

APPROVED: 4/16/09

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
MARCH 19, 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, March 19, 2009, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman

Cathy Kelly

John Hunter

Absent: Terry Holt and Chris Dyroff

M. Justin Rider, Esq. (Rider, Weiner & Frankel, P.C.)

Paul Pelusio, P. E. (J. Robert Folchetti & Associates)

ALSO PRESENT:

Merv Livsey, Deputy Supervisor, John Hager, Building Inspector, Roy Hannawalt and Laurie Tautel.

The meeting was called to order at 7:02 P. M. with the Pledge to the Flag. It was noted that a quorum was present.

A motion was made to approve the February 19, 2009 Minutes, as amended.

Motion: Ms. Kelly

Seconded: Mr. Hunter

Approved

A motion was made to approve the June 19, 2008 Minutes, as amended.

Motion: Ms. Kelly

Seconded: Mr. Smith

COMMUNICATIONS

Land Use Planning Course through the Orange County Planning Federation, Monday nights starting April 20 – May 18, 2009, for \$20. A copy has been put in each Member's mailbox. Members were asked to advise the Chairman if they wish to attend.

VOUCHERS

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

January

General Planning	\$770.00
Hannawalt	54.40
Hudson Highlands	52.50
Bennett	17.50

Blanc	70.00
J.R. Folchetti (Engineers)	
Hannawalt (Easement)	\$ 65.00
Hannawalt (New Sub)	130.00
Secretary (Mrs. DeWitt – Typing)	\$ 57.50

The Chairman will submit them to the Comptroller.

OLD BUSINESS

Roy Hannawalt (Subdivision – R-1 Zone S17 B1 Lot 32.14)

Mr. Hannawalt presented a topographical map which had been requested by the Board. The map and overlay represent what the subdivision entails. The existing lots are on the map but the proposed lot is not.

The Chairman asked if this is the approved map from when that subdivision was approved back in 1996. Mr. Rider pointed out that the Board needs to see the easement agreement to see how it would be impacted by the changes being proposed now.

The Chairman asked Mr. Hannawalt if he was still proceeding forth with the subdivision. Mr. Hannawalt stated that he was. The Chairman further explained that a current map is needed with topographical information that was requested by the Board at the last meeting. This map must be stamped. The map presented cannot be used because it does not show what this Board needs or what the public might request at a future date. It was done correctly 13 years ago, but it now has to be transposed onto a new map.

Mr. Hannawalt stated that he did not understand the request from last meeting. He will get the necessary information that the Board requests.

Mr. Hannawalt presented letters that were sent to the Ambulance Corps, Police Department, Fire Department and the School District advising of the subdivision, asking for comments in a timely fashion. The Police Department patrols this particular piece of property.

The Chairman explained that the Board, too, needs current up to date information for the design professional, the attorney, and the members to review. The descriptions and maps must be to the Board ahead of time. Mr. Rider further explained that the Code has a few different provisions and for subdivisions it must be 15 days in advance of a meeting so that the materials can be reviewed and the Applicant can be told if things were not done correctly. It is proper protocol; it is what the Board wants every Applicant to do and it is what is required by the Code. An Applicant is required to bring in copies of materials for everyone to review and to do it well in advance to be on the agenda. It makes the review process difficult if this is not done. The Town Code must be followed.

Mr. Hannawalt stated there is an easement dated 9/22/49 that is still in effect today. He understands it now and that copies of this information and the topography lines shown on a

map will give you everything that is needed. The Chairman said that what is needed is a map that is stamped and signed by a professional.

Mr. Hannawalt showed the 22+ acres on the map, including his house, his son's house, and a shop, and said that is all that will be on it. The remaining piece of land is being sold to the Land Trust and will be forever green and is not for development beyond what has been cut out.

Mr. Rider stated that if his deal has restrictions within it, it would be appropriate for this Board, in the subdivision process, to restrict it. If that is his true intent, then this Board needs to understand that. He asked Mr. Hannawalt for a copy of the contract that is being prepared to help the Board understand the project.

Any future subdivision was discussed and what would be required by the Board if that were to happen. Further review would have to be necessary.

Discussion of the water shed, springs and ponds continued with Mr. Pelusio. Mr. Hannawalt explained that they are dry most of the year.

Ms. Kelly stated that the Board needs to look at the perforated Lot 2 as if this is a proposal to subdivide in order to build or to subdivide and detach from Lot 1 proposed. Before any building permit could be issued, there would have to be a presentation to this Board. She is not sure that is a logical thing to do.

The Chairman does not think a subdivision to develop Lot 2 is the way to look at it. Approval could be restricted. Mr. Rider explained that the Board can restrict it, but further stated Mr. Hannawalt's intentions not to further develop the lot. For SEQR purposes you must have some considerations as to what further development could be. This is not a plat lot.

Mr. Hager will enforce all restrictions through his Codes. He stated that they are talking about one lot, and whether the land can support a septic and well system. As far as the Building Department is concerned, he feels it would be a plus to have testing done, not a full scale design of a septic, since a house design is not known, but maybe some deep tests and some perk tests to get an idea what type of soil conditions are there. He would be willing to witness the tests, or perhaps an engineer could do it. Ms. Kelly agreed, stating it is being responsible without being burdensome.

Mr. Hannawalt stated that he had no objection to doing soil tests because he has already done that on one lot. The consensus of the Board, their Attorney and their Engineer seemed to be in agreement that it would be acceptable for the Building Department to witness and verify soil tests for future use in septic design for Lot #2.

The Chairman explained what was necessary for Mr. Hannawalt to do for the next meeting on April 16, 2009. He told Mr. Hannawalt if there were any questions in the process, please contact him.

A Preliminary and Final approval is needed along with one Public Hearing for this project.

The Building Department will witness the soil testing and the Applicant's engineer would prepare a design for septic when a Building Permit is applied for. The surveyor will locate the spots to be soil tested. Maps will be revised to indicate that 280A road could access where a house could be and there is a proposed building envelope to put a house on and a location box for proposed septic.

The Chairman noted that the proposal for **Minor Subdivision Law regarding Lot Line Local Adjustments** will be on the Town Board's agenda for March 23, 2009.

The Chairman asked Mr. Hager about Mr. Lawless' application. Mr. Hager indicated he received a variance. At last month's ZBA meeting they made the interpretation that the use that he was requesting was not permitted in that zone. He then asked for a Use Variance and it was granted. He will be allowed to park vehicles without a garage. He will have to come to this Board for proper site plan approval, if needed.

NEW BUSINESS - None

PUBLIC COMMENT

Mr. Livsey stated that he is working with the Attorney on the abandoned vehicle law, and that it will also include vehicles, boats, and unregistered vehicles.

At 8:25 P. M., a motion was made to enter Executive Session to discuss potential litigation.

Motion: Ms. Kelly Seconded: Mr. Hunter Approved

At 8:43 P. M., a motion was made to end the Executive Session.

Motion: Mr. Hunter Seconded: Ms. Kelly Approved

At 8:44 P. M., a motion was made to adjourn the meeting.

Respectfully submitted,

Fran DeWitt, Recording Secretary

The next Regular Planning Board Meeting is April 16, 2009.