

APPROVED: 4/18/16

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
DECEMBER 21, 2015**

A Regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, December 21, 2015, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Jack Jannarone, Deputy Chairman
Tim Donnery
Ray Devereaux
Tony Galu

Absent:

Tim Doherty, Chairman

Alyse Terhune, Attorney, (Lewis & McKenna)

ALSO PRESENT: John Hager, Building Inspector, Dilip Patel, John Loch, and Tony Mennite.

MR. JANNARONE: I will open the Zoning Board of Appeals meeting for December 21, 2015. I will note that all members of the Board are present except for Mr. Doherty, the Chairman, who is away. I am the Deputy Chairman, Jack Jannarone and I will be running the meeting tonight.

The first item on the agenda is the Minutes of November 16, 2015. For some reason they did not come through the emails.

A motion was made to defer approval of the November 16, 2015 until the next meeting.

Motion: Mr. Devereaux Seconded: Mr. Donnery Approved

Tony Mennite, #9 Dale Avenue, Highland Falls. Accessory apartment application.

MR. JANNARONE: Our next item on the agenda is a request by Mr. Mennite. Please come forward and have a seat.

MR. MENNITE: Good evening everyone. Thank you.

MR. JANARONE: Just very briefly tell the Board what you are asking.

MR. MENNITE: I have a two-car garage with an upstairs and originally it was designed and built to store my plumbing supplies upstairs and my cars downstairs. I don't have any cars anymore, I got older and what I would like to do is supplement my income a little bit by converting this building now into an apartment. As everybody knows, the taxes have tripled the last 15 years in this town. I would like to stay in Highland Falls. I have been here for 41 years and I would like to stay in the house for the rest of my days. I want to retire so I need some extra income so I can pay the taxes. Basically, that is what I intend to do.

MR. JANNARONE: Mr. Hager issued a Denial Letter. Do you want to summarize that?

MR. HAGER: The denial was written for mainly two reasons. The first is that any conversion for more than a single family use requires a Planning Board Site Plan review. Whatever this Board decides here, if you are able to grant the necessary variance, the applicant needs to present the plan to the Planning Board before a Building Permit can be issued.

The second thing is the square footage of the dwelling unit that he is proposing is less than the minimum requirement of 900 square feet for an apartment. He is offering 480 square feet. He clearly needs an Area variance for that. The other question is whether the actual use requires any kind of variances. It is kind of a gray area in the Code. The applicant, as well as myself, look at it more as an apartment accessory to the main house than a home or a separate dwelling unit.

The Codes don't really get us there. When you look in the State Building Codes, he is basically converting a garage area to a single family dwelling. The applicant doesn't intend to sub-divide or sell the dwelling. He wants it as his supplemental accessory use to the main house. That also influences the variance to the area because if it is going to be considered a single family home then the area is 1250 square feet not 900, and 750 of it has to be on the ground floor. I think the Zoning Board needs to weigh as to how we should treat the application and whether or not the applicant needs to go for a use variance. I think he would like to amend the application to include the use variance.

MR. JANNARONE: I think we need some opinion as to use. Is this changing the use?

MS. TERHUNE: It is changing the use. I have not had an opportunity to look in detail at the Code. I have read the Building Inspector's analysis. I did look at the Code. It seems fairly clear that what is contemplated here is two single family homes on one lot. What I would like to do is to have the opportunity to review the Code in a little more detail. I would suggest that the Board look at the property and also consider whether or not the Board would be amenable to granting a use variance if a use variance is required.

Some of the things to consider would be: What does the neighborhood look like; what uses are in the neighborhood; are there other uses that have a single family home either as an attached garage that has been converted or is just pre-existing? I would also like to think through whether other properties in this general area have done some more things. I know that there was one apartment building that turned the garage into an additional unit. I remember we went through that process here. I don't that was in the same Zone.

MR. DONNERY: No it wasn't, but also the garage was much larger. It was way over the 480 part.

MS. TERHUNE: Is there a map of any kind that I could look at? Has the applicant prepared any kind of a sketch that he could share with the Board?

MR. MENNITE: I just drew the apartment scenario. There is six car parking in my driveway right now. There are only two of us living there right now, my wife and I. That is the layout of the property. (The applicant presented the sketch).

MS. TERHUNE: The Board should have copies of this. Please scan a copy to me.

MR. JANNARONE: Do you think we should defer this?

MS. TERHUNE: Yes, I definitely think this should be deferred.

MR. JANNARONE: We don't want you to get too involved into this until we can have Ms. Terhune research this. It does raise a serious issue. A use variance is much harder to obtain than an area variance. That is just the Law, that is the way it is. Before we get into posting and mailings, and all that kind of thing, I think it would be best from your perspective to let her research this and come back to us with some advice.

MR. MENNITE: Sure.

MS. TERHUNE: Certainly you can have your own Attorney take a look at the Code in addition to Mr. Hager. I will confer with John more on this issue, and for the Board's edification what will likely happen is I will prepare some kind of opinion by the next meeting. At which time we can either go forward as Mr. Mennite is proposing for an interpretation only, or if this Board decides that a use variance is needed, we can allow him to amend his application at the next meeting and set a Public Hearing.

MR. DONNERY: I do realize that this is the Village Code and not the Town, but you remember a few years back we had the same incident in the Town and we did deny it. It was said that if we did approve it, numerous people would be at the next meeting wanting to put apartments over garages. The same scenario would tie our hands would it not?

MS. TERHUNE: Well each application is considered individually.

MR. DEVEREAUX: Case by case.

MS. TERHUNE: Case by case. However, that doesn't mean that if you granted this type of application, and someone came in afterwards with a substantially similar application, that is similar on its face, you would have to distinguish it for either a denial or approval.

MR. DONNERY: Yes, but we aren't talking one or two feet, we are talking almost 50% and that is the scary part.

MS. TERHUNE: That is exactly right.

MR. JANNARONE: It seems to me it is a change in use.

MS. TERHUNE: It is definitely a change in use.

MR. HAGER: But the R-5 District allows multiple residences; it allows two families. Are you asking for a use that is allowed in a district or not? If the determination is that what is being applied for is a second standalone dwelling unit on the lot, then the question is, can that be done without a subdivision? If he needs to subdivide to do all that, then there are a whole lot of other variances that he would need. There are a few things to consider.

A motion was made to defer this application for the next meeting.

Motion: Mr. Devereaux Seconded: Mr. Donnery Approved

MR. JANNARONE: The next meeting will be Tuesday, January 19, 2016, in the Highland Falls Library.

MR. MENNITE: Thank you all for your time. I will see you January 19.

MR. DEVEREAUX: It would still be an interpretation?

MS. TERHUNE: The interpretation would be whether or not he needs a use variance. We know he needs an area variance. I do need to consider this, spend some time with the Code.

MR. DONNERY: No matter what, it is way too much of an area variance to even consider.

MS. TERHUNE: Even if the Board decided that he could do it, that does not mean that you have to grant the area variance.

MR. GALU: We would be setting a precedent. He has a two car garage and he wants to make it an apartment.

MR. JANNARONE: It is a stretch.

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

MR. JANNARONE: Next we have the Holiday Inn Patel application, and we have the reply from the County which is an eye opener. That is kind of a pun since it discusses visual impact.

MS. TERHUNE: We should hear from the applicant. The Board Members have seen the County 239?

MR. JANNARONE: Yes, each Board Member has a copy of the County 239. Again, for the record, please state your name.

MR. LOCH: My name is John Loch, Engineer Land Surveyor employed by AFR Engineering Land Surveying representing the applicant on this project. We did get the County 239, it made it to my office on Friday. We really have not had much time to address it in a formal fashion. We have looked at a few things informally. We don't really think that the visual impacts are particularly significant. I do realize that the language and the citations from the County certainly point out what the various policies are and what the requirements are in terms of identifying visual impacts.

The applicant actually has put together some things very briefly to give you an idea of what some of the impacts are. (Mr. Loch passed out a detailed plan of the site showing the visual impacts). These were put together very quickly even using some of the features of Google Maps. This is a view looking up at the existing site from the Hudson River. It is not something particularly noticeable. We do realize that we are looking for a building that will be somewhat higher, but keep in mind that it is also a little bit further back from the road and for the most part will be behind the existing building.

MR. DEVEREAUXZ: Back from the River.

MR. LOCH: Yes, sorry, it is further from the River.

MR. DONNERY: That is only the one. The other is going to be alongside it.

Mr. LOCH: No, you are looking at an out-of-date set of plans. This is the proposed plan.

MR. JANNARONE: That goes up to 60 feet.

MS. TERHUNE: Do you have the newest plan?

MR. LOCH: One of the reasons we applied for the variances is, we found that it was not feasible. There was a proposal to add a floor to this building, and add something to this building. It really did not make economic sense from a construction stand point. This building was not designed to handle an additional load of putting another floor on it which is something we could have done. So the proposal was to go with a single five-story building here. That is the application that is before you. The one you had out a moment ago was the earlier proposal.

MS. TERHUNE: Does everyone have a copy of the new plan?

MR. JANNARONE: We got that last month.

MR. DONNERY: I pulled them both out because we were talking about two separate buildings so I thought we had two separate plans.

MS. TERHUNE: It is a little confusing because it has been changed three times and it has gone to the County three times.

MR. DONNERY: Right.

MR. LOCH: The applicant did some rough mock ups in terms of what the view of Old Route 9W would be playing a little bit with White Out in terms of showing the general shape of the building.

MR. JANNARONE: That is a free hand sketch.

MR. LOCH: Yes, I realize that is a free hand sketch on top of it.

MR. JANNARONE: Hopefully it is to scale, but there is no assurance that it is, right?

MS. TERHUNE: It's not to scale is it?

MR. LOCH: No, it is not. This is basically a view in the other direction of what you have. Again, it is not to scale, it is not really professional art work. I did bring another plan. This is a USGS Quadrangle. It is a common government map that is used a lot in visual studies. (Mr. Loch showed the site on the map). What they talk about is visual impacts and they are particularly places that the public has access to. An example being from the Hudson River. You don't have that much of a significant impact on this because one of the things you have is the river is relatively narrow here as compared to this area and the grade goes up very steep. The first floor of the site will be roughly 120 feet above the elevation of the river. You have further mountains going up behind here and by the time you get further up here your elevation is up over 600. So it is a very steep thing

looking up here. It is one of the reasons why if you look at one of the picture that we have there from the boat, you really don't even notice our particular facility. It doesn't take much in the way of trees and things just on the slopes to prevent it where you are not seeing these things. The military academy owns all of this. This is not park land and not something that is particular in terms of visual impact. You do have a small portion of Harriman State Park across from here. Again, the grades are very steep and it is heavily wooded. When you get further up on here, you are blocked by the trees. You don't even really see this once you are a couple hundred feet removed from the road. It is not that these areas don't have vegetation. When you get up into the areas that do have housing, such as above Garrison Pond and things. Again, with the way the trees are and things, you don't have a significant view. I took a quick drive up there to see if I could spot the existing building because that is a substantial building. Occasionally I could get what I thought was a glimpse of it but no real clear views where I am sitting there saying "this monstrous structure here."

MS. TERHUNE: But the existing building is three stories?

MR. JANNARONE: Yes. It did not need a variance, so it is 35 feet or under. I would point out that there are hiking trails to the top of the Torne and Anthony's Nose, and both of those certainly look down on that area. Again, those are popular hiking areas. And then there are people across the river who don't have the same side angle obviously, as somebody down on the river, so that has to be considered as well.

MR. LOCH: The aspect ratio too, though, when you look from across the river, we have the building oriented so that a substantial part of it is behind the existing. Yes, it will stick up somewhat higher but it is also the narrowest part of the building here.

MR. JANNARONE: Well it depends on what angle you are looking from.

MR. LOCH: Yes.

MR. JANNARONE: The County says there has to be a study and a visual assessment. But it doesn't specify what that visual assessment is, who or what entity does that, what criteria both subjective and objective they use to make that assessment. So, who would make this assessment?

MS. TERHUNE: There are two options here. One is that you can ask the applicant to do a visual analysis study for this determination as to the height variance. Or, when this gets to the Planning Board, they will need Planning Board approval, they will be looking at many factors, one of which will very likely be a visual analysis, especially if this Board recommends that. Also, it will go back to the County for another 239, and I am sure they will get the same response which will be a visual analysis concern.

MR. JANNARONE: What I am getting at is this has to be done and I don't think this can be done by the applicant because so many state, county and local issues are involved here. It has to be seen as an impartial analysis.

MS. TERHUNE: What would typically happen is the applicant would do the visual analysis and then the Board would review it and ask its experts to review. You would call in, for example, which you may do, the Town Engineer who would also look at the analysis if the Planning Board requires one.

MR. HAGER: The Planning Board also has a planner on as a consultant.

MS. TERHUNE: They also have a planner which you can also call. You have access, as the ZBA, to your own consultants. Generally, you would likely use those consultants that the town has on board, the engineer and the planner. My only concern with that is your decision here has to do with the height variance, not anything else, not the drainage, not all the things that would be studied by the Planning Board. To the extent that you make a decision here, it could impact the Planning Board's decision.

MR. DEVEREAUX: Parking.

MS. TERHUNE: Yes. It doesn't have to, the Planning Board could say "well the drainage doesn't work, or we don't agree, or we want more work done on the visual analysis." It's not that the Planning Board is bound by what you do here. If you grant the height variance, all it means is that they can go before the Planning Board and try to get the site plan approved. The Planning Board could look at it and say "well you could build to 60 feet but we are not going to approve that because there is too much of a visual impact."

MR. JANNARONE: To me, it is getting the cart before the horse here. We, as the Zoning Board are required to evaluate everything that is connected to a height variance when the County clearly says that your height variance has serious issues. I can't see myself voting to approve this issue without having the information on the issues right here in front of me.

MS. TERHUNE: So you are reading this as that the County is giving its approval if you do a visual analysis, or the way I read it was that the County is suggesting you could give your approval conditioned on the Planning Board doing a visual analysis.

MR. JANNARONE: It is our obligation to vote on height variances. How can we vote on a height variance if we don't have all the information we need to make that decision, namely a visual analysis?

MS. TERHUNE: There are a lot of factors to that visual analysis, not just the view shed which is what the County is concerned with. Anytime you grant any height variance you must look at the weighing factors, and also the impact to the

neighborhood. Those things you can consider without necessarily a detailed view shed analysis. You can determine, for example, are there any other buildings in that area that are that tall, is this a commercial strip that lends itself to this type of building as opposed to trying putting a five story building in the middle of a residential area, etc. You can consider whether height variances have been granted. I know that one as issued a height variance and then they changed their plan.

MR. DEVEREAUX: My inclination is that five stories are too much. I discussed an alternative in my mind, you were going for four stories which you decided not to do, and now you are under the gun with this which is obviously not going to be met. So what is wrong with four stories and stretch the base.

MR. PATEL: On the new lot? Instead of five?

MR. DEVEREAUX: Instead of five, four. Just have a larger footprint.

MR. PATEL: Footprint we cannot do because of the land, the way it is.

MR. LOCH: We don't have the ability to stretch it out further.

MR. DEVEREAUX: I understand that. You are too close to the highway now.

MR. LOCH: The other issue becomes one of, when you have this size building, we need a certain amount of parking. If we are still keeping the same floor area ratio, we will need parking. If I take up more space by stretching the footprint, I don't have the room for the parking.

MR. JANNARONE: Parking is an easier hurdle to get over than height.

MR. DEVEREAUX: Precisely.

MR. LOCH: In terms of asking for a variance on parking. Except the practical reality is that we don't really want to ask for a variance on parking if we think we are going to need the parking. We want to make sure that we have enough parking for a functional facility

MR. JANNARONE: Well you made the issue several months ago that, quite frankly, you were not going to need that much parking because people weren't going to be there all the time.

MR. HAGER: That is when they had the banquet hall with the requirement for parking.

MR. PATEL: The banquet hall is not an issue now. The banquet hall is gone.

MR. DEVEREAUX: It would be interesting to know, I know with Old Guard, they ended up with essentially the same amount of rooms and maybe more, by changing the footprint. They knocked off a floor and made it a bit wider.

MS. TERHUNE: They were also able to purchase additional land.

MR. DEVEREAUX: For parking.

MR. PATEL: If we can get to four stories which would be 50 feet.

MS. TERHUNE: That was proposal number 2.

MR. HAGER: Yes.

MR. PATEL: We can look at it.

MR. JANNARONE: When they had the four stories, what did the County say about that?

MR. LOCH: We never got a report from the County on that.

MS. TERHUNE: I think what would happen is if Mr. Patel decided to go for four stories, you would be able to say in your analysis that the applicant modified his application based on concerns raised by the County. I think that would be fine. I don't think we need a fourth. I might call Fred and just talk to him. I don't think you would necessarily then have to go back to the County for number four, but of course, it is up to the applicant.

MR. PATEL: I don't have a problem. We can work it out.

MR. DEVEREAUX: The parking aspect it seems to me, and I can't promise anything, is doable. What would be interesting to know is what the total number of parking spaces would be demanded by that building.

MR. PATEL: We have plenty of parking between these two lots, no problem, right John?

MR. LOCH: You have a substantial amount of parking, yes.

MR. PATEL: Maybe we can reduce the number of rooms by doing that.

MR. TERHUNE: Just knocking off a floor?

MR. PATEL: Yes. Instead of five story, four story.

MS. TERHUNE: Then you will definitely have enough parking.

MR. DEVEREAUX: But also if you increase the footprint, you might be able to achieve what you want with roughly the same number of rooms.

MR. PATEL: With four stories we don't have to extend the footprint. As it is, that's fine.

MS. TERHUNE: Financially, that would be adequate?

MR. PATEL: It is not a big deal. We will reduce the number of rooms to 70 or 85. If there is a request for more rooms, it will not be possible if we don't have the site.

MR. JANNARONE: The big advantage to that is it makes this more amenable to the fire department.

MR. PATEL: I understand.

MR. DONNERY: You wanted to talk about the fire department, and you also wanted to look into whether they are keeping this under the same two buildings on one lot.

MR. JANNARONE: Yes, two different hotels, completely separate.

MR. LOCH: We actually are looking at subdividing because we found that it will be necessary for financial purposes.

MS. TERHUNE: You do need a subdivision?

MR. LOCH: Yes, but we looked at a subdivision and we believe we can subdivide without the need for any other variances. There will be some cross easements because obviously one property has to access through the other one.

MR. DEVEREAUX: It sounds like we have sort of talked it into an acceptable mode.

MR. JANNARONE: Should we wait until you can finalize your plans again, or do you want to address a four-story building?

MS. TERHUNE: I think that is up to the Board.

MR. JANNARONE: I am just concerned that the County may still say four is too much, also.

MR. DONNERY: They definitely will.

MR. JANNARONE: But they didn't before, that's the thing.

MR. DONNERY: We didn't get a response from the County. The minute you go over 35 feet.

MR. DEVEREAUX: Do you have any thoughts, John?

MR. HAGER: Old Guard was approved for a height variance.

MR. JANNARONE: But that's not close to the river like this is, that is the difference here. You don't see it from Bear Mountain, Anthony's Nose, The Torne or as much from across the river because it is farther away. I don't think we can use Old Guard as a reference here.

MS. TERHUNE: I think you might ask the applicant if the delay into January would be acceptable or not.

MR. PATEL: I will work with you. Now the question will be with our franchise agreement.

MR. JANNARONE: We saw that, but we can't consider that.

MR. PATEL: I understand that.

MR. LOCH: May I make a suggestion on this? For the most part Planning Boards are much more geared up towards environmental reviews. That is the reason why they generally have a planner at their meetings and an engineering staff. Would it make a difference if we agreed right up front that we will do a visual EAF in conformance with the standard addendum to an EAF for submission to the Planning Board in reviewing any height or visual impact issues on this?

MR. JANNARONE: On a four-story building?

MR. LOCH: Yes.

MS. TERHUNE: I would think knocking off a story and having an agreement that a visual analysis will be done, which I think they will ask you for, would be acceptable.

MR. LOCH: I think they are going to ask for it anyway. We may as well agree to do it. Frankly, their Board is better equipped in terms of reviewing those materials in terms of who they have for their consultants.

MS. TERHUNE: I would be comfortable with that, if the Board is comfortable with that. As for the subdivision, if they get in there and also apply for subdivision and they need a variance, they will have to come back here.

First of all, eliminating a story will clearly be a clear signal to the County that you considered their comments. Also, that the applicant has agreed to submit a visual analysis to the Planning Board no matter what. That would be put into resolution. That would be acceptable to me if it is acceptable to the Board.

MR. JANNARONE: How high would a four-story building be?

MS. TERHUNE: It would be 50 feet. Wasn't that application #2?

MR. PATEL: Right.

MR. JANNARONE: Down the table, are you ready to vote on it tonight?

MR. DONNERY: I'm happy with it if Alyse can word it to make it look right.

MR. JANNARONE: Are you happy to vote on it tonight, or do you want to defer it?

MR. DONNERY: No, it sounds acceptable, plus they have to go before the Planning Board where they could be denied and come back to us again.

MR. DEVEREAUX: I agree.

MR. JANNARONE: So you are comfortable with voting on this tonight.

A motion was made to grant a variance for 15 feet, taking into consideration the County's comments, and the Board's concern of what the visual impact might be from the trails. The applicant has agreed to prepare a visual analysis (a standard visual EAF) as part of its application to the Planning Board.

Motion: Mr. Donnery Seconded: Mr. Devereaux Approved

MR. JANNARONE: I don't want them to get blindsided on this, do we owe have to submit it to the County?

MS. TERHUNE: No, I will call Fred.

MR. JANNARONE: I think we owe them the courtesy.

MS. TERHUNE: Yes. If the County says we will really have a problem with that, this Board at its January meeting will discuss that and you can always on a unanimous vote you can reconsider a decision that you have made. I don't think that is will be a problem.

MR DEVEREAUX: So we can vote tonight.

MS. TERHUNE: You can vote tonight. I will call Fred and explained what happened. If he says that is a real problem and the County will fight you on that or whatever, then I will not write the resolution for the signature and I will immediately will contact the applicant. I don't think that is going to happen. I think you have been reasonable and the applicant has been reasonable.

MR. DONNERY: Will the signage come under the Planning Board?

MS. TERHUNE: Yes. They will have the same comments to the Planning Board.

MR. PATEL: As far as the sign concern, we will have a sign only on the building. It will not be nothing like the Holiday Express.

MS. TERHUNE: What does it say about the signs?

MR. JANNARONE: It doesn't say anything about the signs.

MR DONNERY: Commercial building signs.

MR. DEVEREAUX: The aesthetics.

MR. DONNERY: I think that comes under visual impact.

MR. DEVEREAUX: For size and such.

MR. JANNARONE: Bright signs and stuff like that.

MR. DONNERY: That would be under the Planning Board more than us.

MS. TERHUNE: And also the Building Inspector would enforce the sign laws. It is just a recommendation. The County is just saying these are the things we are concerned about, please consider them.

MR. JANNARONE: Have we beaten this to death then?

MS. TERHUNE: I think we have beaten this to death.

MR. DONNERY: Do we have to worry about putting two buildings on one lot?

MS. TERHUNE: No, we have an interpretation from the Building Inspector that it could have two buildings on one lot. But it looks like they are going to subdivide. We have that on file.

MR. DONNERY: Do we have an okay from the fire department on the height?

MS. TERHUNE: Did we hear back from the fire department?

MR. JANNARONE: I thought Tim Doherty said that he had spoken to someone. But I am searching in my memory and I can't swear that was the case. With the Old Guard June Gunza came on behalf of the fire department, didn't she?

MS. TERHUNE: You had a public hearing. I don't recall the fire department.

MR. JANNARONE: They didn't come but I asked specifically and Tim said he had talked with the fire department. That is all I know. I may have talked to him casually. No I did talk to him at the meeting.

MR. DEVEREAUX: My take is in both cases there should have been something in writing because otherwise conversations evaporate. But you have the minutes of the meetings, maybe that backs it up.

MS. TERHUNE: Certainly we can put it in the resolution. You can make recommendations to the Planning Board. For example, you have already recommended and they have agreed to take off a story, and to do the visual analysis. You can recommend that it has been formally referred to the fire department. The Planning Board is going to look at all of this in great detail and they are equipped more so than the ZBA to do the full analysis.

Having said that you do need to make a SEQRA Determination. This is not, in my opinion, an Unlisted Action. It doesn't fit into a Category I or Type I Action and it is certainly not a Type II Action. As Lead Agency in an Uncoordinated Review for SEQRA this is an Unlisted Action and with these modifications you can issue a Negative Declaration as to only the height variance and nothing else. I will put that in the resolution.

MR. JANNARONE: Can you let me know what you find out from the County and I will send an email to the other members. Any other issues?

MR. DONNERY: No.

A motion was made to grant a 15-foot height variance for this project.

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

Mr. Galu	- Aye
Mr. Devereaux	- Aye
Mr. Donnery	- Aye
Mr. Jannarone	- Aye

MS. TERHUNE: I will draft that resolution. You will need to revise the plans to show the four story.

MR. PATEL: Yes. Thank you. Merry Christmas.

MR LOCH: We will do that.

MR. JANNARONE: The pictures?

MS. TERHUNE: They should be put in the file.

MR. JANNARONE: Who is going to be here for the next meeting?

MR. DONNERY: I will not.

MR. DEVEREAUX: Tuesday, January 19th. I am not sure.

MR. JANNARONE: I am not sure either. If I am not here, I don't want to be the Chairman. It goes to the youngest.

MR. DONNERY: Too late.

MR. JANNARONE: Any other business?

At 7:46 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 Tuesday, January 19, 2016**