

APPROVED: 8/20/09

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JULY 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, July 16, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Cathy Kelly
John Hunter
Chris Dyroff

Absent:

Terry Holt

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

ALSO PRESENT:

John Hager, Perry Spacone, Nick Rockwell, and Marian Rockwell.

The meeting was called to order at 7:03 P. M. with the Pledge to the Flag. It was noted that a quorum was present.

A motion was made to approve the June 18, 2009 Minutes, as amended.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

COMMUNICATIONS - None

VOUCHERS

Rider, Weiner & Frankel, P.C. (Attorneys) - (May and June)

General Planning	\$332.50
Hannawalt	89.95
Storms	210.00
Bennett	210.00
Blanc	140.00
Hannawalt - (Dry Creek)	805.00
Lawless	192.50

J. R. Folchetti (Engineers) - (June)	
General	\$130.00
Hannawalt - (Weyant Road)	130.00
Mrs. DeWitt (Recording Secretary)	
Typing (June Minutes)	17.25

The Chairman will submit vouchers to the Comptroller.

NEW BUSINESS

Rockwell (Special Exception and/or Site Plan S11 B1 Lot 25, B Zone)

The Rockwells would like to make their motorcycle customer lounge into a café/coffee house. The Chairman stated that their submittal had been forwarded to the Board's Engineer and Attorney and all Board members. This project is in the B Zoning District. This project would require a Special Exception Use Permit. Site plan approval is required.

Mr. Pelusio presented his letter, dated July 15, 2009, to the Town of Highlands Planning Board in regards to this project. Discussion continued with concerns about the number of seats and tables, the parking spots, lighting, hours of operation, traffic flow, and A.D.A. Standards for Accessibility for the project.

The Rockwells will need to submit an updated Site Plan that conforms to the Town Code and incorporating what the two uses will be on this property. It was noted that there were no structural changes for this project. Dr. Kelly asked if it was a requirement to have a new map drawn up by a design professional or could they use the map that was designed by the Applicant. Mr. Rider stated that the Code's general provisions are such that it should be a licensed design professional. The Board does have some ability to waive certain requirements based on the nature and function of a project. Whether these changes are something that you feel necessitate a new professional plan, or whether you feel that this plan, as potentially modified, gives you enough information based on the fact that based on what we have seen, there are no structural changes. That may be sufficient and a waiver could be granted. Also, there may also be issues with the A.D.A. Act in regards to the door. The Applicant stated that the door is 48 inches with ample access.

The Chairman reiterated to the Applicant that the Board needs an amended application, a new Site Plan following the Code Requirements, addressing the Engineer's concerns, following A.D.A. requirements, and showing all details of the project for the two uses that are planned. An updated SEQR form was also requested by the Chairman.

Birillo (Erosion Control S13 B1 Lot 14.12, R-1 Zone)

Mr. Birillo was not present at this meeting. Mr. Hager began the discussion stating that a complaint was made that Mr. Birillo was in violation of the Code by taking eight (8) trees down on his property. Mr. Birillo was told of the regulations by Mr. Hager who gave him an application for this work. Mr. Birillo stated that he was trying to present raw land for sale

and by thinning out some of the trees a buyer would see a view or vista, and was unaware that he needed a permit.

Mr. Hager's asked for the Board's comments and thoughts pertaining to the permit that is in place on that lot. Would the Board want to consider amending an existing permit held by Mr. Hannawalt, or have Mr. Birillo complete the application and issue a violation to be in compliance. Discussion continued on various options. The Board took no action on the matter.

OLD BUSINESS

Mr. Blanc needs to apply for an extension for his project at the next meeting.

MRS – They have submitted maps for signature. They are being reviewed for compliance.

Hannawalt (Dry Creek) - He has submitted maps and has met the conditions. They are signed and in possession of the Comptroller.

Hannawalt (Weyant Road) – There has been no contact with the Board's Engineers. Mr. Hager has been to the project site. Mr. Hannawalt has abandoned the idea of relocation of the cul-de-sac and is going back to the original plan. Modifications of the driveway plans are being reviewed. There are apparent erosion control deficiencies on site noted by the Building Inspector and Town Engineer.

Storms - A letter has been sent by the secretary (Mrs. Condoulis) to the application to determine where the project stands.

Lawless - He has the contact information and will be at the next meeting.

Bennett - There has been no contact with the Department of Health or the Septic Engineer by Mr. Bennett.

PUBLIC COMMENT - None

At 8:25 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Dyroff Seconded: Mr. Hunter Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

The next Regular Planning Board Meeting is August 20, 2009.