It is still one big lot. Whether the Board wanted to give permission for three separate units as a variance as townhouses. We would prefer to separate them, but it doesn't have to be separated. It could be one big lot.

MS. TERHUNE: It would be one big lot with six townhouses on it. Do you want six townhouses where they are at?

MR. FATSIS: Where they are at, we would not look to change that.

MS. TERHUNE: Then you need to show this Board a plan because what is going to happen is, if this Board were to approve a use variance, and again I would remind you that it is a very high bar, it would have to be looking at a plan. It could not just say we are going to approve this use variance for townhouses, and you go to the Planning Board with a different plan and think we can put townhouses there, because the Board cannot give you a use variance in the absence of what the result of their action might be. If they did that, if you came back with a different plan and this Board looked at that, and gave you the use variance, then that is the plan that would be shown to the Planning Board. You would not be able to change that, but you understand that.

MR. FATSIS: We are a hundred percent in agreement with you. Again this is just to broach the general idea and see if the Board had any comments or concerns

before my client invests that kind of money into conceptually putting the plan together and coming back formally before the Board. I don't know if it is permissible to possibly poll the Board Members?

MS. TERHUNE: No, I am not going to let you do that tonight. It's too early.

MR. FATSIS: That's fine, I asked, I didn't do it.

MR. JANNARONE: We are doing this because you think you cannot market three two family homes.

MR. VILLEJOS: Financially, to develop the project is almost unfeasible.

MR. FATSIS: The lenders are seeking individual deeded units which they feel can be sold easier than two family units, especially in this area. To develop the project to begin with it has to essentially be done either in the form of a condominium or, if it was permitted, and I understand the difference between the townhouse and the condominium, I am fully with you on that. That is really the crux of why we are here again basically trying to get an idea of whether we even have an opportunity to entertain this thought or whether it would be shot down from the get go. We understand that the condominium can be done it is just the cost factor of the condominium.

MR. VILLEJOS: Is that a discussion that we can have briefly. Condominiums, has that be accepted and we are allowed to create one and then market that or what else do we have to do?

MR. FATSIS: At this point, since this is an interpretation query at this point, the condominium issue is that something that would be handled via a variance?

MS. TERHUNE: That is a little different. If you say to this Board, can condominiums as a form of ownership be acceptable on that property? As I have mentioned to you and also to the Board, form of ownership cannot be regulated in the Zoning Law. There is a local law in front of the Board right now that basically gets rid of that. It is probably going to take a couple more months for the Village Board to adopt that local law. They might want to tweak it. We have asked the Planning Board for their input. Once they do that it is not even an issue. If you need an answer sooner than that, then I guess it would be a use variance to allow condominiums. That is a question that I would advise the Board they would have to grant because it is not really constitutional to prevent form of ownership through Zoning Law. But it would be a lot simpler if you just waited until the Village Board changed the law and you would not have any question whether it is a variance or an interpretation.

MR. VILLEJOS: That is in the works right now?

MS. TERHUNE: Yes.

MR. JANNARONE: As we speak, it is on the agenda tonight.

MS. TERHUNE: Yes. It is on the agenda tonight. There is a Public Hearing on it tonight, but they won't act tonight because they need another month. They have not heard from the Planning Board or the Building Department. There are some questions on density and I have advised the Board to wait until they get a response from other Boards. Probably December or January at the latest, I would think. It is really a correction to the Zoning Law, and they need to do that.

MR. FATSIS: That is a fundamentally different issue than the townhouse which is clearly understood. It is not lost on us, even though we are back here again.

MS. TERHUNE: Yes, you and I have exchanged the differences.

MR. FATSIS: I am totally with you. But I believe we have a better understanding. My client will go back and talk with his partners and see what they would want to pursue. If it is something as simple as the condominium, then that is one course of action and if it is not, obviously we would have to submit a new application and the appropriate paperwork and documentation that goes along with it to give the Board the greatest ability to decide intelligently where they want to go.

MS. TERHUNE: To make a determination like a use variance, the Board needs to see a plan.

MR. JANNARONE: Remember the hurdle on a use variance, it is pretty steep.

MS. TERHUNE: Yes, it is pretty steep.

MR. FATSIS: We appreciate your time. Thank you very much.

MR. DOHERTY: Gentlemen, any other discussion this evening?

**Mr. R. David Hampton and Mary Ann Hampton were present to discuss a Village/Knight of Columbus/Senior Citizen Center matter on off street parking and a fencing repair. They showed the area by the Senior Center and their property. They are seeking access.**

MS. TERHUNE: You would have to have an easement for access.

MR. HAGER: The way it is drawn on the parcel. The Senior Center is owned by the Village and the Village owns the right of way. You would have to approach the Village Board to find out whether they would entertain a request for an easement. This is not the correct Board.

MR. DOHERTY: We handle area and use variances for zoning issues.

MR. JANNARONE: This isn't a zoning issue, but it is a legitimate concern. It is not what we are allowed to do.

MS. TERHUNE: John is right, if the Village owns that property and has the right of way, you would have to get an easement from the Village and if they own all this property, then you would discuss with them where you want the fence. You would need an easement.

MR. DOHERTY: There is a Village meeting at the Village Hall tonight.

**MR. HAGER: Do you want to accept the withdrawal letter from Mr. Cockrill?**

**MS. TERHUNE: For the Record: By letter dated November 5, 2015 from Mr. Hager, Building Inspector, to Mr. Cockrill, it was determined that he was, in fact, in the Municipal Parking Lot District for Exemption. It was copied to the Chairman of the ZBA.**

MR. JANNARONE: And Mr. Cockrill submitted a withdrawal?

MR. DOHERTY: Yes, he did.

MR. HAGER: He submitted a letter. We will return the unexpended escrow funds once it is determined exactly how much he has been billed. He is prepared to submit his paperwork to have that returned. I believe the Town Board is agreeable to returning the application fee too, since it was our error.

MR. DEVEREAUX: And he can continue with his project?

MR. HAGER: He has been referred to the Planning Board. He doesn't require a variance but he still requires the Planning Board review.

MR. JANNARONE: Anything else?

MR. DOHERTY: I don't believe so.

**At 7:55 P. M., a motion was made to adjourn the meeting.**

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

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Consolidated Zoning Board of Appeals  
meeting is Monday, December 21, 2015**