

**APPROVED: 11/19/09**

**MINUTES OF THE  
TOWN OF HIGHLANDS PLANNING BOARD  
OCTOBER 15, 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, October 15, 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, Brian Krzeminski, Brian Andreichuk, Joseph Miller, Derek Dethlefsen, and Roy Hannawalt.

**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, with all members present, and the Attorney and Engineer are present.**

**A motion was made to approve the September 17, 2009 Minutes, as amended.**

**Motion: Mr. Holt**

**Seconded: Mr. Dyroff**

**Approved**

**COMMUNICATIONS**

- Rockland Municipal Planning Federation, for a free education classes - 2009 Certification Course. Mr. Holt will be attending and members were asked to contact him if they wish to attend.

**VOUCHERS**

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

General Planning	\$281.39
Hannawalt (Weyant Road)	52.50
Rockwell	175.00

J. R. Folchetti (Engineers) - (Through 9/19/09)

General	\$ 65.00
Willis	65.00

The Chairman will submit vouchers to the Comptroller.

**OLD BUSINESS**

**Hannawalt (Subdivision – R-1 Zone/S 13 B1 Lots 14.12 & 4)**

Mr. Hannawalt stated that the Board had given him two tasks to complete. One had been completed. As to the bonding issue, he explained that he has secured a loan, and will get a letter of credit. The only thing holding it up is paper work, and he feels that everything should be in place by tomorrow. Once that happens, he can take it to a local bank for processing. That is where he stands right now. An extension of the project approval will be needed.

A discussion continued concerning the amount of bond that will be required. The original estimated amount was \$150,000. Mr. Hager stated that the developer needs to get the Town Engineer to sign off on the dedication of the road, and that engineer must also approve the amount bonded. They must make a review of the proposed bond amount, recognizing that some of the work has been completed. He also noted that there is material on the site which would factor in on the amount of the bond.

The Chairman reiterated that an extension was granted and he was to have met certain conditions, and that part of the project is not bonded. Mr. Rider noted that the dedication papers must be completed, and that ultimately the Engineers must determine the amount of the remaining bond, and that an extension for a limited period ending at the next meeting would be appropriate at this time.

The Chairman stated to Mr. Hannawalt that the work must be completed in order to avoid the expiration of project approval. Additional extensions would be unlikely.

**A motion was made to grant an extension of the approval to Mr. Hannawalt for this project to the next Board Meeting on November 19, 2009.**

**Motion: Dr. Kelly**

**Seconded: Mr. Dyroff**

**Approved**

**Gregg Lawless (Site Plan Approval B1 Lot 23)**

Mr. Lawless was not present. Regarding his billing issues, he is up to date and it has been worked out with the Comptroller.

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

Mr. Hager received a call from Mr. Rockwell who has not been able to meet with his Architect for the revisions because he has had health issues. They hope to be present at the November meeting. The Chairman will draft a letter to him with Counsel's approval stating that he needs to be present at the meetings and proceed with the project in a timely fashion.

**NEW BUSINESS**

**Dethlefsen (Erosion Control Permit (Fill) – R-1 Zone S10 B3 Lot 7)**

The Applicant has applied for an erosion control permit to put some fill on his property. A map was available for the Board Members to review.

Mr. Dethlefsen stated that it is a low area on his property and he would like to bring it up since it is unusable and on a slope. He has an opportunity to acquire a large amount of fill.

The Chairman noted the estimated amount of fill is 12,000 cubic yards, and the project will need to have a more detailed plan.

Mr. Dethlefsen stated that it will probably be less than 12,000 cubic yards. He is only going to the top of the stone wall, bringing it over and grading it in where it meets on his property.

The Chairman also noted that the EAF and the permit application have some discrepancies. He noted that Mr. Hager will get him the appropriate information.

Mr. Hager's concerns are controlling erosion and containing the sediment. Mr. Dethlefsen stated that it is approximately 25 feet wide and he would put in a silt fence with hay bales across it.

Mr. Pelusio will review the application.

Mr. Hager stated that he wants the Applicant and the Planning Board to understand that there will be consulting fees for which the Applicant will be responsible.

The Chairman stated that the application will be reviewed by the Engineer and the Applicant will be responsible for those fees. The other option is that the Applicant can come back to the Board with a plan by an engineer with details for silt fencing. At least 40% of the lot area is involved and a better plan is needed.

Dr. Kelly questioned the easement on the plan. Mr. Dethlefsen will bring to the Board a more detailed plan with more information. Mr. Hager questioned whether the Applicant could get an estimate of the consulting fees. Mr. Pelusio will provide an estimate for those fees and will send it to the Applicant. Mr. Rider will also review legislation associated with a project of this scope concerning fees and will provide the necessary information to the Applicant.

**LaGuardia (Erosion Control Permit (Fill) – R-1 Zone S10 B3 Lot 8.1)**

The Chairman acknowledged Mr. Joseph Miller who was present to request a fill permit on an adjoining lot on Canterbury Road. Mr. Miller would like to drop it down to 600 yards. He wants to make it accessible so that he can get around to the back of his property and fill it in for the foundation for his house that burned down.

Mr. Miller is the Applicant along with his wife. The EAF has not been signed. There are two existing man-made ponds on the property. Trees were destroyed by fire and he does not want to wreck the area. He has a right-of-way to the area.

The Chairman stated that Board Member site visits will be necessary, a corrected erosion control permit application provided, a signed EAF, and a better delineated map for the amount and location of the fill must be provided for the Board to make a decision.

Mr. Miller stated that weekend site visit would be best. He stated that he will meet the Board's needs for the next meeting and hopes that everything will be in order for the project to proceed in a timely fashion.

Mr. Hager also mentioned consultant fees relating to this Applicant. Estimates by the consultants will be prepared for the anticipated fees to this Applicant.

**Krzeminski (Site Plan R-1-R Zone S15 B3 Lot 3)**

The Chairman acknowledged Mr. Brian Krzeminski speaking for the owner Brian Andreichuk. He was contracted to construct a garage and to build a deck and do some home repairs. Zoning requires Planning Board approval. They would like to continue with the process to proceed to the Zoning Board of Appeals.

The Chairman explained that site plan approval is required. This Board cannot approve a project that is non-conforming until you receive approval by the Zoning Board of Appeals. This Board will make a decision based on how the project will affect the surroundings and your neighbors.

Mr. Rider noted that he needed a copy of the EAF, and reminded the Applicant for a site plan, a Public Hearing is required, floor plans and elevations and a review by the Building Inspector of the plans. It was also noted that a Letter of Proxy should be written by the owner stating that Mr. Krzeminski is acting as his agent to represent him.

Discussion continued concerning the project in regards to the garage dimensions, steepness of foundation drop, slope, grades, trench drainage, building limit line, driveway, sewer line, easement clearance, side yard variances, and the application for a 3 1/2 foot variance from the ZBA, and whether a Public Hearing could be held at the November meeting. The Chairman noted to the Applicant the procedures, requirements, and costs involved in setting a Public Hearing in this timeframe.

Mr. Rider noted that this project will also need to go to the County for review. The plans were reviewed by the Chairman, Board Members, Mr. Rider, and Mr. Pelusio. It was noted that a new site plan is needed. A written comment letter will be provided by the Building Department.

**A motion was made to Declare Lead Agency for a Non-Coordinated Review of this Project.**

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

**A motion was made to set a Public Hearing for Site Plan Approval for this project for November 19, 2009, at 7:00 P. M.**

**Motion: Dr. Kelly                      Seconded: Mr. Hunter                      Approved**

The Chairman reiterated that the Site Plan must be completed and to this Board 15 days prior to the November 19 meeting.

Mr. Hager noted that a Building Permit has already been issued for the project for them to begin on some inside work at the site. He also noted that this Applicant came before this Board due to the recent interpretation of the R-1-R Zoning Code that site-plan approval is required prior to issuance of a building permit. He stated that it is his intention to go the Town Board to propose a rewording of the Code to clarify the language regarding R-1-R. He also stated that he feels it is a burden on the Applicants and the Planning Board to require complete site-plan submittals for minor projects such as decks and accessory buildings.

**PUBLIC COMMENT** - None

**At 8:23 P. M., a motion was made to adjourn the meeting.**

**Motion: Mr. Holt**

**Seconded: Mr. Dyroff**

**Approved**

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is November 19, 2009.**