

APPROVED: 2/18/16

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JANUARY 21, 2016**

A Regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, January 21, 2016, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Cathy Kelly, Deputy Chairman
Chris Dyroff
John Hunter
One (1) Vacancy

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

ALSO PRESENT: Dilip Patel, Rakhil Patel, James Ripa, and John Loch.

At 7:00 P. M., the meeting was opened with the Pledge to the Flag. It was noted that all Members are present and there is a quorum, with one (1) vacancy.

COMMUNICATIONS: None

OLD BUSINESS

Armstrong 2 Lot Subdivision, 14-16 Montgomery Road, Fort Montgomery, NY (Section 15, Block 3, Lot 50).

The Chairman noted that there was a Public Hearing on the project last month and the Board was ready to take action, however, the County did not respond from the County on the GML Referral

The GML Referral has been with a local determination. A comment was made about a shared driveway maintenance agreement which has been done.

A motion was made to approve the resolution for the Armstrong Subdivision with a Negative Declaration under SEQRA.

RESOLUTION

OF

JANUARY 21, 2016

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION
THOMAS E. ARMSTRONG
APPLICATION FOR A TWO LOT SUBDIVISION

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

WHEREAS, an Environmental Assessment Form (the “EAF”) was prepared in October 2015, for the application for a two lot subdivision, on property located at 14 Montgomery Street, in the Town of Highlands and is designated on the Tax Map as Section 15, Block 3 Lot 50 (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: The Planning Board does determine that the Thomas E. Armstrong Two Lot Subdivision application, 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 does further determine that it did declare itself the lead agency for the purpose of conducting a review of this Action and 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 Chairman to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.

4. The Town Clerk shall maintain the EAF, Negative Declaration and all other SEQR documents and notices pertaining to the Action on file and available to the public during regular business hours.

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

John Hunter, Member voting - Aye

Cathy Kelly, Member voting - Aye

Christopher Dyroff, Member voting - Aye

Erik Smith, Chairperson voting - Aye

One Vacancy

A motion was made to approve the following resolution.

RESOLUTION

OF

JANUARY 21, 2016

RESOLUTION OF APPROVAL FOR

OPEN DEVELOPMENT AREA

UNDER TOWN LAW 280-A

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

WHEREAS, Thomas E. Armstrong, applicant, made a request for an Open Development Area under New York State Town Law 280-A, wherein permits may be issued for the erection of structures to which access may be given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by special rule of the Planning Board; and

WHEREAS, the applicant has filed for a final subdivision approval of a 26,981 square foot parcel into two (2) residential lots at 14 Montgomery Road, in the Town of Highlands and is designated on the Tax Map as Section 15, Block 3 Lot 50 and wherein two homes already exist on the property; and

WHEREAS, the existing homes access their property over an existing private drive largely on the neighboring property of 10 Montgomery Road, in the Town of Highlands and is designated on the Tax Map as Section 15, Block 3 Lot 51; and

WHEREAS, the existing drive will be subject to a common driveway and utility easement, and provides sufficient frontage to allow for ingress and egress of vehicles and emergency vehicles as required by Town Law 280-A and other applicable laws.

NOW THEREFORE, BE IT RESOLVED:

1. The Planning Board does establish an open development area over the parcels located in the Town of Highlands and designated as Section 15, Block 3, Lots 50 & 51; and be it further resolved

2. That any further changes to the open development area, including but not limited to additions, demolition, structural or site changes, further subdivision, and/or change in use must comply with all applicable Town of Highlands processes, codes and approvals.

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

John Hunter, Member voting - Aye

Cathy Kelly, Member voting - Aye

Christopher Dyroff, Member voting - Aye

Erik Smith, Chairperson voting - Aye

One Vacancy

A motion was made to approve the Final Resolution for this project.

RESOLUTION OF APPROVAL

TWO LOT SUBDIVISION

FINAL

FOR

THOMAS E. ARMSTRONG

Nature of Application

Thomas E. Armstrong has applied for a Subdivision approval allowing them to divide a 26,981 square foot parcel into two (2) residential lots with related improvements.

Property Involved

The property affected by this resolution is shown on the Tax Map of the Town of Highlands as parcels 15-3-50 which property is located at 14-16 Montgomery Road.

Zoning District

The property affected by this resolution is located in the R-3 zoning district of the Town of Highlands.

Plans

The subdivision materials being considered consist of the following:

1. Completed application form and Environmental Assessment Form.
2. Plans prepared as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Badey & Watson Surveying & Engineering	Subdivision Plat	October 27, 2015

History

Date of Application

The application was filed with the Planning Board in October 2015.

Public Hearing

A public hearing on final subdivision approval was convened on December 17, 2015 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.

Declaration of Significance:

A negative declaration was issued on December 17, 2015.

GML 239 Referral

The application was referred to the Orange County Planning Department for review in November 2015. The Planning Department commented on December 11, 2015, with a County recommendation of local determination.

Findings

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the arrangement, location and width of the private roadways, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, are all

appropriate and consistent with the requirements of the Town of Highlands Subdivision Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final subdivision application of Thomas E. Armstrong as said proposal is depicted on the plans identified above and upon the modifications outlined below, and the Chairperson (or his designee) is authorized to sign the plat upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Modifications

1. The applicant shall comply with the requirements of Chapter 173 of the Code of the Town of Highlands, Subdivision Regulations, at all times.
2. 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 surveillance required by the Code.
3. The applicant shall pay outstanding Town of Highlands consulting engineering fees incurred in connection with the review of this application prior to the Chairperson or his designee signing the plans.
4. The applicant shall file a common driveway and utility easement, satisfactory to the Planning Board, in conjunction with the filing of the Subdivision Plat.

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 consecutive calendar days of the date of this approval.

A full set of the plans to be signed shall simultaneously be submitted to the designated Planning Board Engineer. The plans shall not be signed until the consulting engineer 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 shall result, without further action, in a lapsing of this approval.

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

In Favor 4 Against 0 Abstain 0 Absent 0

John Hunter, Member voting - Aye
Cathy Kelly, Member voting - Aye
Christopher Dyroff, Member voting - Aye
Erik Smith, Chairperson voting - Aye
One Vacancy
Dated: January 21, 2016

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 January 21, 2016.

_____, 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

NEW BUSINESS**West Point Realty Site Plan and Special Exception, 1106 Route 9W, Section 12, Block 1, Lots, 10.11.1.11.1.12**

The Chairman noted that the applicant has been to the ZBA and granted a variance. Mr. John Loch, an Engineer and Land Surveyor with AFR Engineering and Land Surveying, explained what they want to do on the lot and address concerns. He presented an aerial photo and a plan of the site showing the area of the existing hotel and future hotel. Items discussed, included:

- Looking to put in a new hotel
- Storm drainage
- Plan for 90 Rooms
- Four Story Building
- Parking in front
- Parking on the other side of the boulevard
- Cross walks
- Signage to protect pedestrian and vehicular traffic
- Franchising will require a subdivision
- Necessity for a 280A3
- Height Variance needed
- Referral to the County
- Draining facilities
- Storage facilities
- Visual impacts
- Man Hole on the property – Sewer Easement

Planner Ms. Dotson's Comment Letter was discussed.

- Snow Removal
- Pedestrian and vehicular traffic safety
- Easements necessary, existing and proposed
- Modified Site Plan
- Drainage
- Need to check the original subdivision Site Plan
- Include abutting properties on any new maps
- Possible need for a Traffic Study

Dr. Kelly asked about a current application for a cell tower on the north side of the existing hotel. The Board would like to see a full plan to include that. The application has not been withdrawn.

Mr. Loch indicated he has a copy of the plans that were last submitted for the cell tower. He will include this area on the applicant's site plan.

With regard to the subdivision, the reason is financial. When preparing to borrow the money for the other hotel it has to be secured with a piece of real estate that is unencumbered by another facility.

Board Members indicated that it has a better picture of the project than the last time the applicant was in front of the Board.

A discussion about using an area near the driveway to the Holiday Inn Express to include a curb cut to relieve pedestrian traffic was held. Mr. Loch noted it would affect the parking and building design.

A discussion was held concerning sending information to the fire department, engineer and planner by the Chairman and applicant.

PUBLIC COMMENT:

Mr. James Ripa, 34 Bridge Terrace, stated that there is a sewer pumping station behind his house. They have had problems with it over the last six months where they had to put new pumps in. He wants to know if anyone has addressed that making sure that the pumping station will be able to handle another 90 room hotel. He thinks it is something that the Board should look at and talk to somebody about. Because when it is flowing good, the sewer is right up to the top.

Mr. Loch replied that they have concerns about the sewer on the site.

Mr. Ripa noted that the pumping station for the trailer park, the hotel, and all the houses and it comes down on Overlook and down by the river behind his house. There is only one pumping station.

Mr. Loch explained that they will be in contact with the people regarding the facilities on the site. We will make inquiries as to the capacities of the pump station are.

Mr. Ripa further stated he certainly doesn't want to see sewer coming up from the ground, citing other problems in the area.

The Chairman explained the Board has Consultants that will formally look into these issues.

BOARD MATTERS:

CONSOLIDATION

A discussion was held with Mr. Rider concerning the status of Consolidation.

- Update of Codes
- Submission of a redraft of a consolidation inter-municipal agreement
- Number of Members
- Terms of various Members of each Board
- Draft Agreement to Village and Village Council

- Both Boards need to pass local laws
- Public Hearings

Board Member John Hunter reported to the Board that this would be his last meeting. He will be working in Washington, D. C., in the Department of Labor. He has enjoyed his work with this Board, it has been near and dear to his heart. A Letter of Resignation was tendered to the Chairman. He thanked each Board Member for allowing him to serve.

Board Member Cathy Kelly reported that she would be having a medical procedure done in the near future on a Thursday.

RE-ORGANIZATION OF THE BOARD

A motion was made to appoint Chris Dyroff as Deputy Chairman for this Board.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

A motion was made to appoint Justin Rider of Rider, Weiner & Frankel, P. C. as the Attorney for this Board.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

A motion was made to appoint McGoey, Hauser and Edsall Consulting Engineers, D.P.C. as Engineers for this Board.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

A motion was made to appoint Leslie Dotson of Garling Associates as Planner for this Board.

Motion: Dr. Kelly Seconded: Mr. Dyroff Approved

A motion was made to use the News of the Highlands and Times Herald Record (if necessary) as official newspapers for this Board

Motion: Mr. Hunter Seconded: Dr. Kelly Approved

A motion was made for the Meeting Time and Date for meetings on the third Thursday of each month, at 7:00 P. M., in the Town Hall Courtroom

Motion: Mr. Hunter Seconded: Dr. Kelly Approved

PUBLIC COMMENT: None at this time.

BOARD COMMENT:

Board Members thanked Mr. Hunter for his service to this Board. Mr. Hunter mentioned that he is to start work on Monday, January 25, 2016. He stated that it has been

announced that Washington D. C. is officially closed on Monday and there will be a late delay on Tuesday. They are looking at possibly two feet of snow.

At 8:12 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
Thursday, February 18, 2016**