

**APPROVED: 10/16/14**

**MINUTES OF THE  
TOWN OF HIGHLANDS PLANNING BOARD  
SEPTEMBER 18, 2014**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, September 18, 2014, at 7:00 P. M.

**THERE WERE PRESENT:**

**Board Members:**

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

**Absent:**

Chris Dyroff

M. Justin Rider, Attorney, (Rider, Weiner & Frankel, P. C.)  
Leslie J. Dotson, Town Planner (Garling Associates)

**ALSO PRESENT:** Jim Ramus, Chairman of the Village Planning Board (arrived at 7:32 P. M.), Daniel Yanosh, Kevin Maher, Roy Hannawalt, Nichole Bernicker, Mark Lavinski, and Tom Olley.

**The Regular Meeting was called to order at 7:00 P. M. by the Chairman with the Pledge to the Flag. It was noted that four members are present, and there is a quorum.**

**A motion was made to approve the August 21, 2014 Minutes, as amended.**

**Motion: Mr. Holt**

**Seconded: Dr. Kelly**

**Approved**

**COMMUNICATIONS**

- Orange County Municipal Planning Federation re By-laws.
- Invitation to the Orange County Municipal Planning Dinner.
- A letter from Cuddy and Feder, LLP, Attorneys for Homeland Towers (A decision made by Town Board on potential leasing and based on that Homeland Towers will go back and pursue the Holiday Inn Site. They will also proceed with a Draft Environmental Impact Statement).
- A letter from Attorney Ned Kopald to the Chairman and Board re Application of 320 West 245 St., LLC, 1376 Route 9W/car wash property.

**VOUCHERS – September 2014**

**Rider Weiner, & Frankel, P.C.**

General Planning	\$166.50
Hudson Highlands Rest.	92.50

Fort Storage 259.00

**Garling Associates**

General Planning \$ 63.00  
Hudson Highlands Rest. 168.00  
Fort Storage 94.50

**Recording Secretary**

Fran DeWitt \$ 84.80

The Chairman will submit these vouchers to the Comptroller.

**OLD BUSINESS**

**Fort Fitness Site Plan and SE for construction of a 6,000 square foot fitness center located at 2339 U. S. Route 9W, Fort Montgomery, NY (Section 12, Block 1, Lot 1.2, Business Zone).**

Applicant was not present. Final approval has been granted. As a condition of that approval, the Applicant was to satisfy the comments of the Engineer. The Board has since changed Engineers. The new firm McGoey, Hauser and Edsall, Consulting Engineers, D.P.C., generated a **Comment Letter from Associate Patrick J. Hines**. His comments were discussed.

Additionally, bumpers, including maintenance of the bumpers, were approved and will be added to the Site Plan. The Chairman will convey this information to the Applicant.

**Hudson Highlands Rest., LTD, Amended Site Plan (Section 11, Block 1, Lots 1.1 & 1.2).**

Mr. Holt reported that Mr. Tonneson would not be present.

**Fort Storage Amended Site Plan (Section 9, Block 2, Lot 11).**

Mr. Hannawalt and Mr. Tom Olley were present. **Comment Letters** from Patrick J. Hines, Associate of McGoey, Hauser and Edsall, and Leslie Dotson were discussed.

- Building Elevation/catch basin.
- Building structures.
- Purpose of roof between buildings.
- Need for a storm water management plan.
- Increase in unapproved uses of the lot.
- Approved internal storage only with the rear portion remaining undisturbed.
- External storage/parking of vehicles.
- The Applicant should make clear on the new proposal what uses will exist for the entire lot.
- U-Haul operation on the lot.
- Delineated parking spaces/storage of vehicles.
- Storage of snow.

- Space access, i.e. emergency vehicles.
- Fencing and screening from residential areas.
- Lighting
- Use of existing gate.
- DOT's drainage system – necessity of an easement.
- No curbing.
- Grass area.
- Referral to Orange County Planning.

**A motion was made to set a Public Hearing for this project for October 16, 2014.**

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

### **NEW BUSINESS**

#### **1368 Route 9W Subdivision (Section 7, Block 1, Lot 1.1)**

The Chairman noted that the Applicant previously appeared informally before the Board and has now made a formal application. This application was sent to the consultants.

Mr. Kevin Maher, Partner, Daniel Yanosh, Surveyor were introduced.

#### **Topics Discussed:**

- There is an existing building
- No access to Route 9W
- Access will be through a Right-of-Way  
(Which will necessitate a permit from the Town Board under Section 280-A of the Town Law and create an Open Development Area to allow access). This must be requested by the Board or the Applicant.

#### **The existing easement replaced an original easement to allow access.**

- Not paved and steep.
- Applicant will not use this road.
- The Applicant will request an easement for access on the north side of the property.
- Serves a private residence to get to the property. (Bernicker).
- The Board will need to review the existing easement documents.
- The changes to this road must be shown on the plans.

#### **The Board Members and Applicant reviewed the proposal.**

- The Board will need to know the plan as to how to access the proposed subdivided lot.
- A letter dated September 18, 2014, from Ned Kopald, was received by the Board, and read by Mr. Rider at the meeting. A copy of this letter will be made available to the Applicant.

**Ms. Dotson's Comment Letter was discussed.**

- Sewer and water supply.
- Necessary easements.
- Possibility of a new well.
- Removal of encroachments (containers, dumpster pad, fencing) by Applicant.
- Zoning boundary to be shown on the plan.
- There is no access from the south. It will be part of the plan to give access to the rear building through Route 9W from the north driveway.
- The 20-foot easement is eliminated. It will not appear on the new survey.
- A copy of the CO to be supplied to the Board.
- There will be no storage containers.
- No signage will be posted on Route 9W. Perhaps on the building

**The Applicant will:**

- Revise drawing, showing septic system.
- Copy of CO for the back building.
- Re-do easement showing road.
- Remove posts.

**PUBLIC COMMENT:**

**Nichole Bernicker, 1376 Route 9W, Fort Montgomery, NY.**

Looking at plans and a map, Mrs. Bernicker explained to the Board what area is her property. She is concerned about the value of her home. She states there are three (3) businesses that they are operating in the area.

She explained that she did a short sale to Hugh Harris. This is their property going up and he was not supposed to use this area by the boulders. He moved the boulders and never put them back and she has been paying for all the plowing since he purchased it.

The Chairman, Attorney, and Consultant explained that all the facts will be researched with due diligence and will include a Public Hearing.

**BOARD DISCUSSION:**

- Orange County Municipal Planning Federation Constitution and By-Laws to be voted on at dinner, voter ballot will be completed and sent by Chairman.
- Homeland Towers correspondence.
- Planning Board Consolidation.
- Approved Town Planning Board Minutes to be posted on Web Site.
- The Chairman will continue to streamline communications with the new Engineering firm, McGoey, Hauser and Edsall.

**Consultant Leslie Dotson will be away from October 1 – 22, 2014.**

**At 9:19 P. M., a motion was made to adjourn the meeting.**

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

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is  
Thursday, October 16, 2014**