

**APPROVED: 9/17/09**

**MINUTES OF THE  
TOWN OF HIGHLANDS PLANNING BOARD  
AUGUST 20, 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, August 20, 2009, at 7:00 P. M.

**THERE WERE PRESENT:**

**Board Members:**

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

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

**ALSO PRESENT:**

John Hager, Building Inspector, Laurie R. Tautel, Councilwoman, Perry Spacone, Nicholas Rockwell, Marian Rockwell, Walter K. Willis, William Sabel, and Jarrod Sabel.

**The meeting was called to order at 7:00 P. M. with the Pledge to the Flag. It was noted that a quorum was present.**

**A motion was made to approve the July 16, 2009 Minutes, as amended by Erik Smith.**

**Motion: Mr. Holt**

**Seconded: Mr. Dyroff**

**Approved**

**COMMUNICATIONS**

- A letter from MJS Engineering concerning storm drainage and retro fit to minimize West Nile.
- A letter from Central Hudson to make sure that they are notified of any projects in their Right-of-Ways.
- A letter from Mr. Sabel from Fort Montgomery requesting to be heard at this meeting.

**VOUCHERS**

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

General Planning	\$385.00
Hannawalt (Weyant Road)	70.00
MRS	105.00
Rockwell	542.00

J. R. Folchetti (Engineers) - (July)

General	\$ 65.00
MRS	130.00
Rockwell	195.00

Other

Office Supplies	\$205.73
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The Chairman will submit vouchers to the Comptroller.

**NEW BUSINESS**

**Walter K. Willis, 116 Canterbury Road, Town of Highlands, NY requesting an erosion control fill permit.**

The Chairman indicated that the Board has Mr. Pelusio's Engineering Comment Letter. He made a site visit this evening and took a photograph that he shared with the Board Members.

Mr. Willis described the foundation, original grading, footings, and the pitch he is requesting for his property. He would like to get the footings to the 15% grade and to Code.

Mr. Hager explained that the fill is up to about the limit which is about 100 yards, and requires an Erosion Control Permit. The Building Department had been made aware that he was bringing fill in. Mr. Hager looked at the site and a rough estimate is that he is right at that limit. Mr. Willis was advised that he cannot bring in anymore fill until he receives the permit. Mr. Willis explained that he not only wants to continue to fill in the area but he also wants to fill in by the garage. He must submit for a quantity for both projects. He needs to have topsoil put in. The garage location exceeds the 100 yard limit.

Dr. Kelly had a question about delineation on the map which was explained to be the existing 10 foot garage variance.

Mr. Paul Pelusio's letter of August 18, 2009 was reviewed in detail. The Chairman explained that Erosion Control Permits are issued depending on the complexity of a project and what the Board requires.



Planning Board does for the Erosion Control Permit, the Building Department would want to see that if Applicant Willis is not able to provide drainage, a swale would have to be required on his side as well.

The Chairman also noted that regarding the septic area, Mr. Willis will have to delineate and show that he will not cover the absorption field. Mr. Willis stated that he does not plan to bury the tank and this project will go around the tank.

### **OLD BUSINESS**

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

The Chairman stated that the Plan and Engineer's Comment Letter was received and reviewed by the Board Members.

Mr. Pelusio began a discussion about the calculations for the parking spaces. Mr. Rockwell explained that the parking spaces were done by the Architect conforming to the Zoning Laws. It was noted that there is no differentiation for parking of automobiles and motorcycles in the law.

The Chairman stated that there is one approved use for the area, which is the shop. A new Site Plan should show an adequate number of parking spaces for the shop (five spaces), and for the new request for the café (four spaces).

The following items were discussed and should be included on the Site Plan: A.D.A. Accessibility clarification, hours of operation, site lighting, vehicular entrance and egress along NYS Route 9W, location of outdoor tables, and signage.

Mr. Rider explained to the Applicant that these requirements for the Site Plan are necessary since this is not the only Board that will review them.

It was noted by Mr. Holt that parking spaces cannot be on top of a right-of-way.

Upon completion of the Site Plan, the Chairman noted that they will be sent to the Fire District, School District, and the Police Department for their comments on how the project would affect them.

Mr. Hager asked about the sign on the property with reference to Code regulations for signs. Mr. Rockwell indicated there was one sign which has letters on it that can be changed. There is no specific sign for the café. He stated they did not intend to put up a new sign.

#### **BLANC (Extension) - Letter submitted requesting extension.**

**A motion was made to grant an extension for six (6) months to February 28, 2010 for his project.**

**Motion: Dr. Kelly**

**Seconded: Mr. Hunter**

**Approved**

**PROJECT UPDATES:**

**MR. LAWLESS:**

Mr. Lawless has not paid his escrow or any outstanding fees. The Engineers and Attorney will not be doing any further reviews and his project will not be on the Agenda.

**MR. BENNETT:**

A letter has been received from Mr. Simms of the Health Department. They are proceeding with the review as requested by this Board. Mr. Bennett presented an application to them and they are looking at the separation distance and entertaining a waiver for the project.

**MRS. STORMS:**

Mrs. Storms is working on the project and trying to get everything clarified before appearing before this Board.

**FORT MONTGOMERY HAMLET CENTER:**

The Chairman spoke with the Supervisor concerning the Hamlet Center in Fort Montgomery stating that it is a planning issue, and that the Planning Board should be included in the discussions. The Supervisor promised to keep the Board in the loop.

**PUBLIC COMMENT -**

Ms. Laurie Tautel, Fort Montgomery Forest Hill Road Resident, and Councilwoman:

She requested that if a permit is issued to Mr. Willis, the Board remind him of the hours of noise levels. The Board will address this. Mr. Rider suggested a restriction on the permit issued. She also discussed the number of trucks with fill that were brought to the area, with Board Members stating that the number of trucks brought in did not necessarily indicate the amount of fill brought to the area.

The Fort Montgomery Hamlet Center was discussed, including questions about how Board approvals are obtained, zoning changes, the Master Plan, planning approval, water issues, and an approved grant.

Mr. Hager reported that a representative from Corbin Hill visited his office and stated that they are going to begin construction soon on a recently approved project. He will have them apply for an Erosion Control Permit.

**At 8:30 P. M., a motion was made to adjourn the meeting.**

**Motion: Mr. Hunter      Seconded: Mr. Holt      Approved**

Respectfully submitted,  
Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is September 17, 2009.**