

APPROVED: 2/21/12

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
JANUARY 17, 2012**

A regular meeting of the Zoning Board of Appeals was held in the Highland Falls Library, Highland Falls, New York, on Tuesday, January 17, 2012, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

David Weyant, Chairman
Jack Jannarone, Deputy Chairman
Tim Donnery
Tony Galu
Ralph Montellese

Absent:

Tim Doherty
Ray Devereaux

Alyse Terhune, Attorney (Jacobowitz & Gubits, LLP)

ALSO PRESENT:

John Hager, Building Inspector, Gregg Lawless, and Ross Winglovitz, P.E.,
(Engineering Properties).

MR. WEYANT: I am going to open the Consolidated Zoning Board of Appeals Meeting for the Town of Highlands for January 17, 2012, and note that all members are present with the exception of Mr. Doherty and Mr. Devereaux. Before we begin tonight's meeting we have to go through our re-organization business because it is the first meeting of 2012. The first matter of reorganization is the appointment of a Chairman. Do I have a name for nomination for Chairman?

A motion was made to appoint David Weyant as Chairman of this Board.

Motion: Mr. Donnery Seconded: Mr. Jannarone Approved

A motion was made to appoint Jack Jannarone as Deputy Chairman of this Board.

Motion: Mr. Weyant Seconded: Mr. Donnery Approved

A motion was made to set the meeting dates for this Board to be the third Monday of each month with the exception of January and February because of holidays. Meetings will be held on the third Tuesday in January and February.

Motion: Mr. Donnery Seconded: Mr. Montellese Approved

A motion was made to use the News of the Highlands in Highland Falls, and the Times Herald Record in Middletown as the official publications for this Board.

Motion: Mr. Weyant Seconded: Mr. Donnery Approved

A motion was made to continue the use of the law firm of Jacobowitz & Gubits, LLP to represent this Board.

Motion: Mr. Weyant Seconded: Mr. Jannarone Approved

A motion was made to appoint Fran DeWitt as Recording Secretary for this Board.

Motion: Mr. Weyant Seconded: Mr. Montellese Approved

MR. WEYANT: Next we have to approve the Minutes of November 21, 2011, which as you will recall at our last meeting not all of the members received in time for the meeting. You should all have them now. Are there any changes to the November 21 Minutes? Hearing none, I would ask that those minutes be approved as presented.

A motion was made to approve the November 21, 2011 Minutes.

Motion: Mr. Weyant Seconded: Mr. Jannarone Approved

MR. WEYANT: We have the minutes of our December 19, 2011 meeting which you should all have. Are there any changes to those minutes?

MR. DONNERY: I looked them over and they looked good to me.

A motion was made to approve the December 19, 2011 Minutes.

Motion: Mr. Donnery Seconded: Mr. Jannarone Approved

MR. WEYANT: Next matter on our agenda is Gregg Lawless, Route 9W, Fort Montgomery, NY. Mr. Lawless, you are here?

MR. LAWLESS: Yes.

MR. WEYANT: I need you to introduce this gentleman.

MR. ROSS WINGLOVITZ, P. E., of Engineering Properties, here on behalf of Gregg Lawless, the Applicant. We submitted at the end of December an application for a building permit that was denied with the necessary referral to the ZBA. In an application for a zoning variance, there are a number of area variances that we are requesting.

MR. WEYANT: Before you get into them, I just wanted to inform the Board that Mr. Lawless has been here before with us. As I recall, it was for the same lot that we are talking about and that was for parking vehicles on it.

MR. LAWLESS: At that time, yes.

MR. WEYANT: At that time. We approved that, as I recall.

MR. LAWLESS: Yes.

MR. WEYANT: We are talking about the same lot and now you want to put a building on it.

MR. LAWLESS: And change the use.

MR. WEYANT: Change the use?

MR. WINGLOVITZ: That would be the Planning Board.

MR. WEYANT: When I heard use, I picked up on that.

MR. WINGLOVITZ: The lot, in case anybody doesn't know, is across from Montgomery Road on Route 9W, just south of Franklin Street. Does everybody know where the lot is located?

BOARD: Yes.

MR. WINGLOVITZ: The proposal is to construct a 3,000 square foot commercial building to be divided up for a number of tenants depending on who rents what. Mr. Lawless was talking about having his office at this location as well. In order to get this building on the property, in fact any building that would be worth constructing on this property would need a number of variances because of the shape of the lot and the size of the lot. The lot is 13,400 square feet roughly. Your Code requires 15,000, so we need an area variance.

We are also requesting a variance for the rear yard setback. What we have done with the design of the building is to provide the most screening for the neighbors. We have pushed the building to the back of the lot so that way there won't be cars. This will be basically a blank wall. It will be the least intrusive we feel to the neighboring property. This gives us enough room to construct a reasonable sized building. As you can see, here is the building setback. In order to put parking in and have a building that is 20 feet wide and 70 or 80 feet long so it would be a very odd shaped building if it were to comply with zoning. It would not be economically feasible in my opinion to construct. We are looking to push the building back and then also provide a 10 foot side yard nearest the basic commercial property which is the car dealership. On that side provide almost 20 feet minimum to the residential property to the north. The zone line is at the rear of the property. This is a commercial property actually north of the side. Commercial as far as zoning, residential as far as current usage.

In addition to the rear setback, we are looking for a side setback variance. The combination of side yards has to equal 40. We are going to be at 29.8, just under 30 feet. We tried to identify everything we can. We have even actually relocated the sign. Your code requires 20 foot setback. We are proposing a 2 foot setback. It would be within our property but there are not too many locations to locate the sign that would be visible.

Parking, based on this proposed building, size, and a use of approximately half retail and half office we came up with parking of 17.5 and rounded it up to 18. What we are able to accommodate on the site is 12 parking spaces and a loading area. We have also shown on the plan some overflow parking just in case of an emergency and the need for addition parking. We do have room for it. It would not function perfectly, but it would function in my opinion. That would bring it to 12 spots that meet Code with an additional 4 spots that would function as overflow parking.

We have the loading area here with the dumpster at the back. All that would be in compliance with Code. The entrance is going to be located at the current existing entrance to the property, with water connecting out to Route 9W, and eventually up to Franklin Street where it would connect into the existing water main. There is a sewer right at the front of the property. Sewer would be connected directly to the sewer main in front of the property. Storm water would be handled by an underground retention system underneath the parking lot, because obviously the property would create more storm water post development than it does right now so we would handle that with storage of the storm water underneath the parking lot. I think there was one more variance.

MR. WEYANT: There is one more and that was confusing a little bit to me. There is a requirement that a 20 foot yard setback from residential districts. There is such a thing?

MS. TERHUNE: On the back.

MR. WEYANT: Where are the residential districts?

MR. WINGLOVITZ: There was an additional requirement. Here are the district boundaries. This is the R-4 Zone and here is the B Zone.

MR. WEYANT: I see.

MR. WINGLOVITZ: That would be the required variance as well.

Regarding the request for an area variance: whether or not undesirable change to the neighborhood would occur. We don't believe one would be. This is Zoned Business, along Route 9W. We think this would be consistent with the uses that are out there.

Could the benefit be achieved by some other method? Other than the variance, my answer is we don't believe it could be. Like I said, the way the site lays out it is necessary to provide parking in the back. I think it is to everyone's benefit to put the building at the rear of the lot. So that requires the variance.

Is the variance substantial? We think that this is a use of the lot that is consistent with other uses in the neighborhood as far as the size of the lot, density, and the use of the property; so therefore, we don't think it is substantial.

Impact to the neighborhood. Again, I indicated that this is a commercial zone, it is on a state highway, and it does have sewer and water. We believe that there won't be any significant impact to the neighborhood. We provided for storm water. We are showing the fencing along the residential property even though it is in the

commercial zone. For screening – with additional evergreen screening. Again it is commercial property to the south and the wall is a buffer to the rear, buffering this property to Route 9W.

Is this hardship self created? It is obviously in order to use the lot; this is a self created hardship. That is not a reason for denial in my understanding for the area variance.

I will be glad to answer any questions you have.

MR. JANNARONE: How high is the building?

MR. WINGLOVITZ: How high is the building? It is permitted to be 35 feet. I think we are about 30 feet is what we are looking at for the eve height.

MR. JANNARONE: A flat roof?

MR. WINGLOVITZ: Yes, a flat roof.

MR. GALU: Does this require any variances and meet all the setbacks?

MR. WEYANT: No, Tony, he needs quite a few variances.

MR. GALU: I don't see an application.

MR. WINGLOVITZ: It is outlined in the paperwork.

MR. JANNARONE: Is that water main there now?

MR. WINGLOVITZ: No, this is a proposed service. It would have to be extended up to Franklin Street. My understanding is where the water main ends right now to make that connection. Mr. Lawless will be talking with the DPW about how that is accomplished, partially by us to get it out to the street, and partially by the town.

MR. JANNARONE: If the town doesn't do it, does that kill the project?

MR. WINGLOVITZ: If the town doesn't do it, does that kill the project? That is an economic consideration that Mr. Lawless will have to consider.

MR. LAWLESS: It would be a big problem. It is in the state right-of-way. Most of the other residents have it brought to the curb side. Reasonably, the town should accommodate that property also, because everyone else has it at the curb, where mine is not at the curb. That is something I need to speak with the DPW about to try to bring it in.

MR. WEYANT: Any questions?

MR. MONTELLESE: What kind of commercial use?

MR. WINGLOVITZ: We have looked at it right now it is speculative as to what he would have it in there. We have looked at it as half commercial and half office space because his office was going to go in there as well. It is really based on demand. We

want to have the flexibility. We think this also brings an additional ratable to the town as well. A use like this with a property that otherwise did not have variances, in my opinion, is pretty much useless. In this case, it turns into a viable property.

MR. WEYANT: You have quite a few variances that you are going to need from this Board. After we are done, you still have to go the Planning Board to get all of their approvals. I guess the order is you come to us first and then second which is what they probably want you to do.

MS. TERHUNE: It has not been before the Planning Board?

MR. WINGLOVITZ: There was an informal presentation made to the Planning Board in October.

MRLAWLESS: Correct.

MR. WINGLOVITZ: It was not a formal application. It was not denied by the Planning Board and sent here. It was an informal review by the Planning Board.

MR. LAWLESS: They sent us to you.

MR. WEYANT: They asked you to come before us?

MR. LAWLESS: Correct.

MR. WEYANT: I did not get word from them which is why I am asking the question.

MS. TERHUNE: There have been no applications to you yet.

MR. HAGER: A Permit Application was submitted and denied, and officially referred to this Board.

MS. TERHUNE: I don't have a copy of that denial. Did you send me one?

MR. HAGER: I thought I did.

MS. TERHUNE: You probably did, I have been in and out a little lately. I have a couple questions if the Board doesn't mind.

MR. WEYANT: Go ahead.

MS. TERHUNE: I would like to ask about this line here in the back, the 19.8. I would think that by extending it from here to here, would that be further, or is this the shortest distance?

MR. WINGLOVITZ: The perpendicular distance is the shortest distance. It actually gets wider very quickly because of the way the property line is cued to the building. The very closest point is that very back corner.

MS. TERHUNE: And the front yard setback, where is that, the actual front yard setback?

MR. WINGLOVITZ: There is a dash line that represent the front yard setback. We are providing at least 30 plus 20 plus another 10, probably 60 feet for the front yard.

MS. TERHUNE: Would you show that please, from the building to the front yard setback.

MR. WINGLOVITZ: Here is 30, the required setback line.

MS. TERHUNE: Could you revise this to show those setbacks.

MR. WINGLOVITZ: You want us to actually show the physical dimension.

MS. TERHUNE: Yes, and also the physical dimension of the building and note please that you anticipate 1,500 square feet for retail/half and half, because that affects your parking. Also, would you show the lot width - a dimension on here.

MR. WINGLOVITZ: I can do that as well.

MS. TERHUNE: Please. You need 18 spaces, you are asking for a variance of 6.

MR. WEYANT: To bring it to 12.

MS. TERHUNE: This 21 - that would, I think, based on the Code, have to be 24 or 25.

MR. WINGLOVITZ: That was a dimension to show that if, in fact, someone was parked in these overflow parking spaces, they could get out. These parking spaces are not in the count. In fact, it is almost 30 feet to the property line from this space. It would be 30 foot paved for backing out.

MS. TERHUNE: I would note for the Board that if you had cars parking along here, I am not sure how usable these are. That would be a question for the Planning Board when they review this. I am not an engineer so if in fact cars were parked here, could you really back out?

MR. WINGLOVITZ: Physically you could.

MS. TERHUNE: Even though it wouldn't meet Code.

MR. WINGLOVITZ: Correct. That would be my opinion.

MS. TERHUNE: I don't know if the Board has any questions about that. And the overflow parking space is it right here?

MR. WINGLOVITZ: Yes, in front of the loading area if somebody needed to park quickly.

MS. TERHUNE: Then, the sign. I am reading 210-33B as requiring a 20 foot setback for any free standing sign from any property.

MR. WINGLOVITZ: Okay, I thought it was for front property line for some reason. I have been wrong before, just ask my wife.

MS. TERHUNE: I am looking at detached to ground sign. “A detached to ground identification sign”... what is what this is, right?

MR. WINGLOVITZ: Yes.

MS. TERHUNE: “...may be erected where the building is setback from the street at least 40 feet.

MR. WINGLOVITZ: Which we are.

MS. TERHUNE: That is why you want to show that. And then “...a setback of at least 20 feet from any property line except that if the average front setback of existing buildings.....” I think you need a greater variance or to move the sign.

MR. WINGLOVITZ: I don't know, we have requested a variance for two feet.

MS. TERHUNE: From the front but what about this?

MR WINGLOVITZ: I don't think we have actually defined it. Did we?

MS. TERHUNE: No.

MR. WINGLOVITZ: We have a minimum of two feet.

MS. TERHUNE: But here is your property line, right?

MR. WINGLOVITZ: The front property line.

MS. TERHUNE: I understand the front line setback.

MR. WINGLOVITZ: I understand what you are saying. We have asked for a 2 foot minimum, does that satisfy legally what you are asking for? If it is granted for two feet then if we are 8 feet on the other side we should be okay in conformance with the variance. How does it read?

MS. TERHUNE: We can figure out how much you need here, if you want to put the sign there. But I would like to know how close this line is? I am reading this as 20 foot back from here and 20 foot from the front. John, do you read it that way, 20 foot from the front, as well because it is a property line?

MR. HAGER: 210.33B?

MS. TERHUNE: Yes.

MR. HAGER: The building is more than 40 feet back. The sign has to be a maximum of 40 square feet.

MS. TERHUNE: I figure they can meet 2 and 3 when they design the sign.

MR. HAGER: Any property line.

MS. TERHUNE: I don't know about the average setback along that street.

MR. DONNERY: It wouldn't be 20 feet from the side yard?

MS. TERHUNE: It does not look like it.

MR. DONNERY: It can't be the side is the parking lot area.

MR. HAGER: Is that actually a new sign?

MR. WINGLOVITZ: That would be a proposed sign identifying the building.

MS. TERHUNE: They would actually need an additional variance, I guess, from what I am seeing here.

MR. WINGLOVITZ: We could amend this to say 2 feet and 8 feet or something like this I guess in that same column.

MS. TERHUNE: I would say 20 feet back. I would show this distance that you are proposing – 2 feet. Then adjust your variance as required.

MR. WINGLOVITZ: I would say 2 foot front and 8 foot side whatever it comes out to be.

MS. TERHUNE: I think you need 18 from the front and however much from the side. You have to be 20 feet back from any property line.

MR. WINGLOVITZ: So I will identify as a 2 foot front and 8 foot side setback variance.

MS. TERHUNE: Is that what this is 8 foot.

MR. WINGLOVITZ: I am guessing. I am theorizing my language.

MS. TERHUNE: We are saying the same thing.

MR. WINGLOVITZ: Okay.

MR. DONNERY: I have one question. You ran though it quickly. You are supposed to be 20 feet off to your back property line for the rear. You have additional parking in the front you call your overflow parking. If you put that in the back, you would need less of a variance back there, right?

MR. WINGLOVITZ: This is a steep hill. Part of this building is going to be a retaining wall. In order to make this work into grade, if I park behind this building, I would have to cut right up to the property line and provide a retaining wall at the property line so that the gentleman who is here now would only have 7-1/2 feet to a retaining wall and parking area. We thought it was preferable from a design of the building perspective to have the building act as a retaining wall and as a buffer for the residents from 9W, so that there wouldn't be cars parking here and a retaining wall right near the property line. Rather, there would be 17 feet, plus an additional 10 feet of green space near the residents. It was a judgment call and a balancing act of what we thought would be best for the neighboring residents.

MR. DONNERY: Right, okay. I kind of thought it was something like that when I was looking at the lines.

MR. MONTELLESE: A 12 foot retaining wall?

MR. WINGLOVITZ: It goes up about 7 feet from the front of the site to the property line. The back 7 feet of this building will be below grade basically.

MS. TERHUNE: There is no water main in front of this building?

MR. WINGLOVITZ: There is no water main in front of the site, correct.

MS. TERHUNE: Is there sewer?

MR. WINGLOVITZ: Yes, there is a sewer main directly in front of the site. The water is up at the Franklin Street intersection. There is one lot between this property and Franklin Street. Greg is going to work out the details of that connection with the Town. Sewer does run directly in front of the site.

MS. TERHUNE: You would have to pay for the extension of the main perhaps?

MR. WEYANT: Correct.

MR. WINGLOVITZ: He has to discuss that with the Town.

MR. LAWLESS: That is a legal issue with the Town. It is supposed to be in the water proposal/water district. According to John, they made provisions for my site on that corner with the 6 inch main, correct? They have not brought it down to my lot.

MR. HAGER: Yes, they left the "T". At least Franklin Street won't have to be dug up. The grass area in front of the corner lot will to get the water down.

MR. JANNARONE: He is in a district that is proposed to have that line?

MR. HAGER: He is in Water District #2. All the properties around him have the ability already to hook up to either Franklin or Cherry Street. He, however, is one of the few in the district that does not currently have the ability to hook up. There is a water project that is planned right now that is going to hook up some residents, but I don't believe that that particular project includes extending that main. Like the applicant says, he needs to meet with the water department personnel and they need to discuss the timeframe to do that extension.

MR. LAWLESS: There will be fairly sufficient water there for the building, correct?

MR. HAGER: Yes, the pressure would be the issue.

MR. LAWLESS: Which we would need if we put sprinklers in or anything else. That would be very helpful

MR. HAGER: They left a six inch key.

MR. LAWLESS: They may want to locate a hydrant.

MR. HAGER: Some of the other property owners in the area may choose to hook up to that, if and when it becomes available.

MR. DONNERY: It sounds good.

MR. WEYANT: Is there anything else?

MS. TERHUNE: No, I would like to see if I could get a copy of the revised site plan so that I can draft a Notice of Hearing. I don't know when you want to set that, but I would have to see that revised map so I could make sure the draft is correct.

MR. WEYANT: If I set the Public Hearing for our next meeting, is that going to give them enough time?

MS. TERHUNE: We would have to ask them.

MR. WINGLOVITZ: If I get the revised plan back in a week, would give you enough time?

MS. TERHUNE: Yes, I think so.

MR. WEYANT: We are going to set a Public Hearing, provided all this information is given to us in a timely manner, for February 21, 2012, back here at this Library. As you are well aware, you have required mailings and signage to do. We are also going to have to notify Orange County Planning because of your closeness to Route 9W. Anyone else we should notify? Palisades?

MS. TERHUNE: Do you back up to Palisades?

MR. WEYANT: No.

MS. TERHUNE: Is this Palisades up here?

MR. LAWLESS: The last mailing that we did, we did not have to notify them.

MR. JANNARONE: That is West Point property that Alyse is talking about, isn't it John?

MR. HAGER: This piece in here? I believe the State Park owns that. It is not really park land but it is in their possession.

MS. TERHUNE: Are you 500 feet from that?

MR. DONNERY: They own a section there from the other side of Franklin Street. We have tried to get it quite a few times over the years.

MR. WINGLOVITZ: That must be on the other side of the hotel.

MR. HAGER: Just north of that.

MR. WINGLOVITZ: I can tell you tomorrow.

MS. TERHUNE: I have to look at the regulations again, but I would like to know. Let's find out for sure how far away just so we know that we are not missing somebody for some sort of notification. You need to update the application and the site plan and get them back to this Board as soon as possible.

MR. WINGLOVITZ: By the 24th, 7 days from today. The 21st, not the 20th?

MR. WEYANT: We will see you on the 21st because the Monday is a holiday. That is why we are in this room and not Town Hall.

MR. WINGLOVITZ: Thank you. Good night.

MR. WEYANT: The next matter on our agenda is a letter from Robert Munderville, who you might recall, on 24 Roe Avenue in the Village of Highland Falls. He is requesting an extension of the variance which we approved for him back on February 16, 2010. I am going to let John speak a little bit about this because he did start building or came to you for a building permit.

MR. HAGER: He got the variance from the Zoning Board and he came to us and got the permit. We issued the permit based on the variance you issued. What he did not do is ever start construction. The permit is valid for a year. He came in recently and asked what it would take to get going on the project again. I need to re-issue the permit. He did not want to do that until he got an extension or renewal of his variance.

MR. WEYANT: So you don't have a problem with this?

MR. HAGER: I don't have any problem with it as long as you authorize an extension and I can go ahead and give him a new permit.

MR. WEYANT: He proposed a garage and a small addition, which just for the Board's edification required a side yard setback from 10 feet to 3.25 feet. I don't know how much you remember. I don't remember too much other than we did issue a variance.

MR. DONNERY: What was the reason for the delay, economics?

MR. HAGER: I don't know. He did not really give me a reason for delay. I think he had some personal problems.

MR. WEYANT: So we granted an area variance of 6.75 feet from the Village Code 10 foot side yard setback. That was basically it. I don't have a problem with this, if John doesn't.

MR. DONNERY: Is that the normal thing to do?

MS. TERHUNE: You have the authority to do that for good cause.

MR. DONNERY: You don't have to bring him in for review or anything.

MS. TERHUNE: No.

MR. WEYANT: How long of an extension would this be for? A year?

MS. TERHUNE: Under the Code, he has to apply for a building permit within 90 days.

MR. HAGER: According to our Code, you are supposed to get your permit issued within 90 days of getting the ZBA decision.

MS. TERHUNE: The permit is what is for a year?

MR. HAGER: The application for the permit comes in beforehand. We deny that and refer it to the Board for the zoning decision. The application actually comes before that. The actual issuance of the permit is supposed to come within 90 days which truthfully is hard to achieve because by the time you hire an architect, and get estimates, and this and that, sometimes that 90 days goes by awfully quick. But I would say, in his case, he already has a drawing, he has already had a permit issued before, so I would think he certainly could get another permit issued within definitely the 90 days, probably within 60 or even 30 days, I would think.

MS. TERHUNE: Then how long to start construction?

MR. HAGER: Once the permit is issued, then he has a year.

MS. TERHUNE: To start construction, or complete?

MR. HAGER: To start. You are supposed to start within 6 months from the permit being issued.

MS. TERHUNE: It is really up to the Board. You could grant a 90 day extension or whatever you feel comfortable with.

MR. DONNERY: I would say grant an extension like we do all the time instead of trying to re-write something or re-word something. It's too complicated.

MR. JANNARONE: What are we extending?

MS. TERHUNE: You are extending the area variance. Actually, the way the Code reads, it is not that the area variance expires, it is that the permit expires and then the Code oddly says that it needs a ZBA extension. I find the Code is not very clear. I would read the Code that the area variance does not expire and so I don't know why it comes back to this Board, but it says in the Code that it has to come back to this Board.

MR. MONTELLESE: Once it is granted, it is indefinite.

MR. HAGER: The way I look at it, if he had started construction and renewed the permit, then it would be continuous. But since he let the permit lapse, we need to issue him a new permit. I am not authorized to issue a permit that requires a variance unless the Board authorizes it. Your authorization is only valid for 90 days.

MS. TERHUNE: He did apply for the permit within that 90 day period.

MR. HAGER: He was granted the permit.

MS. TERHUNE: The Code is just not clear.

MR. JANNARONE: Can we grant him an extension to apply for a permit, or do we have to grant a new variance?

MS. TERHUNE: You don't have to grant him a new variance.

MR. JANNARONE: So we need to grant him an extension to apply?

MS. TERHUNE: That is the way I am reading, even though it does not make sense to me. I have never heard of a variance actually expiring.

MR. HAGER: I am not sure why.

MS. TERHUNE: I hope we did not write this because it is not very clear. It says "time limit building permits authorized by the ZBA...actions on variances... so you grant the variance.. shall be obtain within 90 days and shall automatically expire if construction under the permit is not started within 90 days of issuance and completed within one year. So building permits expire. But then the last sentence says "extensions of these periods may be granted by the Consolidated Zoning Board of Appeals where good cause is shown. It is not clear at all. You really should not be granting an extension to a building permit and variances don't actually expire, but it is not clear.

MR. MONTELLESE: We will just grant it, you can word it.

MR. HAGER: As long as I have some meeting Minutes that you approved it, which is all I am looking for.

A motion was made pursuant to Village Code Section 240-65 to grant a 90 day extension for this variance.

Motion: Mr. Montellese Seconded: Mr. Donnery Approved

MR. WEYANT: I have no further discussion nothing new with the cell tower to report, so I will take a motion to adjourn.

MR. DONNERY: Wait a minute, what we discussed the other day.

MR. WEYANT: Go ahead, you want to talk about sexual harassment or do you want to talk about ethics? Which one?

MR. DONNERY: We were supposed to get some training.

MR. WEYANT: That was the sexual harassment seminar. I was told that it would come again in the summer.

MR. MONTELLESE: We were notified to attend that.

MR. WEYANT: Yes, we were notified to attend that. Some of us and some of us did not. Tim was concerned about when that would be done again. I was told in the summer.

MR. DONNERY: Okay, that will cover us.

MR. WEYANT: The other one you should have gotten in your paperwork something about ethics.

MR. DONNERY: That is the normal one.

MR. WEYANT: You need to fill that out and get it to the Town Clerk.

MR. DONNERY: I am all done already. I will give that to John. I can fill mine out very easily.

At 7:44 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Donnery Seconded: Mr. Jannarone Approved

Respectfully submitted,

Fran DeWitt
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is
Tuesday, February 21, 2012**