

APPROVED: 6/17/10

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
May 20, 2010**

A regular meeting of the Town of Highlands Planning Board was held in the Court Room, Town Hall, Highland Falls, New York, on Thursday, May 20, 2010, 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)
Leslie J. Dotson (Garling Associates), Associate Planner

ALSO PRESENT: Darrell Massie.

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

A motion was made to adopt the February 18, 2010 Minutes, with one correction on Page 14, the spelling of “LaGrange.”

Motion: Dr. Kelly Seconded: Mr. Dyroff Approved

COMMUNICATIONS:

- Orange County Partnership concerning their Most Valuable Partner Breakfast

The Chairman noted that the majority of communications are received via E-Mail for training opportunities. If any Board Member would like to participate, let him know.

VOUCHERS: - March – May 2010

News of the Highlands (Lawless)	\$ 23.79
Business Cards for Chairman	106.60
Rider, Weiner, Frankel, P.C. (Attorneys)	\$ 316.39
Bennett	87.50
Lawless	192.50
Rockwell	35.00

April 2010

Rider, Weiner, Frankel, P.C. (Attorneys)	
General	\$ 53.89
Hannawalt	157.50
Hudson Highlands	175.00
J. R. Folchetti (Engineers)	
Hudson Highlands	\$ 390.00
Hannawalt	390.00

May 2010

Rider, Weiner, Frankel, P. C. (Attorneys)	
Hudson Highlands	\$ 122.90

The Chairman submitted the vouchers to the Comptroller.

OLD BUSINESS - None

NEW BUSINESS:

The Chairman recognized Mr. Darrell Massie, 27 Wayne Avenue, Fort Montgomery.

There was a complaint about tree cutting on this property. The Building Inspector visited the site and spoke with Mr. Massie and recommended that he come before the Town Planning Board.

Mr. Massie stated that it is a riverfront lot with the railroad tracks by the Hudson River and a 460 foot steep drop. They moved there in 2004, with a great view of the river. The trees have grown and the view is gone. The neighbors' land and part of his had been cleared by the contractor who built the house. He used a landscaper named Chris Meredith from Rockland County. Mr. Massie called him and asked him to clear some more trees. He agreed and stated he would check to see if he could obtain a burning permit. This was not allowed at this time of year. He agreed to cut the trees and stack them. The work was started.

Mr. Massie received a call while he was in Washington, D. C. from Mr. Meredith stating that work had to cease. They were in violation of the Erosion Code. He must have a permit if he cuts more than three (3) trees in 10 inches of diameter or greater, or one (1) tree in 30 inches. There are no trees of 30 inches. It appears there are six (6) trees that have been cut and he is in violation of the Code. He knew of the burning permit but did not know of the tree cutting permit. The trees are down.

The Chairman stated that Mr. Hager, the Building Inspector, provided pictures. Mr. Massie also had pictures for the Board. Mr. Massie showed the area of the trees and where they were cut. The Chairman asked Mr. Massie if he is proposing to cut more trees. If not, he feels it is a matter for the Code Enforcement Officer and not for this Board.

Mr. Rider stated that if Mr. Massie is not planning to cut any other trees, he too, would agree that this would be a matter for the Code Enforcement Officer in the Building

Department. If he wants to take more trees down, an application can be made, when you are removing 12 or fewer trees. It is a streamline process.

Mr. Massie did indicate there is one unsightly tree that is at least three quarters dead, and he may want to cut it down, or at least remove some dead branches.

Dr. Kelly noted that eagles like to perch in dead tall trees to look for dead fish floating down the river. Mr. Massie agreed and said that they also land on stumps where trees have been cut.

The Chairman again stated that the work is in violation of the Code. If he wants to cut more trees, and it requires Town Planning Board Approval, he would need to complete an application.

Both the Chairman and Mr. Massie will be in further contact with the Building Inspector.

CORBIN HILL TOWNHOUSES – (Site Plan Discussion)

The Chairman explained that in Phase 3 of the approved 15 units, 5 3-unit buildings, there is one building they are proposing to move 10 feet. The question is: Would that be an amended site plan?

Mr. Rider read to the Board the Code Language that requires an amendment: “An amendment is only required where the modifications or changes have a material and substantial impact on the balance of the site development plan and functioning of the development.”

Ms. Dotson noted that the Code Language was very good language because it allows you to look at each plan and make a determination based on what is going on in each. It is sensible because it is specific.

Dr. Kelly spoke of recent training she attended concerning lot lines with Google and Bing. With Bing you can rotate the overlay view that you see of the area with an aerial or a bird’s eye view.

The Board reviewed the plans for the units, with the Chairman showing the unit to be moved. He also stated that the movement is that important to the developer and must be completed and would perhaps require an amended site plan after review by the Board.

It was stated that it was regrettable that the Applicant was not present to show the change. Dr. Kelly felt that the request should be in writing explaining all the details as to why the movement is necessary. The Board and Ms. Dotson agreed this is a reasonable and proper procedure, not only for the Board but the Building Inspector. They felt a plan to show what it will ultimately look like should be requested also. A letter will be prepared requesting the change to be made and the reasoning to include a planned drawing showing the proposed plan section.

GENERAL DISCUSSION WITH BOARD CONSULTANTS

- The Chairman thanked the consultants and noted that each consultant will be called in when necessary for specific Board matters.

- Mr. Hunter asked about in-house training for Board Members. The Chairman will look further into this.
- On-Line Codes digitized for the Town and Village Codes was discussed. This would ease the process for an applicant to retrieve necessary information about all of the requirements.
- The three (3) referrals sent from the Town Board to the Planning Board for official response, which included: Two (2) Commercial to Residential re-zoning requests, and a proposed amendment to the R-5 Density Table were reviewed.

At 7:59 P. M. a motion was made to adjourn the meeting.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

The next Regular Planning Board Meeting is June 17, 2010.