

A regular meeting of the Town of LaGrange Zoning Board of Appeals was held on Monday, December 1, 2014 at the LaGrange Town Hall, 120 Stringham Road at 7:30 p.m. Chairman Paul Bisceglia called the meeting to order. Board members Nancy Swanson, Mark Christenson, Sandra Lane, Christian Rohrbach and alternate Leana Cropp were present. Janis Gomez Anderson Esq. of the firm of Van DeWater & Van DeWater was also present.

Mr. Bisceglia made a motion to accept the minutes of October 6, 2014 as corrected. Ms. Swanson seconded and the motion carried unanimously.

OLD BUSINESS:

3-12-01 AREA VARIANCE: MYLES LANDSTEIN, 16 VELIE ROAD,
LAGRANGEVILLE, NEW YORK Grid No. 6560-01-138549

Seeking relief from Chapter 240-28 Schedule B that states that the maximum height of a building or structure in an R-120 zoning district is 35' and seeking relief from Chapter 240-31 F.(4)(f) Ridgeline Protection Overlay Zone which states that the proposed yard setbacks from the property line must be no less than 1.5 times the height of the proposed structure or the setback requirements in the existing zoning regulations, whichever are greater in order to construct a ham radio tower with boom antenna with a proposed height of 70' and a boom width of 23 feet and proposed setbacks of 40' and 70' from the side and rear yards.

At the consent of the applicant, and with agreement of the Town, this application has been postponed to the January 5, 2015 meeting.

9-14-02 AREA VARIANCE: OLD OVERLOOK DEVELOPERS LLC, OVERLOOK
ROAD AND OLD OVERLOOK ROAD, LAGRANGE, NEW YORK Grid No.
6361-02-500585

Seeking relief from Chapter 240-28 Schedule B that requires a minimum width of lot at any point of 100' for lots 2, 3, 4, 5, 6, 7 & 8 and seeking relief from Chapter 240-28 Schedule B that requires a minimum frontage on a county road of 200' for lots 3, 4 & 5 in order to carry out a 9-lot subdivision.

This application has been adjourned to the January 5, 2015 meeting.

9-14-03 USE VARIANCE: GARY E. BECK JR., Z3 CONSULTANTS (OWNER, JAMIE
TURELL), 275 EMANS ROAD, LAGRANGEVILLE, NEW YORK Grid No.
6559-01-465994

Seeking a use variance in order to permit light industry in an R-120 zoning district. Chapter 240-27 Schedule of Permitted Uses & Special Use Permits does not permit light industry in an R-120 zoning district. (*Zoning District designation changed pursuant to Town Resolution on September 10, 2014 from R-120 to RLD*)

This application has been adjourned to the January 5, 2015 meeting.

NEW BUSINESS:

12-14-01 AREA VARIANCE: ANTHONY & JOANN TIRONE, 9 PONDVIEW LANE,
POUGHKEEPSIE, NEW YORK Grid No. 6460-04-715426

Seeking relief of 13' from the minimum setback of 20' from the r.o.w. of Stringham Road in order to construct a car port with a proposed setback of 7 feet per Chapter 240-26 M.(1) and Chapter 240-28 Schedule B.

Joann Tirone was present. She was sworn in by Mr. Rohrbach.

Mr. Bisceglia said he understood from the information given in the Decision & Order document that Mr. & Mrs. Tirone received a building permit for a car port. It was then discovered by the Building Inspector that the car port does not meet the minimum setback of 20' from the property line bordering Stringham Road and is in fact 7 feet from the right of way. The document continues to state that in residential zones, a corner lot shall have one front yard, and the owner of a residential corner lot shall elect which of the yards bordered by a road shall be the front yard.

Mr. Bisceglia asked the size of the car port. Ms. Tirone was not sure but it was determined that it was for two cars. Mr. Bisceglia said the applicant is seeking relief of 13 feet.

Mr. Bisceglia asked if Ms. Tirone had any information on what the car port looks like and what it is made of. She did not have that information. It was determined that the car port does not have any footings. Ms. Swanson said there is a pick up truck and a trailer stored side by side inside the structure which takes up the whole space.

Mr. Bisceglia asked if the walls were open. Ms. Tirone said all the walls were closed. Mr. Bisceglia looked at the drawing and assumed it was an enclosed building with a gable end on one end and closed on the other end.

The secretary said all property owners within 150 feet had been notified and there had been no responses.

Ms. Swanson said it had been put in the application that they were not home when the car port was constructed and things might have been different if they had been home. She asked what might have been different. Ms. Tirone was not sure. Ms. Swanson asked if there was a driveway going to the carport. Ms. Tirone said no. Ms. Swanson assumed then that the pick up truck would be moved on grass.

Ms. Swanson said there were two smaller sheds on the property. She wondered whether they were legal. The secretary said because they were less than 120 square feet they did not need building permits and could be placed 3 feet from the property line.

Ms. Swanson asked Ms. Tirone where the leach fields were. Ms. Tirone was not sure.

Ms. Swanson added that there are trees between the carport and Stringham Road. She said if the variance is granted she would like there to be a condition added that if the trees should come down that some other trees be planted for screening.

Mr. Bisceglia made a motion to open the public hearing. Mr. Rohrbach seconded and the motion carried unanimously. There were no comments from the public.

Mr. Bisceglia said that, being the structure will be close to Stringham Road, the board would like to have more information on what the structure looks like, what is the covering on the outside, and its dimensions including length, width and height, and the pitch of the roof.

In light of the information that the board is requesting Mr. Bisceglia said the public hearing would be adjourned. Ms. Swanson also asked that the location of the septic field be provided. Mr. Rohrbach said that she could satisfy some of the board's requirements with a series of pictures that have been marked with the dimensions. Pictures of the back of the carport taken from Stringham Road should also be included so that the board could see the screening that is currently in place.

Mr. Bisceglia explained that the board has to go through a series of findings which relate to what the carport looks like. That directly affects how the decision will be made.

Based on the information to be forthcoming, Mr. Bisceglia made a motion to adjourn the public hearing. Mr. Rohrbach seconded and the motion carried unanimously. PUBLIC HEARING ADJOURNED TO JANUARY 5, 2015.

It was requested that the applicant provide the information prior to the January 5 meeting.

12-14-02 USE VARIANCE: JOSEPH BRIANTE/EXPRESS REALTY SERVICES
(OWNER: STEVEN AMES ENTERPRISES LLC), 1820 ROUTE 82,
LAGRANGEVILLE, NEW YORK Grid No. 6559-02-600783

Seeking a Use Variance in order to permit a fast food establishment in an RLD (residential low density) zoning district. Chapter 240-27 Schedule of Permitted Uses & Special Use Permits does not permit fast food establishments in an RLD zoning district.

Joseph Briante was present. He was sworn in by Mr. Christenson.

Mr. Briante explained that initially he had wanted a take-out restaurant but he really wants a restaurant. When he spoke to the Building Inspector a take-out sounded good. It has been used as a restaurant for the past 10 or 12 years. His client has only owned it for four years. He has a letter from the owner of an adjacent property, Deo Read, who says that he supports Joe Briante in efforts to make it pizza, hamburgers, hot dogs.

Ms. Swanson asked when it was last used as a restaurant. Mr. Briante said his client closed the restaurant at the end of December 2013. Ms. Swanson asked if he was the owner when it was a restaurant. Mr. Briante said yes. Now he wants to sell it and the Building Inspector said he needs a use variance. Ms. Swanson said if it is going to be used as a similar type restaurant maybe a use variance is not required.

Mr. Bisceglia said they had received a referral response from Dutchess County Department of Planning & Development stating this is a matter of local concern.

Mr. Bisceglia asked Ms. Gomez Anderson if it is correct that it is a Type I SEQRA action. Ms. Gomez Anderson said use variances are usually unlisted. She said she had pulled up the nonconforming section of the code. Ms. Gomez Anderson asked the applicant if the Building Inspector had told him he needed a use variance or a use permit.

Mr. Briante said that in 2012 the Building Inspector issued a Certificate of Compliance. Also a Certificate of Use to the Dugout Grill was granted in 2011. His client purchased the property in 2010.

Ms. Gomez Anderson said from looking at the application, the initial commercial request for information from the Town, this form states that the use was proposed to be for office space. There does not appear to be another one that mentioned restaurants. Mr. Briante said that was the first time around.

Ms. Gomez Anderson said to answer Ms. Swanson's question, Chapter 240-29 F.(4) states that *any nonconforming use of land, building or structure which shall have been discontinued shall not thereafter be resumed or replaced by any other nonconforming use. The term "discontinued" shall mean that the nonconformity has ceased for a period of one year or more.*

Ms. Swanson said that the current owner wants to re-open it. Mr. Briante said he has a buyer who wants to open it. That is holding up the sale. Mr. Briante said they only want a small restaurant. They do not want to add on to it. It is a busy area, close to Route 82. He has not received any complaints. He does not see why anyone would expect it to be a residential house when it sits so close to the road.

Mr. Bisceglia asked if they intend to serve alcohol. Mr. Briante talked about beer and wine but it will not be liquor.

Ms. Swanson said it sounds like there should be another discussion, quickly, with Mr. McLaughlin as the year is almost up. Mr. Briante said they could open it up if Mr. McLaughlin allows it.

It was mentioned that the only use permitted was for an ice cream store and farm stand. Ms. Swanson asked what the letter from Mr. McLaughlin was about. Ms. Gomez Anderson said a certificate of use was issued because it was a continuing nonconforming use. The issue is that the use has been discontinued for close to a year. If the owner had continued the use and sold it, it would have been a non-issue as it would have been a continuation of the same use.

Ms. Gomez Anderson said if the use ended in December of last year, she doesn't see anyone opening a new business in the next three weeks and that is when the nonconformity runs out. Mr. Briante said if his client could open, then the new guy could come in and take over. Ms. Gomez Anderson said she thought he would need to speak to the Building Inspector who is the first line in any of these questions.

Ms. Swanson said the date on the Certificate of Use is November 30, 2011.

Ms. Gomez Anderson said if anyone gets a use variance it makes something that was nonconforming legal.

Mr. Briante asked if the board could give him the use variance. Ms. Gomez Anderson said there are several criteria that have to be met in order to obtain a use variance. The question is whether it can be proven to the satisfaction of the board that the application meets that criteria. Mr. Bisceglia added that that is not something that will be determined at this meeting.

Mr. Briante said he had answered those four questions, and that pretty much sums it up. It does not talk so much about the hardship of what it costs each month to keep the building sitting there vacant. Mr. Bisceglia said the board will require more than just this. He said even if they begin going through this they will fall into the issue of falling out of nonconformity. Ms. Gomez Anderson said the buyer is going to need a use variance or he will not be able to run the business.

Ms. Swanson said a referral has to be made to the Planning Board because it is a use variance. Ms. Gomez Anderson said there is a substantial amount of evidence that is required for a use variance that is not here.

Mr. Christenson said if all the permits are in place already they should be able to re-establish business before the end of the year. Mr. Briante said he has a fire alarm.

Ms. Swanson said it seems as though this needs to go back to the Building Inspector. Mr. Briante said he would speak to the Building Inspector and see if they could re-open before the time runs out.

Mr. Bisceglia said that would be a good thing to see how the Building Inspector stands on this. Meanwhile, this application needs to be referred to the Planning Board and adjourn to the next meeting.

Again it was mentioned that the approval given was for the sale of ice cream. Mr. Christenson said they would need to see the file.

Ms. Swanson made a motion to open the public hearing. Mr. Rohrbach seconded and the motion carried unanimously.

Suzanne Reid of 9 Beaver Road said she is the fourth house on the road. She has lived there for 18 years. She was there when Pine Cones first opened and all they served was ice cream. The property was sold and the next owner had ice cream and then added hamburgers, hot dogs, pizza. So, in her mind what they were doing was not in the definition of a restaurant. She is a little confused as to what Mr. Briante is referring to. When it was opened for the first time and possibly the second time, it was not open all year. It was closed in the winter, maybe from November through March. The third owner was the gentleman who turned it into the Dugout Grill. The kitchen was already there and the fryers were there. The other situation is the parking. People park on the lawn of the house across from this place. The owner had to put large rocks on the edge of his property to keep people off his lawn. They also park up the street on Beaver Road, outside of the parking lot. Ms. Reid said they have a

strip mall down the road, there is an A & P and a block further down there is another strip mall with a post office receiving center and there is further development going on there. The traffic coming out of there from Route 82 and Beaver is dangerous. It is not safe at all. Ms. Reid said this is her neighborhood and she does not want a restaurant on the corner there. There is a family across the street with small children. It is not a place for it. She does not want it turned into a commercial business area.

Ruth Lizotte of 1810 Route 82 said she lives right next door to what was the Dugout Grill. She is definitely opposed to having a restaurant for some of the reasons that the previous speaker said. There is a lot of traffic. There is not sufficient parking. They have three dogs and there is no fence to stop the dogs from going over. They bark loudly when they hear a lot of noise. Their bedroom is next to that side of the house. They go to bed early and they do not want the noise. At first when it was said they were going to have a fast food take out, it really upset her. When the Dugout Grill was there he tried to introduce alcohol. Eventually he put in a bar and they were very upset. She called the Town Hall and told them to take a look because there was a bar with beer taps there. It was scary to her.

Ed Hartman of 3 Beaver Road said he has lived there for 21 years. Prior to that the neighbors who lived there said the building was always empty and every restaurant that was there was not successful. Pine Cones was the only decent place there. The parking is bad and he is not hot on liquor.

Beverly Newman of 1810 Route 82 said the reason the Dugout Grill closed was they never had any business. If you saw one car there once a week that was a lot. She came to live in a rural place, not to have a restaurant next door. It was fine when it was an ice cream place in the summer.

Henrietta Picker of Emans Road said they have lived there since 1982. The reason they bought the house was because it was in an RLD area and they just love the country. She had no idea when the bar went up on Route 82. They never knew it could go there. She is objecting to the destruction of this whole area which would probably come about if they open up to things like restaurants. She is very upset about it. The traffic in the summer is impossible, and there have been quite a few restaurants.

Suzanne Reid said when the Dugout Grill opened, she was in there and she spoke to the owner and the gentleman had turned the place into what looked like it was going to be a sports bar. There were flat screen TVs round the room and pub tables. Sports, alcohol and men are not a good mix.

Mr. Bisceglia said that based on what the board has in front of them, they will have to adjourn to the next meeting. He understood that Mr. Briante was going to have a conversation with Mr. McLaughlin and they would await some feedback from Mr. Briante or the Building Inspector so they can get some direction on how to proceed.

Ms. Gomez Anderson said that Mr. Briante needs to understand that if it comes back that a use variance is required, there is a substantial amount of material that the board will need that is just not there. They will have to prove that there is nothing else that can be done with the property.

Ms. Swanson said that when they are considering the use variance, do they have to consider all the uses that would require a special use permit. Ms. Gomez Anderson said they would have to consider all the permitted uses. There is no court case that says you have to consider the specially permitted uses, but she is not aware of any court case that says that you don't. In the commentary that she was reading on the statute it said why wouldn't you consider the special permit because the special permits are not subject to discretion. If you meet the criteria you should get one. So, arguably her advice is that they would look at the special permits. Under the Town's new code there are a limited number of uses that are permitted in the residential districts. The other aspect of it is there are new definitions for restaurants and fast food restaurants. Ms. Swanson said the uses are divided by districts. The property in question falls in the RLD district.

Mr. Bisceglia made a motion to adjourn the public hearing to the January 5, 2015 meeting. Ms. Lane seconded and the motion carried unanimously. PUBLIC HEARING ADJOURNED TO JANUARY 5, 2015.

12-14-03 USE VARIANCE: DUTCHESS PROVISIONS (OWNER ALAN LEHIGH OF 3 DAUGHTERS HOLDING CO. LLC) 141 DALEY ROAD, POUGHKEEPSIE Grid No. 6259-02-897882

Steve Leonard, president of Dutchess Provisions and Mark Day P.E. of the firm of M.A. Engineering were present.

Mr. Day explained that Lehigh Landscaping operated their business from the property prior to moving to Route 376. The property is adjacent to the Ciccone contracting business. Dutchess Rail Trail is behind it. Mr. Lehigh has had the property on the market for a while, however there has been no interest. Mr. Leonard approached Mr. Lehigh as he operates the Boars Head distribution. He has five trucks and 2 cars. They would like to be able to house these vehicles on the property behind the existing structure. There is an existing building which Mr. Lehigh had occupied as part of his business. Mr. Day said they require a use variance because the closest definition for the use is "warehouse". The property is approved now for landscaping business.

Mr. Bisceglia asked if they had a picture of the truck. Mr. Leonard presented some pictures and said they were taken from his present location at 1099 Main Street, Fishkill, which is right next to the village hall.

Mr. Leonard referred to a letter that he had hand delivered to the town from the mayor of the Village of Fishkill.

Mr. Bisceglia asked if there were only going to be 7 or 8 vehicles. Mr. Leonard said plus his employees' vehicles when they come into work. He said he has outgrown the building in Fishkill. He has been in business since 1984 without moving to a new facility. He and his general manager would occupy the office in the existing building, and they would be there most of the day. He said there would be a lot less comings and goings than with the landscaping business. His trucks leave in the morning and they come back in the early afternoon. They are closed on Saturday and Sunday. The only ones there on Saturdays and

Sundays are Mr. Leonard and his general manager. He also has someone who comes in on Sundays for a short while. No customers come to the site.

Mr. Leonard explained the Boars Head operation. He said there are 425 distributors in the whole nation. Everything they do, they do the old fashioned way. The way they make their meats, their cheeses, the way they conduct their business. What this facility will do for him is to allow him to grow his business to the next level. He does not have the storage capacity any more. There is a lot of advertising material they have to store. There are 5 or 6 computers in the office that different people use at different times. Four of Mr. Leonard's employees are residents of LaGrange.

Mr. Bisceglia asked the size of the existing building. He asked if it would be possible to store the vehicles inside the building. Mr. Leonard said no, they would be stored outside. The interior would eventually have refrigeration as a holding area for the meats. Currently all the trucks have refrigeration units. The meats are picked up from Brooklyn. He sends three trucks down on Monday and another one on Wednesday.

Ms. Lane asked how many times a day do the trucks come in and. Mr. Leonard said once in and once out. Ms. Lane asked what time do they start. Mr. Leonard said it depends on the day. Monday they start at 2:00 a.m. as they have to get into Brooklyn before the traffic builds. The rest of the week they start at between 5:30 and 6:30 a.m. In all the years he was in Fishkill he did not have one noise complaint.

Ms. Gomez Anderson explained to the Board that the horticulture use was a legal use and Mr. Lehigh had received an area variance because the property was too small to operate the use. This is a totally new use which needs to go through the use variance criteria.

Mr. Rohrbach said that the previous use involved the landscaping business parking trucks. Ms. Gomez Anderson said that it was related to the landscaping business. Mr. Rohrbach wondered why the use was called "warehousing" when the vehicles would be parked outside. He asked whether the trucks are running continuously. Mr. Leonard said they are refrigerated trucks so they are plugged in or run off their own diesel motors. This happens all year round because in the winter the trucks have to be heated. Mr. Rohrbach asked what happens overnight. He assumed the refrigerator units are on but they would be plugged in so that the diesel engines would not be running. Mr. Leonard said some have to run off their own unit. They are all independent units so, with the exception of one, they all have to run off their own diesel motor. They can be plugged in but the two larger trucks work better unplugged, running off their own diesel. None are that large, the maximum ----- is 25,500.

Ms. Swanson asked who owned the property that the stream flows through. Mr. Day explained that there are two parcels and Mr. Lehigh owns both parcels. The plan shows the separation with a dotted line. Mr. Lehigh is planning on keeping the other parcel. It would be impossible to build a home on the lot because of the requirements for building a septic away from the water. Ms. Swanson asked if that stream had a name. Mr. Day said he did not believe it did.

Mr. Bisceglia asked if the existing building on the first parcel was subdivided. Mr. Day said it is separated. Mr. Bisceglia asked if the building could be enlarged based on the square

footage of the area of the property. Mr. Day said they had not looked at it that way as Mr. Leonard is not planning on doing that, but he assumed that it could be enlarged. Mr. Bisceglia said if they were to consider this use variance and it meets all the criteria, one of the issues at hand would be that the building remain the same size. Mr. Leonard said that would be fine. He said it was the perfect size to grow the business where it is still manageable without adding any square feet.

Mr. Bisceglia asked if the parking lot was gravel or paved. Mr. Day said the front portion is paved and there are also pavers but the majority is gravel. Mr. Leonard said the trucks would be parked on the graveled area. The plan shows five spaces for 5 trucks.

Ms. Swanson asked if they could foresee needing more trucks. Mr. Leonard said if this works, in the future he might be able to get smaller trucks because if they have refrigeration on the inside, he could eliminate the two largest trucks and downsize those trucks to smaller units.

Ms. Cropp asked if there was a noise issue at night. Mr. Leonard said all the units have noise suppressors built into them. He said you would hear them as if you were hearing air conditioners. The only time you would hear a loud noise would be when the trucks start. Mr. Day said that he had been to the Village of Fishkill many times and the trucks are parked next to the building. The building is not air conditioned so in the summer they open the windows but they do not disrupt anyone inside.

Ms. Gomez Anderson answered the earlier question about warehousing. She said the listing is warehousing and wholesale goods, so that is why it probably came under that use. She said the warehousing and wholesale goods is only permitted in two districts, the Commercial and Industrial zones. It is the standard use variance criteria which requires a very high threshold. As far as referring to the Planning Board is concerned, the issue is whether to refer to them now if they feel they have enough to meet the criteria with respect to the financial dollars and cents or whether they want more proof before referring to the Planning Board. The code does not say so it is up to the Board to decide on how they want to proceed in that regard.

Ms. Swanson said they are also waiting for a return from D.C. Planning & Development. Mr. Bisceglia said they had received a letter from a neighbor, Mr. Jeffrey Feldman who lives on Bray Farm Lane. Mr. Bisceglia read from the letter:

"I would like the Board to know that my wife and I are completely opposed to the requested variance. The property located at 141 Daley Road is directly behind our home, separated only by the Dutchess Rail Trail. We built our home in 1986 at this location because of the serenity, privacy and setting. The proposed use by the applicant would completely change not only the noise levels at our otherwise private home but would drastically reduce our property values.

"The requested use of warehousing with included storage is completely inapposite to what is permitted at that location and what should be permitted at that location.

"The RFD zoning is appropriate and should not be amended or changed to permit this use.

“Please let me know if you require any additional information. Very truly yours, Jeffrey M. Feldman”

The secretary also informed the Board that she had received a message from Pier DeCamillo of 162 Daley Road who indicated that he does not want the variance granted.

Mr. Day said he wanted to rebut the issue of the noise. He said that the Rail Trail is to the rear of the property. There is an elevation difference of close to 25 feet behind the building. The trucks are nowhere near that. Mr. Day added that there is no way the applicant can sell or rent this property to anybody else other than a landscaping business because of the way the zoning is set up. That is one of the issues that they can't put a financial number on although they can get other information from the realtor on the lack of ability to sell. It is highly unlikely that the property could be used for a residential purpose as it is right next door to the Ben Ciccone property. They have heavy equipment, tractor trailers, etc. Mr. Day said this has been a good use for Mr. Lehigh but he is struggling now to do anything else with the property, and anything else he did come up with would also require a variance. He felt that they were there that night with a viable person who is contract vendee for this parcel.

Ms. Gomez Anderson said this is an unlisted action under SEQRA so the board will have to decide whether to refer to the consultants to do SEQRA or whether they would want to do it themselves.

Mr. Bisceglia said in his opinion it is low impact as far as noise is concerned. They are good looking trucks. He felt the gentleman was sincere in his presentation. If anything, more screening could be added to hide the vehicles. The in and out times would be much less than the landscaping business hours. His position was that he was in favor of the proposal.

Ms. Gomez Anderson said they have to look at the criteria and they have to remember that any decision that is made will set precedent for other applications.

Ms. Swanson said, since Mr. Leonard is not the owner he would not have access to Mr. Lehigh's financial information, which is needed for the board to go into in considering a use variance. Mr. Bisceglia felt that the owner would provide any information needed because he wants to move the property. He asked whether the applicant had the list of what he needs to provide. Mr. Day said he has addressed everything except the financial information.

Ms. Swanson asked if it could be argued that Mr. Lehigh created the hardship by moving. Ms. Gomez Anderson wondered whether it could be used as a residential property given what is right next door. She did not think that moving was creating a hardship.

Mr. Bisceglia said it is very narrow how the variance was written only for a landscaper. Ms. Gomez Anderson said he does not have a variance to be a landscaper. The landscaping is a conforming use in the district. The variance was solely an area variance.

Mr. Day said he might have misspoken. He meant any new use that would go in there, minus the landscaping, is basically residential. The owner has not been able to find anyone to fit what is permitted in the code without a variance. The Building Inspector had told Mr. Day that any new use would require a variance, whether it be a use variance or an area variance.

Ms. Gomez Anderson said it sounds like this is a very good use for the property. Unfortunately, it is a very difficult standard and they are having difficulty quantifying it.

Ms. Gomez Anderson said that Mr. Feldman, who is opposing the application is an attorney and their best bet would be to bring everything they could and perhaps hire an attorney to get through the legal hoops. Mr. Day said there were not going to go that far.

Ms. Gomez Anderson said this is an unlisted action. The board can do an uncoordinated review or a coordinated review. Mr. Leonard said he has had his business in Fishkill for the last 20 years. He wants to grow his business but he is not going to jump through ten thousand hoops to do it.

Mr. Bisceglia then made a motion to open the public hearing. Ms. Lane seconded and the motion carried unanimously.

There being no comments from the public, Mr. Bisceglia made a motion to adjourn the public hearing to January 5, 2015. Ms. Lane seconded and the motion carried unanimously.
PUBLIC HEARING ADJOURNED TO JANUARY 5, 2015

Mr. Bisceglia made a motion to close the meeting at 8:58 p.m. Mr. Rohrbach seconded and the motion carried unanimously.

Respectfully submitted



Susan Quigley, Secretary