

DRAFT: 7/3/13

**MINUTES OF THE
CONSOLIDATED ZONING BOARD OF APPEALS
OF THE
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS
JUNE 17, 2013**

A regular meeting of the Zoning Board of Appeals was held in the Town Hall , Highland Falls, New York, on Monday, June 17, 2013, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Tim Doherty, Chairman
Jack Jannarone, Deputy Chairman
Tim Donnery
Tony Galu

Absent:

Ray Devereaux
Ralph Montellese

One Vacancy on Board

Alyse Terhune, Attorney (Jacobowitz & Gubits, LLP)

ALSO PRESENT: M. Justin Rider, Esq., Daniel Corigliano, Christine Corigliano, Tony Squicciarini, John Bamhart, Sondra Coulter, and Madison Gross.

MR. DOHERTY: Please rise for the Pledge to the Flag. I will open tonight's meeting of the Town of Highlands/Village of Highland Falls Consolidated Zoning Board of Appeals. The first thing on the agenda tonight is to approve two sets of Minutes. One from April 15, 2013. Are there any comments or questions for the Minutes?

A motion was made to approve the April 15, 2013 Minutes.

Motion: Mr. Jannarone Seconded: Mr. Donnery Approved

MR. DOHERTY: The next set of Minutes is from May 16, 2013. Two changes noted. Mr. Doherty was present and Mr. Jannarone opened the meeting.

A motion was made to approve the May 16, 2013 Minutes, as amended.

Motion: Mr. Jannarone Seconded: Mr. Donnery Approved

MR. DOHERTY: Next we will open the Public Hearing for the property on 33 Weyant Road, Fort Montgomery, for Daniel Corigliano. Technically, it is Krieger Road correct?

MR. CORIGLIANO: Correct.

At 7:02 P. M., a motion was made to open the Public Hearing.

Motion: Mr. Jannarone Seconded: Mr. Donnery Approved

MR. DOHERTY: For the record, we have the Affidavit of Mailing, the Affidavit of Posting, and from Ms. Terhune, a copy of Publication.

MR. DOHERTY: You will be speaking for yourself?

MR. CORIGLIANO: Yes.

MR. DOHERTY: I will need to swear you in first. Raise your right hand. Do you testify that all the information you give before to this Board will be true and accurate to the best of your knowledge?

MR. CORIGLIANO: Yes. Basically, the reason for the variances is to work with the Town for widening the road. I need to take down the garage, and I want to get a variance to build another one. Right now, the garage is right on the road as it is and it is going to be farther away from the road. Because of building requirements, I need a variance.

MR. DOHERTY: Would you come and give us a brief description. Also, Tony Squicciarini.

MR. SQUICCIARINI: I put in everyone's box the other day the updated map. We want to make sure we are working off the right map.

MR. DOHERTY: This one is stamped May 10.

MR. SQUICCIARINI: No.

MR. DOHERTY: It is stamped May 10, that is when they received it.

MR. SQUICCIARINI: I put one in each box. I would be happy to get more. This is the newest one.

The Board reviewed and discussed the map.

MR. SQUICCIARINI: The existing property line is here. As you can see, the garage is about five (5) feet off the existing property line. Dan has agreed to sell the Town this piece. There is a conflict with the well and we were going to create a non-conformity with the well. So we moved the line back. In order to do this particular job, the garage needs to go. Dan has been very cooperative but he would like to maintain his garage, so we told him we would try to help him through this process. We are actually decreasing the non-conformity that exists now which is probably five (5) feet to about twenty (20) feet which is still half of what is required. However, when all is said and done, the building will probably be fifty (50) feet from the road now as opposed to five (5) feet from the road. The overall aesthetics, I think, will get nicer.

MS. TERHUNE: Do we have a measurement?

MR. DOHERTY: It is about fifteen (15) feet. What do you get, Tim?

MR. DONNERY: 7.5 feet.

MR. SQUICCIARINI: A little less than ten (10) feet; 7.5 feet - at the narrowest.

MS. TERHUNE: The side yard is 7.5 feet from the lot line?

MR. JANNARONE: Where is the front of the house? That is the side.

MR. SQUICCIARINI: The rear yard is 42.5 feet.

MS. TERHUNE: That is a 2.5 foot variance from the rear yard.

MR. DOHERTY: We will have John change all this if it gets approved.

MS. TERHUNE: Yes.

MR. SQUICCIARINI: The original application is probably different now, because this is a very late thing, for which I apologize.

MS. TERHUNE: We will just make a note of that. As the Board considers this, they will consider that it is less of a non-conformity than prior. We can modify the application, not to hold it up.

MR. RIDER: You will need extra copies of the map.

MS. TERHUNE: If you have more.

MR. SQUICCIARINI: Absolutely. The only thing if I could add is to say that Dan has been really good about helping us out. Kreiger Road is quite a challenge in the fall let alone in the winter. So anything we can do to widen the road for emergency services will improve it.

MR. DOHERTY: Does anyone on the Board have any questions on this application?

MR. DONNERY: No, not at this time.

MR. DOHERTY: Is there anyone from the public that would like to speak on this application?

MS. SONDRAL COULTER: I would like to know when the work is going to begin and is the road going to be blocked off?

MR. DOHERTY: That is something that can't be answered by the Zoning Board, but maybe Mr. Squicciarini can help you with that.

MR. SQUICCIARINI: We still have to get through the Planning Board process. This is just the first step. We would never block the road completely during

construction. It may be blocked temporarily for a half an hour or so but we would never block it completely.

MS. COULTER: I have been hearing about these plans for about 20 years so I am wondering when. This year, next year?

MR. SQUICCIARINI: Hopefully, this year but it depends on the Planning Board process, and weather, and things like that. But we certainly would like to get started this year.

MS. COULTER: And if you were to get started this year, when would it be completed by?

MR. SQUICCIARINI: Depends on how late in the year we get started.

MS. COULTER: Regardless of when you get started, how many months would it take to completion?

MR. SQUICCIARINI: A month, maybe two.

MS. COULTER: Just a month. That is really all I wanted to know.

At 7:11 P. M., a motion was made to close the Public Hearing.

Motion: Mr. Donnery Seconded: Mr. Jannarone Approved

MR. JANNARONE: Do you want to discuss the items one at a time?

MR. DOHERTY: Yes. **The criteria for an area variance:**

- **whether the benefit can be achieved by other means feasible to applicant.**

MR. JANNARONE: Again, the applicant is doing us a favor, so I don't see how that can influence us at all.

MR. DOHERTY: I look upon it as though the applicant is not really setting this particular item in motion.

MR. JANNARONE: I think it is a completely reasonable one to what is being perceived.

MR. DOHERTY:

- **undesirable change in neighborhood, character or to nearby properties.**

In my mind, an improved road for the public benefit and a new garage further from the road. I find that to be desirable.

MR. JANNARONE: Desirable, not undesirable.

MR. DOHERTY:

- **whether request is substantial.**

MR. JANNARONE: It is better than it is now, and it is going to be much further from the road. I don't think it is substantial.

MR. DONNERY: Plus, like Mr. Squicciarini said, they moved it back.

MR. DOHERTY: It is less than the first application.

MR. JANNARONE: Not only that, but it is further back from the road.

MR. SQUICCIARINI: From there you can step from the road to the roof of the garage.

MS. TERHUNE: So it is actually a reduction in the non-conformity of the garage.

MR. SQUICCIARINI: I believe it is.

MR. JANNARONE: It is still much further from the road.

MR. DOHERTY:

- **whether request will have adverse physical or environmental effects.**

I don't think it will be adverse, if anything, the road will be improved physically; new garage, new structure. A new structure will benefit the area and improve the community.

MS. TERHUNE: May I ask a question? Will it improve the site line coming in and out of that garage? Do you come in to the garage from the garage from Kreiger Road?

MR. SQUICCIARINI: Yes, actually it will. It will be further from the road.

MR. CORIGLIANO: It will improve the sight for people driving on the road. The garage is on a turn so you are looking through the garage to look up the road.

MR. DOHERTY: As it is now, it's like a crap shoot trying to get out of the garage, right?

MR. SQUICCIARINI: Actually by moving the garage, he will be able to access the garage much easier from Weyant or Kreiger, so it is definitely going to make it safer for him coming out.

MS. TERHUNE: And safer for the people traveling along the road.

MR. SQUICCIARINI: Absolutely. This entire thing can only benefit the area by means of safety and aesthetics. It is a plus all around.

MR. DOHERTY:

- **whether alleged difficulty is self-created.**

Obviously, it is not.

MR. JANNARONE: I agree this is not self-created.

MR. DOHERTY: Does anyone on the Board have any comments or questions?

MR. GALU: I think it is all pluses all around.

A motion was made and approved to note that this application is a Type II Action under SEQRA and is not subject to the Environmental Review Act.

Motion: Mr. Jannarone Seconded: Mr. Donnery Approved

A motion was made to approve a revised side yard variance of 12.5 feet and a revised rear yard variance of 2.5 feet for this project. This motion is approved with a condition that the Building Department revise the application to reflect the different dimensions that were on the original application.

Motion: Mr. Jannarone Seconded: Mr. Donnery Approved, with a

ROLL CALL VOTE:

Mr. Galu	-	Aye
Mr. Donnery	-	Aye
Mr. Jannarone	-	Aye
Mr. Doherty	-	Aye
Mr. Devereaux	-	Absent
Mr. Montellese	-	Absent
One Vacancy		

MR. DOHERTY: The application is approved and we will forward this to the Building Department.

MR. SQUICCIARINI: If you need more maps, let me know.

MR. DOHERTY: As for any other discussions, Tim asked me when his term expires. Tim Donnery – 2013; Tony Galu – 2014; Ray Devereaux – 2017, Jack was just reappointed; Tim Doherty – 2015.

MR. JANNARONE: Has Ralph resigned?

MR. DOHERTY: I will call him one more time and find out if he still wants to participate. If he does not, we need a replacement for him and David Weyant. I believe Ralph was the Village and David was the Town.

MR. DONNERY: It is up to the Town, since Jack was just approved.

MR. GALU: The Town is the next one.

MR. DOHERTY: I will have a conversation with Mr. Livsey.

MR. JANNARONE: Does Ralph have to resign?

MS. TERHUNE: Under the Public Officers Law, he needs to resign in writing. Unless there is a provision in the Town and Village Local Law that says you have to show up so many times. I don't think there are local requirements to attend.

MR. DOHERTY: I will speak with Mr. Livsey and the Clerk.

At 7:21 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
Monday, July 15, 2013**