

**TOWN OF TUXEDO  
ZONING BOARD OF APPEALS MINUTES  
PUBLIC HEARING & REGULAR MEETING  
February 23, 2010**

The Public Hearing was opened at 7:00 p.m. on Tuesday, February 23, 2010 in the Community Room in the Tuxedo Town Hall.

BOARD MEMBERS PRESENT:	Frank Peverly, Chairman Andrew Rogers George Langberg Brian Sullivan
OTHERS PRESENT:	Lisa Felicissimo, ZBA Attorney Deborah Villanueva, Recording Secretary Scott Lesko John O'Rourke, Lanc and Tully

**1.0 APPROVAL OF THE MINUTES**

Mr. Peverly asked if there were any comments or corrections to the minutes of January 26, 2009 and there were none.

Mr. Peverly made a motion to approve the minutes of January 26, 2009 and Mr. Sullivan seconded the motion. All were in favor and the motion carried.
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<b>Augusta Properties –</b> 194-210 Route 17 / Section 12 Block 4 Lots 2 and 3; File #Z7506-001
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Mr. Peverly moved to open the Public Hearing and stated that the Board was in receipt of a letter from the Town Planner explaining the Planning Board's determination of the parking requirements and outlining how they came up with the numbers. He noted that the letter stated that the TAC viewed the parking in the railroad right-of-way as a continuation of a nonconforming situation. He further stated that he believes the Zoning Board can only look within the boundaries of the property.

Mr. Peverly stated that the County's response to the initial site plan only referred to a concern over the impervious surface and runoff to the Ramapo.

Mr. O'Rourke explained their revisions to the area variance and stated that they had removed the railroad parking spaces.

Mr. Peverly pointed out that Ms. Franson indicated 45 spaces in her letter however the plan shows 44 spaces and Mr. O'Rourke stated that there are in fact 44 spaces.

It was further noted that the following variances are being requested: Relief from the 90 required spaces to 44 spaces; relief from the required 10' x 20' parking space to a 9' x 20' parking space; relief from the required 25' front yard setback to 0'.

Mr. O'Rourke addressed the storm water quality and stated that they would loose additional parking and hope that when they return to the Planning Board that they will agree. He stated that they will propose inserts to the catch basins but generally after six months they become a maintenance problem so they do hope that the Planning Board will override.

At this time Mr. Peverly asked if there were any questions or comments from the Board and there were none.

Mrs. Felicissimo explained that since they have not received a response to the 239 review the Board could not render a decision because if in fact they did have an issue the public hearing would have already been closed and could not be reopened and would therefore leave a flaw in the records.

Mr. Peverly stated that he does not anticipate a problem with the county because the change in site plan would not affect the impervious surface which was their concern. He did however agree that they could not rule without a 239 decision.

It was noted that the four board members were in favor of granting the variances and would hold a special meeting on March 2, 2010 allowing enough time to receive a response from the county.

Mr. Peverly made a motion to declare the ZBA lead agency and to list it as a type II action. Mr. Langberg seconded the motion and it was approved by a unanimous vote.

Mr. Peverly made a motion to continue the Public Hearing to March 2, 2010 for a special session and Mr. Langberg seconded the motion. All were in favor and the motion carried.

Mr. Peverly noted for the record that he would ask Mrs. Felicissimo to note in the final decision that the ZBA would not condone trespass on railroad property.

### **3. ADJOURNMENT**

There being no further business, Mr. Peverly moved to adjourn.

