

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
DECEMBER 15, 2011**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, December 15, 2011, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

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

M. Justin Rider, Attorney (Rider, Weiner & Frankel, P. C.)
Bruce Martin, P. E., (J.R. Folchetti & Associates, L.L.C.)
Leslie J. Dotson, Associate Planner (Garling Associates)

ALSO PRESENT: John Hager, Building Inspector, Maria Hannawalt, Roy Hannawalt, and Thomas Olley, P. E.

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

At 7:01 P. M., the Public Hearing for the Hannawalt Site Plan was opened.

Mr. Thomas Olley addressed the Board representing Mr. Hannawalt. He stated that the Fort Storage proposal is for a 15,150 square foot storage facility, a two-level storage facility located just to the southwest of Old State Highway and Route 9W Intersection, and north of the Holiday Inn Express. Access for the upper story would be from the front of the building and the lower story would have access from the rear. There would be municipal connections for both water and sewer. Drainage would be handled internally with the existing drainage system that is on the site.

A colored rendering of the proposed building was provided on which they added the fence to the front of the building and the landscaping. He noted an oak tree that they will preserve. One modification on the plan in response to the Orange County Planning Department's Comments is that they added additional landscaping in the planted strip between the driveway and the sidewalk. It will be inside the fence. They have chosen a combination of boxwoods and a species of arborvitae. It is a black arborvitae that stands up to the deer. They have shown the planting and the fencing with colors as close as they could get them. The field of the building will be sandstone, a tan color. The pillars will be a little bit darker. The band across the top will be an off white stucco finish. The color of the doors will be the same color as the field. Most of the units are interior units. The office will be stucco along the front. It is a very low profile building from Route 9W.

No comments were offered by the public.

A discussion of the Orange County Planning comments and recommendations was held, including the following topics:

- ZBA interpretation and ultimate permitted use approval
- Visual impact/screening
- Goals of the Comprehensive Plan
- Placement, variety, and height of plantings
- Fence location outside of the easements
- Installation of iron fence and stone columns
- Responsibility of cleanup of litter
- Board Members satisfaction that the plan is within the spirit of the Comprehensive Plan
- Landscape maintenance
- Movement of the building as suggested by Orange County Planning
- Reply to Orange County Planning

Further discussion by the Board included:

- Appreciation by the Board for the colored rendering provided
- Timeframe for planting
- Bond requirement for plantings and estimated cost
- Building Department responsibilities regarding plantings

State Environmental Quality Review

NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number N/A

Date: December 15, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Town of Highlands, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Site Plan for Fort Storage LLC Self Storage Facility.

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The action consists of an application for a site plan approval of a 15,150 square foot self storage facility to be located on a 1.28 acre site.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

1158 Route 9W, and designated on the Tax Map as Section 9, Block 2, Lot 11 in the Town of Highlands, Orange County, New York.

Reasons Supporting This Determination:

(See 617.7(a-c) for requirements of this determination; See 617.7(d) for Conditioned Negative Declaration)

The Planning Board has considered the action and reviewed the environmental assessment form and other supporting information. The action is an unlisted action.

None of the criteria set forth in Section 617.7 of Part 617 and any other supporting information identify relevant areas of environmental concern which would lead to a determination that the action may have a significant effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope or magnitude and the number of people affected. No relevant areas of environmental concern are identified.

With respect to the criteria that are considered indicators of significant effects on the environment, the lead agency has considered the following:

Impact on Land

The proposed project will result in the development of a self storage facility on one building lot. The site is located adjacent to existing commercial and residential development. The project site does not have any unique or sensitive features which could result in potentially large impacts on the physical environment. Based on the fact that the plan is in compliance with the zoning law requirements for the proposed use in the B - Business Zoning District, the Planning Board accordingly finds that there are no significant unmitigated impacts on land associated with this action.

Impact on Water

Through erosion control measures implemented at the time of any construction, it is not likely that the proposed development will have any significant effect on water quality. Potential harmful impacts associated with surface, groundwater and stormwater management will be mitigated through the implementation of the project design.

Impact on Air

The action is not anticipated to have a significant impact on air quality. Prudent measures will be taken during any construction to avoid suspended particulate (i.e. dust) impacts.

Impact on Plants and Animals

No significant impact on threatened or endangered species, non-threatened or non-endangered species or habitat, either riparian or on land, is anticipated as a result of the project.

Impact on Agricultural Land Resources

Agricultural activities do not take place in or around the subject site. The project area is currently zoned for business development and accordingly no significant harmful impacts are anticipated on agricultural land resources as a result of the project.

Impact on Aesthetic Resources; Visual Impacts

The Planning Board considered potential project impacts on visual and aesthetic resources. The site is visible from a major local roadway and any potential harmful impacts associated with visual and aesthetic resources will be mitigated through the implementation of the project design. Because the site area is being developed consistently with the Comprehensive Plan of the Town and the B zoning district, and further that many surrounding site properties are developed in a manner consistent with the B zoning district, the proposed action is visually consistent with the site area. No significant harmful impacts are anticipated on aesthetic or visual resources as a result of the project.

Impact on Historic and Archeological Resources

No significant harmful impacts are anticipated in regard to historic or archeological resources as a result of the project.

Impact on Open Space and Recreation

Although the project site is currently undeveloped and therefore could be considered to be open space, the land is privately owned and located within the B zoning district. No recreational facilities or significant open space area available to the public is being lost and accordingly the Planning Board finds no significant harmful impacts are anticipated in regard to open spaces and recreation as a result of the project.

Impact on Critical Environmental Areas

The proposed project is not within a Critical Environmental Area.

Impacts on Traffic and Transportation

The action involves the use of existing roads and it is not anticipated that the proposed action will have any significant, unmitigated impacts on the subject area.

Impact on Energy

No significant impact would be expected in the area of energy resources as a result of the project.

Impact on Noise and Odor

The Planning Board finds that the proposed action would not create any significant noise or odor impacts.

Impact on Public Health

The Planning Board has considered site access, such that emergency vehicles can maneuver around the site adequately. No significant harmful impacts would be expected in the area of public health and safety as a result of the project.

Impact on Growth and Character of Community or Neighborhood

It is not anticipated that the development of a self storage facility will lead to any significant growth or subsequent development.

Any other long term, short term, cumulative, or other impacts not identified above

No additional long term, short term or cumulative or other impacts are anticipated.

In reliance upon the EAF and after a hard look at the potential impacts it indicates may be reasonably expected in comparison to the criteria set forth in the SEQR regulations, the Planning Board determines there is no indication that the action may have a significant impact on the environment.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

N/A.

For Further Information: Town of Highlands

Contact Person: Erik Smith, Planning Board Chairperson

Address: 254 Main Street,
Highland Falls, New York 10928

Telephone Number: (845) 446-4280

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice Must Be Sent to:

Chief Executive Officer, Town of Highlands
The Lead Agency

Other involved agencies (if any):

Any person who has requested a copy:

Applicant (if any):

A Copy of the Notice Only Must Be Sent to:

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, New York 12233-1750

For Unlisted Actions, a Copy of the Negative Declaration Must Only Be Sent to *The Lead Agency*

RESOLUTION

OF

DECEMBER 15, 2011

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION – FORT STORAGE, LLC
AND HANNAWALT ENTERPRISES, INC. APPLICATION
FOR A SITE PLAN APPROVAL OF A SELF STORAGE FACILITY

Planning Board Member Kelly presented the following resolution which was seconded by Planning Board Member Hunter.

WHEREAS, an Environmental Assessment Form (the “EAF”) was prepared September 29, 2011, for the application for a site plan approval of a 15,150 square foot self storage facility on a 1.28 acre site located at 1158 Route 9W in the Town of Highlands and designated on the Tax Map as Section 9, Block 2, Lot 11 (the “Action”); and

WHEREAS, the Planning Board has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law the Planning Board determined to conduct an uncoordinated review; and

WHEREAS, the Planning Board has heretofore designated itself lead agency; and

WHEREAS, the Planning Board has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects.

NOW THEREFORE, BE IT RESOLVED:

1. The Planning Board does determine that the site plan approval of a 15,150 square foot self storage facility on a 1.28 acre site located at 1158 Route 9W, is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and the Planning Board did conduct an uncoordinated review of the project.
2. The Planning Board as lead agency for the purpose of conducting a review of this Action determines that said Action will not have a significant adverse environmental impact and, therefore, does issue a negative declaration.
3. The Planning Board hereby authorizes the Chairperson to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Terry Holt, Member</u>	voting ___Y___
<u>John Hunter, Member</u>	voting ___Y___
<u>Cathy Kelly, Member</u>	voting ___Y___
<u>Christopher Dyroff, Member</u>	voting ___Y___
<u>Erik Smith, Chairperson</u>	voting ___Y___

The resolution was thereupon declared duly adopted.

A motion was made to approve the Final Site Plan for Fort Storage LLC and Hannawalt Enterprises, Inc. with the changes as stated, and the Board will accept and adopt those changes as submitted.

Motion: Mr. Hunter	Seconded: Mr. Dyroff	Approved
	With a Roll Call Vote	
Mr. Hunter	-	Aye
Dr. Kelly	-	Aye
Mr. Smith	-	Aye
Mr. Holt	-	Aye
Mr. Dyroff	-	Aye

RESOLUTION OF APPROVAL

SITE PLAN

FINAL

FOR

FORT STORAGE, LLC AND

HANNAWALT ENTERPRISES, INC.

Nature of Application

Fort Storage, LLC and Hannawalt Enterprises, Inc., have applied for a site plan approval of a self storage facility.

Property Involved

The property affected by this resolution is shown on the Tax Map of the Town of Highlands as parcel(s) Section 9, Block 2, Lot 11 and is located at 1158 Route 9W.

Zoning District

The property affected by this resolution is located in the B zoning district of the Town of Highlands.

Plans

The Site Plan materials being considered consist of the following:

1. Completed application form and Environmental Assessment Form.
2. Plans prepared for Fort Storage, LLC and Hannawalt Enterprises, Inc., as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Thomas B. Olley, P.E., P.L.L.C.	Existing Conditions	November 22, 2011
Thomas B. Olley, P.E., P.L.L.C.	Layout & Dimension Plan	November 22, 2011
Thomas B. Olley, P.E., P.L.L.C.	Grading & Utilities Plan	November 22, 2011
Thomas B. Olley, P.E., P.L.L.C.	Erosion & Sediment	November 22, 2011

	Control Plan	
Thomas B. Olley, P.E., P.L.L.C.	Lighting & Landscaping Plan	November 22, 2011
Thomas B. Olley, P.E., P.L.L.C.	Site Details	October 26, 2011
Thomas B. Olley, P.E., P.L.L.C.	Erosion Control Details	October 26, 2011
Thomas B. Olley, P.E., P.L.L.C.	Elevations & Fence Details	November 22, 2011

History

Date of Application

The application was filed with the Planning Board on September 30, 2011.

Public Hearing

A public hearing on final approval for a Site Plan was convened on December 15, 2011 and closed on the same date.

SEQRA

Type of Action:

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

Lead Agency:

The Town of Highlands Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on October 20, 2011.

Declaration of Significance:

A negative declaration was issued on December 15, 2011.

GML 239 Referral

The site is within 500 feet of a State Highway and accordingly this application was referred to the Orange County Planning Department for review in November 2011. The Planning Department commented and recommended approval subject to the following: (1) provision of documentation that self-storage units are permitted in the Business Zone; and (2) ... that the self-storage facility be moved back from the street-line and that additional trees and shrubs be planted in the front yard and side yards to help break up the hard edges of the building façade and the visual monotony of storage unit doors from US Route 9W and neighboring Palisades Parkland. The Planning Board has proof in the form of a determination by the Zoning Board of Appeals that the use is permitted within the Business Zoning District of the Town and by super-majority has overridden the second concern of the Department of Planning as a result of the fact that the Planning Board has a more comprehensive understanding of the property topography; has required improved landscaping; has provided for building materials and colors that are muted and visually pleasing; has

obtained a building design with largely interior doors for units; and an overall design and building location that is in compliance with the Town's Comprehensive Plan.

Findings

The Planning Board has determined that approval of this site plan will substantially serve the public convenience, safety and welfare in general as well as that of the proposed occupants in that the land to be developed is of such character that it can be used safely without danger to health or peril from fire, flood or other menace. Further, the traffic access and ways are adequate in number, width, grade, alignment and visibility, adequate parking is provided and the inner traffic circulation system is adequate to provide safe accessibility, the relation of the project to the topography of the land, drainage, and arrangement, and the possible future development of adjacent properties are all appropriate and consistent with the requirements of the Comprehensive Plan, and the applicable zoning regulations of the Town of Highlands, subject to compliance in full with conditions hereinafter imposed pursuant to Town of Highlands Code Section 210-21(B).

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final site plan application of Fort Storage, LLC and Hannawalt Enterprises, Inc., as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. The applicant shall comply with the requirements of Chapter 210 of the Code of the Town of Highlands, Zoning, at all times.
2. The applicant shall comply with the requirements of Chapter 101 of the Code of the Town of Highlands, Erosion Control, at all times.
3. This approval is subject to the issuance of a highway work permit or a letter of approval by the New York State Department of Transportation for the proposed highway entrance (curb cut) or a letter from that agency reporting that no such permit is required.
4. As a condition of this approval, the applicant shall be required to authorize town officers, employees or agents to enter onto the site to perform appropriate inspections required by the Code.
5. Note 3 of Sheet 5 entitled "Lighting & Landscape Plan" shall be amended in accordance with comments of the Planning Board, satisfactory in form

and manner to the Town Planning Board and Planner, including specifically that the note shall indicate further that the landscaping is a critical component of the Site Plan.

- 6. The applicant shall pay outstanding Town of Highlands consulting fees incurred in connection with the review of the application as a condition precedent to the Chairperson or his designee signing the plans.

General Conditions

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Highlands Building Department within one hundred eighty days of the date of this approval.

A full set of the plans to be signed shall simultaneously be submitted to J. Robert Folchetti & Associates. The plans shall not be signed until J. Robert Folchetti & Associates has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed have, in fact, been satisfied.

This approval is further conditioned upon the applicant delivering (prior to signing of the plans) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all such fees have been paid.

A FAILURE to comply with the general conditions immediately above in a timely manner may result in a lapsing of this approval.

Planning Board Member Hunter presented the following resolution which was seconded by Planning Board Member Dyroff.

In Favor	<u> 5 </u>	Against	<u> 0 </u>	Abstain	<u> 0 </u>	Absent	<u> 0 </u>
<u>Terry Holt, Member</u>		voting		<u> Y </u>			
<u>John Hunter, Member</u>		voting		<u> Y </u>			
<u>Cathy Kelly, Member</u>		voting		<u> Y </u>			
<u>Christopher Dyroff, Member</u>		voting		<u> Y </u>			
<u>Erik Smith, Chairperson</u>		voting		<u> Y </u>			

Dated: December 15, 2011

Erik Smith, Chairperson
TOWN OF HIGHLANDS PLANNING BOARD

STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, _____, Secretary to the Planning Board of the Town of Highlands, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Planning Board at a meeting of said Board held on December 15, 2011.

_____, SECRETARY
TOWN OF HIGHLANDS PLANNING BOARD

I, JUNE PATTERSON, Clerk of the Town of Highlands, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on _____.

JUNE PATTERSON, Clerk
TOWN OF HIGHLANDS

Mr. Hager asked if it would be necessary for Mr. Hannawalt to have an extension on his Erosion Control Permit for this site.

A motion was made that under the conditions of the Site Plan approved at this meeting, a new Erosion Control Permit be approved for this project for the duration to be equal to that of the Building Permit.

Motion: Dr. Kelly Seconded: Mr. Dyroff Approved

Corbin Hill Erosion Control Permit Renewal Section 11, Block, 1, Lot 36.1.

The Board has a Site Plan and an Erosion Control Permit extension request for this project.

A motion was made to extend the Corbin Hill Erosion Control Permit for Section 11, Block 1, Lot 36.1 for the duration to be equal to that of the Building Permits.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

PUBLIC COMMENT

Mr. Hager gave an example of the need for a business such as the storage facility just approved. He told the Board that he had a visit from a new resident to the village that was looking to put up temporary storage in her yard because there is no ability to rent storage in town. She was planning to advertise in the newspaper to rent space in a garage because she did not want to travel over the mountain to the currently closest storage rentals. He mentioned that advertising for rental of a private garage was all the advice he could offer.

CHAIRPERSON'S REPORT

- Concerning Homeland Towers' escrow, they have some outstanding fees. This Board has a budget to pay Consultants. The Consultants have not been paid for a large amount of the work they have done with Homeland Towers. He has had some discussions about having the Town use some of the Planning Board funds to share in some of the payment and 50% of the outstanding bills to the Engineer and the Planner could be paid from our Budget. That would require the Town Board's approval. He will be on the Town Board agenda next month. He will also have a discussion with the new Supervisor about this.
- The Town Board Liaison has promised to be an advocate for this Board's third Thursday meeting schedule.
- All Board Members should have gotten paid. Next year your responsibilities will be linked to your pay, i.e. if you have not had your required training, you don't get paid.
- Mr. Hunter's term is up at the end of this year. Mr. Hunter has expressed interest in remaining on the Board. He will prepare a letter and submit it to the Chairman.
- Happy Holidays to all. Thank you for your help throughout the year.

At 8:27 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Holt Seconded: Dr. Kelly Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, January 19, 2012**