

APPROVED: 5/21/09

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
APRIL 16, 2009**

A regular meeting of the Town of Highlands Planning Board was held in the Court Room, Town Hall, Highland Falls, New York, on Thursday, April 16, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Terry Holt
John Hunter
Chris Dyroff
Cathy Kelly

M. Justin Rider, Esq. (Rider, Weiner & Frankel, P.C.)
Paul Pelusio, P. E. (J. Robert Folchetti & Associates)

ALSO PRESENT:

Roy Hannawalt, Carolyn Storms, Gregg Lawless, and Mark F. Farrell, Esq.

The meeting was called to order at 7:02 P. M. with the Pledge to the Flag. It was noted that a quorum was present.

A motion was made to approve the August 21, 2008 Minutes.

Motion: Mr. Holt Seconded: Mr. Dyroff Approved

A motion was made to approve the March 19, 2009 Minutes, with times noted for the Executive Session and Adjournment.

Motion: Ms. Kelly Seconded: Mr. Hunter Approved

COMMUNICATIONS

Mr. Smith, Mr. Hunter and Ms. Kelly have been signed up for the Land Use Planning Course through the Orange County Planning Federation on Monday nights starting April 20 – May 18, 2009.

The Chairman has received correspondence from Orange County Planning concerning the Lot Line Adjustment Law. They have no comments, and this has been passed on to Mr. Rider for the Town Board.

The Chairman forwarded copies of comments made by Orange County Planning on the Comprehensive Plan to all Board Members. They recommend adoption of the Plan.

VOUCHERS

Rider, Weiner & Frankel, P.C. (Attorneys)

January

General Planning	\$350.00
Hannawalt - (13-1-4)	105.00
Hudson Highlands	89.69
Bennett	35.00
Hannawalt - (17-1-32.14)	439.67

Recording Secretary (Mrs. DeWitt – Typing)

June 2008	\$ 28.75
August 2008	17.25
February 2009	11.50

The Chairman will submit them to the Comptroller.

OLD BUSINESS

Storms (Subdivision R1R Zone S12 B 1 Lot 14.2)

Mr. Mark F. Farrell, Attorney at Law, was introduced as the Attorney for Mrs. Carolyn Storms, standing in for Mr. John Donahue, who was unable to be present this evening. They hope to advance this project to the point of a Public Hearing for the subdivision and answer any questions or issues the Board may have.

The Chairman gave a brief history on the project for those Members of the Board who were not present at previous meetings where the project was discussed. The original application was in July 2006, the moratoria affected Mrs. Storms with the most recent one being in December 2007. Mrs. Storms currently lives in a two-family residence on the property. There was a pre-existing non-conforming front yard setback. She is served by public sewer and water. Water was a question for the new lot. This Board was declared Lead Agency in December 2007. The project was referred to the Zoning Board of Appeals for a lot width variance, which was issued in March 2008. She is in the R1R Zone which requires site plan approval, which would include drawings for the house, which the Board has.

A revised plan was presented by Mrs. Storms and Mr. Farrell. A comment letter was prepared by Mr. Pelusio on April 7, 2009, with copies provided to Mrs. Storms.

Ms. Kelly asked why a Perk Test was necessary, since there was piped water and sewer. Mrs. Storms responded that they put in the possibility of a proposed well in the event it is needed. They are hopeful that once the subdivision is approved, they will be put on the list for water. Currently, the development has it, but they were not allowed to put their names on the list before the subdivision approval.

Ms. Kelly asked about why the plan shows the boundary of the railroad. The railroad owns the land between this lot and the river and they were asked to show the river. Since they are not bordering on the river why do they have to show the river? Mr. Pelusio explained that this is a SEQR Law form.

Mrs. Storms noted that the actual acreage is not two (2) acres, but 1.998 acres.

Discussion of the April 7, 2009 memorandum to the Town of Highlands Planning Board from Paul J. Pelusio was held, with the Board, Mr. Pelusio, Mr. Rider, and the Applicant clarifying the details.

The documents reviewed: Subdivision and Site Plan of lands of Stephen and Carolyn Storms, prepared by Richard Dekay, L.S., dated last revised December 5, 2009; a copy of the property deed (Liber 2277) that described an existing 10' wide sanitary sewer easement in favor of the town of Highlands that extends across subject parcel, dated August 19, 1983; A copy of the property deed (Liber 1685) that describes an existing 10' wide storm sewer easement in favor of the Town of Highlands that extends along the easterly boundary of subject parcel, dated September 17, 1964.

Erosion and Sediment Control Permit Documents to be presented to this Board.

Discussion of the required easements followed.

The Chairman noted that the Applicant now has the comments to give to their engineer who will take the survey and develop a full site plan. The house plans, upon completion, can be submitted to the Board and the Board will work with the Building Inspector to review. They will work with Mr. Rider to develop the easements, and ask the engineers any questions necessary.

The tie-in for sewer will be done by the private contractor with inspections done by the Town.

Gregg Lawless, 1027 Route 9W, Fort Montgomery, NY.

The Chairman reviewed the project as being on Franklin Street and 1027 Route 9W, almost directly across the street from Marchese Chevrolet. Mr. Lawless is requesting an open air parking storage area. The Zoning Law did not list this as a permitted use and this Board referred him to the Zoning Board of Appeals. The Zoning Board of Appeals said it was not in the Building Code as a permitted use, and they granted him a Use Variance. He was sent back to this Board for a Site Plan Approval for an open air parking storage area.

This item was not on the agenda for this evening. Mr. Hager had been in touch with Mr. Lawless. A site plan was submitted based on the survey. The lot has been cleaned up. He has done nothing else to the lot at the present time and came to the Board to see if anything else was necessary. This Board has never given an approval for a Site Plan for an open air storage area. Mr. Rider explained that he needs to be concerned with a perimeter map, land screening, storage, and access from Route 9W. There is a curb cut there. In the back of the lot there are trees. Mr. Danny Malarky is his neighbor in the back. There is a barrier between his property that they have agreed upon. Mr. Grant also agreed. A question from Ms. Kelly, on the Site Plan, is there a plan for screening from the highway and drainage? Mr. Lawless is not sure how much to put out front because of Marchese Chevrolet on the highway. He is not opposed to doing that but it may take away revenue for his lot. He agreed it would enhance the lot and is aware that residents at the Public Hearing may address this. Ms. Kelly asked how it would affect the Comprehensive Master Plan.

The Master Plan dates back to 1985 and it is currently in the process of being revised. It is on the agenda for April. It could possibly include screening, drainage, and lighting. Mr. Lawless asked for guidance on what would be required.

The Chairman noted that what is needed to set the Public Hearing is a detailed Site Plan showing access, screening, lighting, and how the vehicles will be placed, and that it meets Code regulations. The revised Master Plan is available to the public and can be reviewed.

Roy Hannawalt (Subdivision R-1 Zone/S17 B1 Lot 32.14, Mine Road, Dry Creek)

An excerpt from a letter from Seth McKee, Land Conservation Director, of Scenic Hudson to the Town of Highlands Planning Board, dated April 16, 2009, was read by the Members of the Board. The second paragraph reads: “Scenic Hudson’s purchase of a portion of the rugged, steep RMH property is in furtherance of our mission to protect: 1) the scenic qualities of an area whose economy is dependent in part on those iconic and important values; and 2) the ecological values of the property and the adjoining public lands. We believe our acquisition will benefit the broader Highlands community – and we are pleased that we have been able to secure agreement with the landowner to ensure the protection of this property.”

Mr. Hannawalt is here to answer any questions and his goal is to get a Public Hearing set for the project. The Chairman noted that the letter and new map were received by the Board today and each member and the Attorney were reading it for the first time. Mr. Hannawalt explained that the only thing that is changed on the map is the fact that they included the topographical lines on the main piece of property. The Board is now aware that Scenic Hudson is acquiring a portion of the lot and that there is no development intended. What was asked of Mr. Hannawalt previously was to eliminate the possibility of development.

Mr. Rider discussed notes on the map. Scenic Hudson has requested that there be no notes directly on the map. It was also stated that Lot 1 is not a practical place for a subdivision. For Lot 2, if a decision was made to subdivide and build, they would have to abide by all Town Codes. Also noted were the contour lines for Lot 2 but they do not cover the entire lot. They are in a valley and not a practical matter to build anywhere on that side of the property. If they need to put those lines in it, they will. He understood they were to do a preliminary visual deep test and shallow test with the Building Inspector on that site. The Chairman indicated he needed to show how that land could site a house and an access with a driveway. He also said that if the lot was sold, access would be needed. It needs to be shown on the map and this was reiterated to Mr. Hannawalt. Also needed is a letter from the DEC with comments. The Orange and Rockland Right-of-Way from 1942 has been received and also needs to be shown on the map.

Things to be addressed by Mr. Hannawalt for the Public Hearing: A Site Plan for a house, with room for a septic, deep test and shallow tests to be witnessed by the Building Department for suitability, and have the required 280A for access added to the map.

The items this Board must consider include: A landscape plan that is suitable to the Board, proper notes on the map in conformance to the Zoning Code, erosion control, and subdivision regulations.

A motion was made to grant a 90 day extension for this project.

Motion: Ms. Kelly

Seconded: Mr. Hunter Approved

Roy Hannawalt (Subdivision R-1 Zone/ S13 B1 Lots 4 & 14.2, Weyant Road)

It was noted that the stream is far enough away – possibly 400 feet below the project. Mr. Pelusio concurred and the note was taken off. The detention pond was discussed with Mr. Rider discussing the resolution which was based on the dedication of the entire pond. Mr. Hannawalt spoke of the easement which gives legal right to the Town for access. The entirety of the detention pond and a small section of the road will all go to the Town. The initial design shows $\frac{3}{4}$ of the detention pond on Town property and a quarter of it on private property and dedication would occur. Mr. Rider will go over the resolution for all the legal details and supply the necessary dedication forms.

Discussion continued about performance bonds, maintenance bonds, capital costs, and construction costs with Mr. Pelusio and Mr. Rider. Mr. Pelusio had been in contact with the Engineer. Noted by the Chairman was the fact that when the final approval is issued, no Certificate of Occupancy shall be granted until the Applicant's Engineer has submitted certification for erosion control and the detention pond issues have been met in accordance with the plan. Mr. Hannawalt will not be able to sell until everything is up to spec. Further discussion included driveway maintenance, landscaping, and detention pond fencing.

The Department of Health plan approval has been received. There is going to be a fee in lieu of park land of \$4,000, which will be required prior to signing. The As Built and well location shall be required prior to the Certificate of Occupancy.

The right of way, turnaround, access to the Barillo house, and the drainage easement were discussed and shown on the map. Mr. Barillo will legally have to sign off for a portion of his property necessary for the dedication to the Town.

Mr. Rider will provide Mr. Hannawalt with the information on the process for the dedication. It does not seem necessary for Mr. Hannawalt to appear again before this Board.

PUBLIC COMMENT - None

At 9:45 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Holt

Seconded: Mr. Hunter

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

The next Regular Planning Board Meeting is May 21, 2009.