

APPROVED: 5/17/2010

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
MARCH 15, 2010**

A regular meeting of the Zoning Board of Appeals was held in the Court Room, Town Hall, Highland Falls, New York, on Monday, March 15, 2010, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

David Weyant, Chairman
Tim Donnery
Tim Doherty
Tony Galu
Ralph Montellese

Absent

Jack Jannarone
Ray Devereaux

Alyse Terhune, Attorney, (Jacobowitz & Gubits, LLP)

ALSO PRESENT:

Holly Gokey, Town Board Member and Liaison for this Board, Scott Cooper and Ron Weller of the Navy Federal Credit Union, Misti Moser and Martin Bardoun of CNOBG Design Group, Anton Wong of Gensler Architects, NYC, Ann Marie Fiducia and Sal Fiducia.

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 will open the March 15, 2010 meeting of the Consolidated Zoning Board of Appeals and note that all members are present with the exception of Mr. Devereaux and Mr. Jannarone. The first item on the agenda is to approve the Minutes for February 16, 2010 which were mailed to you ahead of tonight's meeting. Are there any changes or corrections to those minutes?

MR. DONNERY: I found none.

A motion was made to approve the February 16, 2010 Minutes.

Motion: Mr. Doherty Seconded: Mr. Donnery Approved

MR. WEYANT: The first item on our agenda tonight is a Public Hearing for the Navy Federal Credit Union at 437 Main Street in Highland Falls. You may recall that, because of a snow storm at our last meeting, the Credit Union representatives were unable to get here and we did not have a presentation of their application and what

they intend to do to the property. The reason that we need a variance for parking is the Zoning Code currently requires one (1) parking space for each 150 square foot of office space. In addition, the Village Planning Board has to approve the change of this property. We are working hand in hand with them. The Zoning Code requires, based on their square footage, 33 off-street parking spaces, based on approximately 5,000 square feet. Mr. Bardoun, I will note for the record that I have an Affidavit of Mailing, an Affidavit of the Posting of the Signage, and the Affidavit of Publication in the News of the Highlands for this application. Everything is in order for the Public Hearing.

At 8:03 P. M., the Public Hearing was opened.

MR. WEYANT: Mr. Bardoun, will you be speaking on behalf of the Applicants?

MR. BARDOUN: Yes.

MR. WEYANT: Mr. Bardoun, please hold up your right hand. Do you solemnly swear that the information provided herein to be accurate and true to the best of your ability?

MR. BARDOUN: I do.

MR. WEYANT: If you would please present to us what the Credit Union intends to do and then we will go into the parking situation.

MR. BARDOUN: I am an architect and represent the Navy Federal Credit Union. I will give a brief overview of what we plan to do. It is located at 437 Main Street in Highland Falls. We are looking at the site plan with the front view of the building. It is presently zoned as a garage. We propose to renovate and convert this into a Navy Federal Credit Union which is a business use. We are architecturally trying to keep as much of the existing footprint intact. The footprint will not change. We are changing the look of the front by adding some storefront and front entry fenestration to allow light in. We are bringing a walkup ATM to the front of the building. All of these will be shielded by canopies which will be out approximately three feet.

We are using the existing masonry concrete walls to the greatest extent we can. The only difference would be that we would change some of the openings to that existing area. The interior would be totally gutted and redone, which it is in need of. That is an overview as to what we are proposing. We are also proposing to take away the curb cut for the garage, restore the concrete sidewalk along the front, and provide an additional needed metered parking space for the Main Street. In terms of the parking, we have very limited parking in the back – I believe three (3) spaces. A dumpster will also be provided with a screen wall and a door to block that from view. That is an overview of what we are proposing to do to this property.

Our thoughts are that a lot of the people using this facility will be walking or parking across the street. There is metered parking in the vicinity of that area, as well as a large parking lot across the street for the Visitor Center. The cadets may be using bikes or walking. It is our belief that the use will improve the overall context of that site and the Main Street Corridor for your town by having a Navy Federal Credit

Union there. It will bring business to the other local businesses as well. People will come to bank, shop, and use the restaurants.

MR. DONNERY: You were saying that you could only get three (3) spaces in the back. I was looking around the other day, walking through the back, and I thought you could probably get at least maybe six (6) if it was laid out right.

MR. BARDOUN: It is very tight. There is a little bump out there and you have to have a certain angle for the cars, and the Civil Engineers will have a certain minimum requirement. Yes, with some smaller cars you could definitely get some more cars back there, especially if we did not do this kind of angle striping. You can literally stack, as you say, probably five maybe even six with this space right here.

MR. DONNERY: That is basically our big concern, parking. That is what I was looking at.

MR. WEYANT: That is what our concern is. Can you tell us approximately how many employees the Credit Union intends to have?

MR. BARDOUN: I believe, in speaking with Navy Federal, it was about five or six employees. Some would be full time and some would be part time.

MR. WEYANT: So the idea that you have would be for the employees to park in this lot behind the building and the general public would be using the metered parking, or the visitor center, or possibly the village lot across from the Catholic Church.

MR. BARDOUN: Correct. We could certainly offer these to some of the public. Especially since the employees would be arriving early before the public does. They could park on the street themselves.

MR. MONTELLESE: The parking in the back of the building, is that accessible to the side of the building driveway?

MR. BARDOUN: It is. There is a 14 foot right-of-way that belongs to both properties.

MR. MONTELLESE: You will have access to that?

MR. BARDOUN: Yes.

MR. WEYANT: You have been before the Village Planning Board at this point. Can you give us some background as to what they need to approve or act on?

MR. BARDOUN: Based on what we presented to the Planning Board, they came back to us with a list of comments. We have responded to those comments. Basically, all those comments had to do with lighting, construction of the awnings, and the detail for the curb cut. There was one item that they mentioned in their comments which does not apply. They had stated that the subject parcel was located within the limits established for the municipal parking district and that off street parking requirements for the proposed use are automatically waived. We found that was not the case, as confirmed by Mr. Hager. That is why we are here.

MR. WEYANT: In my last conversation with Mr. Hager, he agreed with you that it was not case, and you would need a variance from this Board.

MR. BARDOUN: Yes. Other than that, it was all very straightforward information. I can certainly read through all the comments.

MR. WEYANT: Let me ask if there is anyone in the audience here tonight who would like to speak on behalf of this application.

MRS. ANN MARIE FIDUCIA, Corbin Hill, Fort Montgomery. I am here because I am attending another meeting tonight. I did read the legal notice about the spaces. It says the applicant is seeking a variance for approximately 27-30 off-street parking spaces. That is the part I did not understand.

MR. WEYANT: As I mentioned in the beginning when we began our Public Hearing, our Code requires one (1) parking space for every 150 square feet of office space. Given a roughly 5,000 square foot building, the Code would require approximately 33 spaces, if we go exactly by Code. They would not be here if there were 33 spaces. There obviously isn't. That is why we are estimating from 27-30 spaces would need to be given by this Board to pass the Code.

MRS. FIDUCIA: By a variance, I don't understand what you mean.

MR. WEYANT: By a variance we are going to make an exception from the Code which is what they are applying for to grant them this variance from the Code for the parking.

MRS. FIDUCIA: Whenever they have any clients they can use any parking available on the street?

MR. WEYANT: Unless they can fit in with the spaces available on the drawing, if they were available. Then they would have to park very similar to using the restaurants in town, the IGA, on the street, or in the municipal lot.

MRS. FIDUCIA: I am sorry. I did not understand. I thought that by a variance they would block 27 spaces.

MR. WEYANT: That is not what it means. Does anyone else want to speak towards this? Hearing none, I would ask that a motion be made to close the Public Hearing.

At 7:14 P. M., a motion was made to close the Public Hearing.

Motion: Mr. Doherty Seconded: Mr. Donnery Approved

MR. WEYANT: Further questions, Gentlemen?

MR. MONTELLESE: What would the hours of operation be?

MR. BARDOUN: I would have to defer that question to Mr. Weller or Mr. Cooper.

MR. COOPER: It would probably be 8:00 A. M. – 4:30 P. M. to start and we would change the hours as need be to better suit our members, and probably Saturdays.

MR. DONNERY: Do you have an average number of minutes that a client or member would stay in your establishment?

MR. COOPER: That would depend on what their business is. If they are coming to the teller line, it would probably be three to five minutes. If they were coming in for a mortgage or something like that, it could be a half hour to an hour or longer.

MR. GALU: Are you purchasing the building or renting?

MR. COOPER: Leasing.

MR. GALU: It was an old bus garage, how much contamination is in there?

MR. COOPER: We don't know yet.

MR. DONNERY: As far as I am concerned, it is definitely an improvement to the north end of the village.

MR. WEYANT: Over what is there now, absolutely.

MR. DOHERTY: I am in agreement with Tim.

MR. WEYANT: From the days of the Mohawk Garage.

MR. DOHERTY: I feel strongly that any customers or cliental that would go in there the majority of them will be either already in town at the Visitor Center or walking down from West Point. It would be unlikely at any given time that 30 people would be walking into the building to do their business all at the same clip. I do not see anything grievous with this variance application.

MR. WELLER: We also have electronic media, a web-based computer right inside the door for people that feel that it is more secure for them to just come into the office. Those types of transactions take very short periods time too because they can do everything on line themselves.

MR. GALU: Is that place going to be open to the public?

MR. WELLER: It is a closed membership. It includes anyone in the active, retired, or a family member of the Department of Defense.

MR. WEYANT: Department of Defense. It does not matter if you are a Marine or in the Navy, Army, or Air Force.

MR. WELLER: No.

MR. GALU: If you are a veteran, you can join?

anything that rises to the level of the Judge did not get it. They are basically saying the same old thing. On a motion to renew they have to present the Court with new facts that would cause the Court to potentially reverse itself. The new facts that they are trying to argue are, in fact, not facts, but excerpts from depositions that were taken from January and February of this year in discovery, pursuant to the actions of other lawsuits they have against the Town. I am arguing those are not facts, they are just speculation. Giving one comment from the former Chairman of the Planning Board without the entire deposition, that I was not even notified of or at, is just foul.

The only new fact they are presenting is that from a prior FOIL request. The Building Department inadvertently forgot to show them a Notice of Violation for the wall that was issued on May 20. First of all it was inadvertent, secondly, it has nothing to do with the decision that this Board made. I just prepared my draft today and it has to be in Court by Friday. I am not worried about this, it is just more money.

MR. DOHERTY: Correct me if I am wrong, didn't you express to us that if it goes to the Appellate Court and it gets shot down, it is over. They get one shot.

MS. TERHUNE: They get one appeal as of right which is now in front of the Appellate Division. If the Appellate Division agrees with the lower Court, then that is it. The idea that they might appeal it to the Court of Appeals is outrageous. That is only by permission anyway. I am sure it will be denied.

MR. WEYANT: Thanks, Alyse for that update. I would like to recognize the Town Board Liaison, Holly Gokey. If we have any problems we will go to her.

At 7:27 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Doherty Seconded: Mr. Galu Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Monday, April 19, 2010**