

Deborah Kopald
P.O. Box 998
Fort Montgomery, NY 10922

Mr. Jack Jannarone, Chairman
Zoning Board of Appeals
Town of Highlands
254 Main Street
Highland Falls, NY 10928
Cc: Code Enforcement Officer

November 4, 2019

*Appeal for the Interpretation of the Zoning Code re: Section 11, Block 1, Lot 1.52
a/k/a the Poplar Street Prop, T/O Highlands*

Dear Chairman Jannarone and Code Enforcement Officer,

Pursuant to 2 N.Y. Zoning Law & Prac. § 28:04,

Where the by-laws of a zoning board of appeals provide that an appeal shall be perfected by the filing of official forms furnished by the board, *an appeal filed on unofficial forms is nevertheless adequate where it informs the board of all matters that invoke its jurisdiction.*

(Emphasis added)

I am appending the attached brief. As an aggrieved neighbor, I am appealing the determination of the Building Inspector resulting in a Building permit originally issued on 9/5/19

INSTALL A FOUNDATION SYSTEM ACCORDING TO DRAWINGS BY TALCOTT
ENGINEERING DESIGN, PLLC

that was apparently amended on 9/30/2019, the date I filed a lawsuit (Index No. 2019-007757) to state

** AMENDED 9/20/2019
CONSTRUCT SINGLE FAMILY HOME

I only found this out on October 28th, 2019 when the Town produced this in response to a FOIL. The Town's file indicates that this is one document, a Building Permit. So I am appealing the issuance of the document called "Building Permit" which is to say I am appealing its initial issuance as well as its subsequent amendment.

On information and belief, the Building Inspector subsequently issued a certificate of occupancy ("CO"). I am appealing the issuance of the CO as well, but I do not have the CO yet. Pursuant to the aforementioned treatise, *an appeal* (singular) should be adequate *where it informs the board of all matters that invoke its jurisdiction.*

Where the Board deems my request to comprise separate appeals, I am submitting three fees and three escrows. The escrows are paid under protest, as an appeal should not involve an escrow as well as a filing fee. The multiple fees are also paid under protest. I respectfully ask that the Board make a speedy determination as to whether this is one appeal, two or three and how much escrow is required and return unnecessary checks to me at week's end. If not, I ask that these monies be put in an interest bearing account as I will make a request for their return with interest at the end of these proceedings.

Zoning Board of Appeals jurisdiction accrues via NY TOWN § 267-a(4), (5)(b) and NY GEN CONSTR § 25-a(1) and via the Town Zoning Code

§ 210-44 Jurisdiction.

A.

The Board shall have jurisdiction over those matters properly brought for determination to a Zoning Board of Appeals concerning property within the Town of Highlands and Village of Highland Falls and to make a determination thereof in accordance with their respective zoning codes, New York State law and the provisions of the Intermunicipal Cooperation Agreement.

B.

The Consolidated Zoning Board of Appeals shall hear and determine all matters submitted to it in accordance with the law applicable to the property which is the subject of the application, and in particular, the Town Law of the State of New York and Village Law of the State of New York, the Village Zoning Code and this chapter.

Respectfully yours,



Deborah Kopald

APPLICATION FORM FOR ZONING VARIANCE / INTERPRETATION

APPLICANT'S NAME: Deborah Kopayd Phone # 845 446-3768

ADDRESS: P.O. Box 998, Ft Montgomery NY 10922 446 9531

OWNER OF PROPERTY: David Tommaso, Deborah Tommaso, Jerold Pasley Tommaso

ADDRESS: Poplar Street Proposed aka Jerold Tommaso

TAX LOT NUMBER: Section 11 Block 1 Lot 1.52

TO THE TOWN OF HIGHLANDS CONSOLIDATED ZONING BOARD OF APPEALS:

Appeal is hereby taken and application made for:

see attached Br. of But includes - §210-21, 210 44, 210 47, 210 48, 210 52, 210 50

1. Variance from (or Interpretation of) Section _____ of the Village/Town Zoning Ordinance.

2. To permit construction or use of premises for the following: Installation of a Foundation system According to drawings By Talcott Engineering Design P.E.C. Construction of single family home and occupancy of said home.

3. The property is in a R-1, R-1.1, R-5 and no zone Zone under the Zoning Ordinance.

4. The property is situated on the West East side of Poplar St Proposed street and is 0 feet from the intersection of Hemlock Rd. street.

5. Has this property been before the Zoning Board of Appeals before? NO If so, give details

101, 27-2 §(1)(2), 27, 101-10, 210, 210-21, 21, 280-a NY Town Law

6. Is this property within 500 feet of any other municipality, State or County Park, State or County Road or Stream or County owned land? Yes If so, give details Interstate Park Commission Land. I believe it is within 500 ft of State Route 94W and Hemlock was a stream on property and on Pelizales Park land.

6. Any comments you wish to add in support of this application (attach additional sheet if necessary)?

see attached exhibits and Br. of Building Inspector issued Building Permit in violation of many site plan Review requirements.

8. If applicant is not the owner of the property, has the owner consented to this application? Yes _____ No ✓

STATE OF NEW YORK)

COUNTY OF ORANGE) ss:

I hereby depose and say that all of the above statements and statements made in support of this application annexed hereto are true.

Signature: Deborah Kopayd
Applicant

Sworn to before me this 4th day of November, 2019

Eileen Brischoux
Notary Public

EILEEN BRISCHOUX
Notary Public, State Of New York
Qualified In Orange County
Reg. #01BR5043475
Commission Expires May 8, 2023

Town of Highlands Consolidated Zoning Board of Appeals (appendix A)

Applicant: Deborah Kopald S 11 B 1 L 1.52

Address of subject property: Town of Highlands / Village of Highland Falls (please circle one)
Highlands NY

Zone: <u>R-1</u>	Zoning Code Requirements	Existing Conditions	Proposed Construction	Variance Required
Lot Area (minimum square footage)	80,000		606,500	
Lot Area % of total lot area occupied by main & accessory buildings				
Building Height (max)	35		<35	
Street Frontage	45		Poplar St Not an approved road	
Lot Width	100			
Front Yard set-back	45			
Side Yard set-back	20			
Total for both Side Yards (set-backs)	40			
Abutting Side Street or Corner Lot (set-backs)				
Rear Yard (set-back)				
Residential Floor Area				
Parking (number)				
Signage				
Other				
Change of Use? (indicate existing use and proposed use)	N/A	Forest	Resid.	Yes or No (circle one)

NOTE: Please indicate the Zone of the subject property, the Zoning Code requirements for each category, the existing dimensions in applicable categories, the proposed

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Construction on Parcel 11-1-1.52			
Project Location (describe, and attach a location map): Extension of Hemlock St without Planning Bd approval			
Brief Description of Proposed Action: A building permit was issued for foundation and septic system without review by the Planning Board for a new home on a non-platted forest parcel straddling four zones, without benefit of an engineer's site plan or erosion control measures.			
Name of Applicant or Sponsor: Deborah Kopald		Telephone: 845446-95311 E-Mail: Deborah_Kopald@ymail.com	
Address: 88 Forest Hill Rd			
City/PO: Ft Montgomery		State: NY	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: County Health Dept			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			13.96 acres 0.8 acres 13.96 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____ well		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ on-site septic		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: No site plan has designed storm water or		
erosion control measures. No stormwater engineering		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Deborah Kopala</u> Date: <u>Nov 3, 2014</u> Signature: <u>[Signature]</u> Title: <u>Aggrieved Neighbor</u>		