

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
OCTOBER 19, 2009**

A regular meeting of the Zoning Board of Appeals was held in the Court Room, Town Hall, Highland Falls, New York, on Monday, October 19, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

David Weyant, Chairman
Ray Devereaux
Jack Jannarone
Tim Doherty
Tony Galu
Tim Donnery

ALSO PRESENT:

Attorney, John Hager, Building Inspector, Brian Andreichuk, Tina and Dan Norton, and Brian Krzeminski.

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. WEYANT: I am going to open the Consolidated Zoning Board of Appeals meeting for the Town of Highlands meeting of October 19, 2009, and sadly have to announce that one of our members has passed away. That is Jimmy Miller, with whom I have worked for more than ten years on the Board of Assessment Review. I have gotten to know him and respected his opinions. He knows Fort Montgomery like the back of his hand. He is going to be missed. As you know, he took over Mike Colacicco's position here on our Board. He was willing to help and to do just about anything you wanted him to do. Jimmy will be missed by this Board and I just want to acknowledge in the Minutes that he is being remembered and ask for a Moment of Silence. Thank you.

I will note that all members are present and we will have to fill Mr. Miller's position in the future. Hopefully, I can find another Fort Montgomery person to come on this Board.

We have minutes to approve of September 21, 2009. They were sent out to you prior to this meeting. Are there any changes or corrections to the minutes?

Mr. Donnery: I looked them over and found them to be adequate.

A motion was made to approve the September 21, 2009 Minutes.

Motion: Mr. Devereaux Seconded: Mr. Doherty Approved

MR. WEYANT: Mr. and Mrs. Norton, please come forward. Gentlemen, you have an application for variances by Mr. and Mrs. Daniel Norton on 97 Mine Road, here in Highland Falls.

MR. DEVEREAUX: Fort Montgomery, David.

MR. NORTON: Our mailing address is Highland Falls, but I guess we are technically in Fort Montgomery.

MR. WEYANT: You are technically in Fort Montgomery and that is what we want to have. I thought that was wrong when I saw Highland Falls, but I went by your application. We will note that the property is in Fort Montgomery and therefore will be under the Zoning Code of the Town of Highlands. You are going to construct a garage. From your application you are going to need front yard and side yard variances.

MR. NORTON: Yes.

MR. WEYANT: Please review for the Board what you are going to do. Each Member has a copy of your plans. Briefly go over what you are going to do and why you need variances.

MR. NORTON: Our house is on the top of hill. There is no flat property except for the very bottom where there is a parking area. We would like to be able to have a car enclosed in a garage. I have brought some pictures. This is the actual spot. The bottom picture is a neighbor that we have about two houses down that has a garage close to the front. This is where we got the idea to put a garage down there. There are three pictures of our property and one of the neighbor's. We are thinking of a wood framed, like a prefab garage that would be dropped in.

MR. WEYANT: You need a front yard variance of approximately five feet and a side yard variance of approximately nine feet?

MR. NORTON: No, that is not correct. We are unsure exactly how we want to place it. Ideally, we would like to place it closer to the side like this drawing. You may have the older drawing. The side yard is essentially a big piece of rock. They could put it against that. That is why I made a photo of it.

MR. WEYANT: I am going by the Building Inspector's notes.

MR. NORTON: That was it initially when we put in the application.

MR. WEYANT: What are you saying now? How many feet are required?

MR. NORTON: That would require us to put it off to the side and then we would have wasted space and extra space for trash cans. It would be six feet side and about half a foot front based on the corners.

MR. DONNERY: You have it coming all the way out to Mine Road?

MR. NORTON: It will be about four feet or so from actual pavement. Our property line ends almost right where we put the garage. We could put it in the original spot where it is tilted back further, if that was an issue. This would give us the best use of the property by putting it more squarely in the area as opposed to the other way.

MR. DEVEREAUX: The adjacent property has a two car garage practically right on the road and you want to do much the same?

MR. NORTON: Exactly, thank you.

MR. WEYANT: In your application you say that you need a front yard variance of 44.5 feet. Is that correct?

MR. NORTON: That is correct.

MR. WEYANT: You need a side yard variance of 14 feet?

MR. NORTON: No, side yard variance would be 6 feet.

MR. WEYANT: It says you have 6 feet but you need 14 feet.

MR. NORTON: Yes, that is correct, sorry. Those are the two measurements. I understand a third variance is needed because you are not supposed to have an outbuilding in the front yard within the 44.5 feet.

MR. WEYANT: Is that correct, John?

MR. HAGER: The Code says that no accessory buildings are allowed in the required front yard.

MR. WEYANT: So they need a total of three variances.

MR. DONNERY: Where are you located on Mine Road? Coming up the hill?

MR. NORTON: Yes, on the top of the hill.

MR. WEYANT: Any further questions, Gentlemen? What we will do is set a Public Hearing for November 16, 2009, at 7:00 P. M. You will have some mailing requirements to do prior to the meeting. The Building Department will assist you. You will have to put signage on your property. You are bordering within 500 feet of the Palisades Interstate Park?

MR. NORTON: Yes, it is right across the street.

MR. WEYANT: You will have to notify them, also. The Building Department will help you with that.

MR. JANNARONE: Is Mine Road a County Road, State Road, or Town Road?

MR. WEYANT: It is a Town Road.

MR. NORTON: Thank you.

MR. WEYANT: Brian Andreichuk is the owner of the property on 4 Bridge Terrace in Fort Montgomery. Brian Krzeminski is the contractor who is going to be building an addition to his house. Brian has given Mr. Krzeminski the authority to speak on his behalf. He has gone to the Town Planning Board. He will need their approval as well as ours. Please explain what you need.

MR. KRZEMINSKI: Primarily, the addition is a two-car garage attached to the side of the home, a two-story colonial style, and a new front porch across the front of the home. Right now we just have a very little porch. Also we are redoing the deck on the back. We have one now, but would like to add to it. We are also doing some interior renovation which does not require any variance.

MR. DOHERTY: There is a screened in porch going on the back?

MR. KRZEMINSKI: We are not going to screen it at this time. It is going to be a room covering that part of the existing deck.

MR. DOHERTY: You are adding on only in the one section.

MR. ANDREICHUK: We need a variance because we are trying to adhere to the 40 foot total clearance on both side yards. The existing structure is 11.3 on the south side, and we are leaving 25 feet clearance because I have an easement there for sewer. I am required to have a 20 foot side yard clearance. I am putting in a 25, but when you add the two, you get 36.3, and I need a variance for 3.7 feet. That is my issue.

MR. WEYANT: John, any comments on this?

MR. HAGER: No, it seems like a pretty straight forward application. It is a little strange that the house is 11 feet on one side, and it is a matter of how the new construction will add up.

MR. ANDREICHUK: The architect put together this table. We meet all the requirements for zoning except for the side yard total because the home is off to one side like that.

MR. WEYANT: Where is Bridge Terrace?

MR. ANDREICHUK: Behind the Bagel Shop. The last row that is parallel to the river. This home is the first home on Bridge Terrace from the south. Wayne Avenue almost runs into my street.

MR. DEVEREAUX: It was owned by a Priest wasn't it?

MR. ANDREICHUK: Yes, it was owned by Father Gibney. The story is that the congregation built the house. Volunteer work.

MR. WEYANT: Any further questions? We will set a Public Hearing for November 16, 2009, at 7:00 P. M. You will have to do required mailings and signage. I will talk to our Attorney about the Hudson River as to whether or not we have to get the County involved.

MR. ANDREICHUK: The Planning Board is sending our plans to Orange County because we are within 500 feet of the Hudson River.

MR. WEYANT: I expect we will be doing the same thing.

MR. HAGER: The property is in the R1R District and, therefore, it is subject to the Planning Board's Site Plan requirements. That is the reason it is going before the Planning Board.

MR. ANDREICHUK: Thank you and good evening.

MR. WEYANT: I really do not have anything for Other Discussion. I will entertain a motion to adjourn.

At 7:20 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Doherty Seconded: Mr. Donnery Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Monday, November 16, 2009**