

APPROVED: May 18, 2009

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
APRIL 20, 2009**

A regular meeting of the Zoning Board of Appeals was held in the Court Room, Town Hall, Highland Falls, New York, on Monday, April 20, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

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

Absent: David Weyant

Alyse Terhune, Attorney

ALSO PRESENT:

John Hager, Building Inspector, Andrew Hennessy, Rose Ott, Anne Hidalgo, and Leah Madrid.

The meeting was called to order by the Chairman, at 7:00 P. M., with the Pledge to the Flag. It was noted that a quorum was present.

MR. DONNERY: I will call this meeting of the Consolidated Zoning Board of Appeals to order, and note that all members are present with the exception of Mr. Weyant. The first matter on our agenda is approval of the Minutes of March 16, 2009.

A motion was made to approve the March 16, 2009 Minutes.

Motion: Mr. Jannarone Seconded: Mr. Doherty Approved

MR. DONNERY: The first item for discussion is for Mr. Krzysztof Grubecki, 264-270 Main Street, Highland Falls, area variances for lot per dwelling and height.

MR. HENNESSY: It will be for two (2) variances. We discussed it last time and I believe the only item that was left was to hear back from the County.

MR. DONNERY: The County reply has been received and they added no comments but requires that the project meets all local ordinances. I spoke with

John Hager who was in contact with members of the Fire Department. They had no problems with the height of the building. Are there any questions from other Board Members?

MR. GALU: The Fire Department has approved?

MR. DONNERY: Yes. It will go back to the Planning Department for further approval, but basically as a preliminary heads up, it seems to be fine.

MR. GALU: We are only talking about the parapet, not the roof.

MR. HENNESSY: The roof line is 35 feet.

MR. DONNERY: Any other comments?

MR. JANNARONE: I just have one question. Since the back of the building is much lower than the front, the height restriction only applies to the front of the building? The Fire Department does not have concerns no matter where they are on the property?

MR. HAGER: My discussion with the Fire Department, the back of the building would be more of an access point than the front due to the wires on Main Street. They did not have any more concerns with the back than they did with the front. They did mention that once this goes back to the Planning Board there would be more discussion and examination. At this level it is fine.

MR. GALU: Will it have concrete fire staircases out the back?

MR. HENNESSY: It is designed with two fire rated staircases, each end; one out the front and one out the back.

MR. GALU: Sheetrock?

MR. HENNESSY: Yes, it will be sheetrock, although Mr. Grubecki may decide to build it out of block because he is a mason.

MR. GALU: That is the way it really should be done.

MR. HENNESSY: Not according to New York State Codes, it is not required. It depends on the rating. In this particular case, there will be a sprinkler system.

MR. GALU: There will be a sprinkler system in the apartments?

MR. HENNESSY: Yes. Current Code right now is multiple family, everything over two units should have a sprinkler system. It will have sprinklers and two fire rated staircases.

MR. GALU: As long as they meet New York State Codes.

MR. HENNESSY: Sure.

MR. HAGER: Obviously, the plans will be reviewed before they are approved for a Building Permit. I have only seen a few preliminary drawings, and I have not seen a full developed set of plans.

MR. DEVEREAUX: That is not our fight anyway.

MR. HENNESSY: We will meet Code.

MS. TERHUNE: The Board needs to go over the two (2) variances that are required, and the questions that need to be asked before a decision is made. The Applicant is requesting a lot area variance. He will be putting four (4) dwelling units on a 3,768 square foot lot. Each dwelling unit under the Code requires 2,500 square feet. He is asking for variance of that. If the Applicant wishes to go back over that plan again, it is something he can do if the Board is interested. He is also asking for a height variance. Again, the only height increase is the parapet. He will need that because with the parapet, it does exceed the 35 feet.

The questions that you would consider as you make a decision, are whether, in general, the benefit to the Applicant outweighs any negatives that might be occasioned by the variance to the community; question and answer if there would be any outward environmental impact, positively or negatively; ask whether the area variances are substantial; and if the Applicant can get the benefit of this by any other means other than variance. The Board should make those determinations and consider those questions as you finish your discussion.

MR. GALU: Each unit, how many square feet are they supposed to be?

MR. HENNESSY: 900. This is about lot area per unit. Square footage of the apartments is listed on the plans. He had the numbers. They range from 917 to 926, plus the private outdoor space is another 100.

MS. TERHUNE: What the Board contemplated when it looked at the lot area is thinking that the building is horizontal in terms of the number of units – it is basically vertical. The lot area must be met.

MR. DEVEREAUX: Will there be four (4) levels, basement, first floor, and two above it?

MR. HENNESSY: Correct.

MR. DEVEREAUX: What will the basement be used for?

MR. HENNESSY: I believe it will be used for storage and parking, that kind of use.

MR. DONNERY: Shall we vote on each variance separately?

MS. TERHUNE: I think in this case, we can consider them together.

MR. GALU: Asked about the sheetrock fire staircase. Gasoline and the boiler will be down there.

MR. HAGER: There are restrictions about what can be stored inside of a residential area.

MR. HENNESSY: We have not completed the construction plans. We will be taking it to the Planning Board to see what the building looks like at that point. We have done enough to design the building, at set the scope of it, but not all of the construction details.

MS. TERHUNE: Take each one separately.

A motion was made to approve the Minimum Lot Area Variance for the Grubecki application.

Motion: Mr. Doherty Seconded: Mr. Jannarone Approved

**With a Roll Call Vote: Mr. Galu Aye
 Mr. Miller Aye
 Mr. Jannarone Aye
 Mr. Devereaux Aye
 Mr. Doherty Aye
 Mr. Donnery Aye**

**Absent: Mr. Weyant
Abstain: None**

A motion was made to approve the Height Variance for the Grubecki application.

Motion: Mr. Doherty Seconded: Mr. Devereaux Approved

**With a Roll Call Vote: Mr. Galu Aye
 Mr. Miller Aye
 Mr. Jannarone Aye
 Mr. Devereaux Aye
 Mr. Doherty Aye
 Mr. Donnery Aye**

**Absent: Mr. Weyant
Abstain: None**

MR. DONNERY: You are all set; you will receive your paperwork.

MR. HENNESSY: Thank you.

MR. DONNERY: For the members of the audience, this Board is going to go into Executive Session to discuss some legal matters. We will not be taking a vote on the Anne Hidalgo and Roseanne Ott appeal of Certificate of Occupancy. Mr. Devereaux has just returned from vacation.

MR. DEVEREAUX: I am up to speed.

MR. DONNERY: I have not totally read everything at this point, and Mr. Weyant is not here. We have some legal issues to discuss. The Board Members would like to make the best possible decision.

At 7:14 P. M., a motion was made to enter Executive Session on the advice of Counsel to discuss legal matters.

Motion: Mr. Devereaux Seconded: Mr. Jannarone Approved

At 8:30 P. M., a motion was made to come out of Executive Session, and resume the Regular Meeting.

Motion: Mr. Donnery Seconded: Mr. Doherty Approved

MR. DONNERY: The Orange County Municipal Planning Federation ZBA Course will be held April 27, 2009, at 7:30 P. M. All ZBA Board Members will be attending.

At 8:34 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Doherty Seconded: Mr. Devereaux Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Monday, May 18 2009**