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FEB 10 2020

Building Department

APPLICATION FORM FOR ZONING VARIANCE / INTERPRETATION

APPLICANT'S NAME: Rick Minicozzi Phone # 512 563 3617

ADDRESS: 6008 Hood Hollow Austin TX 78731

OWNER OF PROPERTY: HF Main Street Real Estate Incorporated

ADDRESS: 6008 Hood Hollow Austin TX 78731

TAX LOT NUMBER: Section 163 Block 14 Lot 7,8,9,10,11,1,11.2,12

TO THE TOWN OF HIGHLANDS CONSOLIDATED ZONING BOARD OF APPEALS:

Appeal is hereby taken and application made for: See attached exhibit A

- 1. Variance from (or Interpretation of) Section of the Village/Town Zoning Ordinance.
2. To permit construction or use of premises for the following: mixed use hotel consisting of commercial space, 79 hotel rooms, and internal parking garage
3. The property is in a Zone under the Zoning Ordinance.
4. The property is situated on the West side of Main street and is 200 feet from the intersection of Perry Ave + Drew Ave street.
5. Has this property been before the Zoning Board of Appeals before? NO. If so, give details. We did come before the ZBA back when this was going to be a condominium but not as a pure hotel
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 +/- 450' from boundary with town of Highlands

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

8. If applicant is not the owner of the property, has the owner consented to this application? Yes No N/A

STATE OF NEW YORK) COUNTY OR 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: Applicant

Sworn to before me this 4 day of Feb, 2020

Notary Public

JUNE PATTERSON NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01PA6146631 Qualified in Orange County Commission Expires May 22, 2022

Village of Highland Falls - Zoning Variance Chart

Prepared for the Highland Falls Mixed Use Project

Consolidated Tax Lots 7, 8, 9, 10, 11.1, 11.2 & 12

located at 479 Main Street, Highland Falls, NY 10928

Zone: B-3	Zoning Code Requirement	Existing Conditions	Proposed Conditions	Variance Required	Comments
Lot Area (minimum Square footage)	no requirement	N/A	N/A	no	
Lot Area % of total lot area occupied by main & accessory buildings	100%	N/A	91%	no	
Building Height (max)	60' (with bonus height of 15' above 10' setback)	N/A	75'**	no	
Street Frontage	no requirement	N/A	N/A	no	
Lot Width	no requirement	N/A	N/A	no	
Front Yard set-back	no requirement	N/A	N/A	no	
Side Yard set-back	no requirement	N/A	none	no	
Total for both Side Yards (set-backs)	no requirement	N/A	none	no	
Abutting Side Street or Corner Lot (set-backs)	no requirement	N/A	none	no	
Rear Yard (set-back)	15'	N/A	11'	YES	*Request ruling on applicability of restriction to garage
Residential Floor Area	no requirement	N/A	N/A	no	
Parking (number) - residential	1 per hotel room	N/A	1 per hotel room*	no	
Parking (number) - other uses	no requirement	N/A	N/A	no	
Signage	building shall meet signage requirements as defined in Zoning Ordinance				
Change of Use (indicate existing use and proposed use)		N/A			
Other - see below					
Required Transitional Yard	no requirement	N/A	N/A		
Off-Street Loading	2 spaces req'd (15,000 to 40,000)	N/A	0	***Planning Board discretion to waive	***Planning Board discretion to waive
Windows	60% windows first floor and 30% max wall plane on floors above	N/A	36%	***Planning Board discretion to waive	***Planning Board discretion to waive
* Note 1: Achieved via a leases with various locations in the village.					
** Note 2: 60' height plus 15' bonus height above a 10' setback					

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

Applicant: HF Main Street Real Estate, Incorporated S B L

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

PLEASE REFER TO EXHIBIT 'A' FOR COMPLETED FORM

Zone: <u>B-3</u>	Zoning Code Requirements	Existing Conditions	Proposed Construction	Variance Required
Lot Area (minimum square footage)				
Lot Area % of total lot area occupied by main & accessory buildings				
Building Height (max)				
Street Frontage				
Lot Width				
Front Yard set-back				
Side Yard set-back				
Total for both Side Yards (set-backs)				
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			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

dimensions and the variance required in feet (except %, parking or use) in applicable categories. For use variances, list existing use and proposed use.

OWNER'S ENDORSEMENT

(complete and attach only to applications submitted by tenants, contractors, potential buyers or owner's representatives)

N/A

COUNTY OF ORANGE

SS:

STATE OF NEW YORK

_____ being duly sworn, deposes and says

that he/she resides at

(Owner's Address)

in the County of _____ and State of _____

and that he/she is (the owner in fee) or (_____ of the

(Official Title)

_____ Corporation which is the owner in fee)

of the premises described in the foregoing application and that he/she has authorized

_____ to make the foregoing application for project

(name of applicant)

approval as described herein.

Sworn before me this

_____ day of _____, 20 _____

Notary Public

Owner's Signature

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: Southgate Flats			
Project Location (describe, and attach a location map): 479 Main Street, Village of Highland Falls, between Drew Lane and Parry Avenue. Section 103, Block 14, Tax Lots 7, 8, 9, 10, 11.1, 11.2, & 12.			
Brief Description of Proposed Action: Variances from Village Zoning Code required to construct a mixed-use building containing commercial units, residential units, and parking.			
Name of Applicant or Sponsor: Rick Minicozzi		Telephone: (512) 563-3617	
Address: 6008 Hood Hollow		E-Mail: rickmm86@gmail.com	
City/PO: Austin		State: Texas	Zip Code: 78731
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: Town of Highlands Consolidated Planning Board site plan and special permit approval			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.66± acres			
b. Total acreage to be physically disturbed? _____ 0.66± acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.66± acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban 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? Northern Long-eared Bat, At... Atlantic Sturgeon, Shortnose Sturgeon (per mapper, but river is not on site)	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plain?	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? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater will be directed to existing storm drains in adjacent roadways.		
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)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<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? If Yes, describe:	NO	YES
	<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? If Yes, describe:	NO	YES
Per mapper, as it is nearby to parts of West Point Military Reservation (which contains landfills elsewhere) and the Hudson River (PCB sediment remediation complete)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: David A. Getz, P.E. Date: 3/26/19

Signature: *David A. Getz* Title: Project Engineer



MEMORANDUM

TO: RICK MINICOZZI
FROM: MAX STACH, AICP
SUBJECT: HIGHLAND FALLS CODE: REAR YARD AND RETAINING WALLS
DATE: FEBRUARY 6, 2020

We have reviewed the Town of Highland Falls Code with regard to compliance of the proposed Thayer Resort & Spa's required rear yard. The following code provisions are applicable:

§240-4B. Definition of Rear Yard – A space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line of the lot, and extending from side lot line to side lot line.

§240-4B. Definition of Wall – A structure of wood, stone or other materials, or combination thereof, intended for defense, security, screening or enclosure, or for the retention of earth, stone, fill or other materials, as in the cases of retaining walls or bulkheads.

§240-25. Table of Dimensional Regulations: B-3 Rear Yard – 15 feet minimum.

§240-29G.1.(5). Landscaping. Landscaping between the building and the street is required for all new construction. Landscaping between the building and the street is encouraged to the greatest extent practicable where existing buildings are being renovated or repurposed for a use subject to this subsection. Transitional yards between a residential district and a hotel, mixed-use development shall be governed by § 240-39, provided however, that the Planning Board, in its discretion, may vary the height and type of transitional screening provided therein.

§240-33A. Yards – The following accessory structures may be located in any required front or rear yards: (1) Awning or movable canopy not exceeding 10 feet in height; (2) Open arbor or trellis; (3) Retaining wall, fence or masonry wall, pursuant to § 240-38; (4) Unroofed steps; patio or terrace not higher than one foot above ground level.

§240-33C. Yards - Every part of a required yard shall be open to the sky, unobstructed except for retaining walls and for accessory buildings in a rear yard and except for the ordinary projection of sills, belt courses and ornamental features projecting not to exceed six inches. Cornices and eaves shall not project more than 18 inches.

§240-38A. Permitted fences and walls. The following schedule of permitted fences and walls shall apply according to the district in which the lot is located on the Zoning Map, Whether such lot be used for a

permitted use or for a special exception use, except where the Planning Board or the Board of Appeals may require special treatment. [No standard listed for B-3 District. B-1 District requirement for maximum fence or wall height for rear yard lot lines = 8 feet]

§ 240-39. Required transitional yards and screening. - In order to assure orderly and compatible relationship between residence districts and nonresidential districts along their common boundary lines, the following requirements shall be met along such boundaries:

A. Minimum required transitional yards within nonresidential districts across zone district boundaries from residential districts shall be at least 20 feet in B-1 Districts and 30 feet in B-2 Districts.

B. Minimum required screening within required transitional side and rear yards shall be a six-foot-high stockade-type fence, or equal, to be erected and maintained by the nonresidential property owner along the side and rear property lines; provided, however, that the Board of Appeals, subject to the applicable provisions of Article XI, may waive or modify these requirements for screening where the same screening effect is accomplished by the natural terrain or foliage or by a special exception residential use or a municipal use within the B-1 District.

Based on the foregoing, the current proposed building does not meet the requirement for rear yard, as the parking levels are currently roofed, not open to the sky, and located within the required 15 feet.

Based on the definition of rear yard and the requirements of §240-33C, it appears that if the parking deck was completely located below grade, that it would not be subject to the rear yard requirement, as that area of the lot would be unroofed and open to the sky.

The rear property line appears to vary from an elevation of approximately 147 to 157, with the current roof of the second parking level proposed at 169 feet. With eleven feet between the structure and the property line, an unstabilized slope could bring ground elevation to 165. This would require a retaining wall on the lot line varying in height from seven feet near the neighboring structure on Parry Avenue to 17 feet in height near Drew Avenue.

There is no maximum height for retaining walls prescribed for the B-3 district by §240-38A. Other districts explicitly designate where walls are not permitted on a lot line, so the lack of a B-3 standard should not be interpreted to imply that a wall on the rear lot line is prohibited.

The rear yard is also required by §240-29G1 to be a transitional yard. However, it appears that there is no dimensional requirement for a required transitional yard for the B-3 District. Reference to §240-39 should therefore be construed to require a six-foot high fence on the rear property line to be maintained by the hotel, unless modified by the ZBA due to a similar effect provided by natural foliage or terrain. In this instance, your proposed rear yard plantings would serve that intent. A standard four-foot decorative safety fence could be provided instead. This arrangement would obviate the need for security lighting along the rear of the building.

I have amended and attached EAF Part 1 Exhibit 2A, to approximate what this retaining wall arrangement might look like from Parry Avenue. It would appear taller from Drew Avenue.

In summary, we believe that based on the existing code, the application could be redesigned with a rear retaining wall in order to meet the 15-foot rear yard requirement.

Erik Smith, Chairperson
Edward Dunn, Deputy Chair
Harvey Green
Matthew Johnson
Chris Dyroff



254 Main Street
Highland Falls, NY 10928
Phone (845) 446-4280 x316
Fax (845) 446-4298

**Town of Highlands
Village of Highland Falls**

February 5, 2020

Zoning Board of Appeals
Town of Highlands
254 Main Street
Highland Falls, NY 10928

RE: Thayer Flats, Village of Highland Falls, SBL 103-14.7, 8, 9, 10, 11.1, 11.2, 12.

Board Members,

The above-mentioned project appeared before the Consolidated Planning Board informally and subsequently made an application. At the December meeting the board circulated it's intent to declare it self lead agency for a coordinated review. The review was started with the understanding that the Village of Highland Falls was contemplating zoning changes that would affect the project. This past Monday the Village amended their zoning as it relates to business districts. Yesterday the project appeared before the board for a workshop session. The board believes the applicant may require variances and/or interpretations in relation to the following subjects;

1. Rear yard required set-back.
2. Height of canopy over the sidewalk.
3. Parking requirements.

If you have any questions please don't hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read 'Erik W. Smith'.

Erik W. Smith
Chairperson

cc: M. Justin Rider, Consolidated Planning Board Attorney (via electronic mail)
Shawn Arnott, Consolidated Planning Board Engineer (via electronic mail)
Alyse Terhune, Consolidated ZBA Attorney (via electronic mail)
Bruce Terwilliger, Building Inspector (via electronic mail)
file