

**APPROVED: 1/21/10**

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

**THERE WERE PRESENT:**

**Board Members:**

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

M. Justin Rider, Esq. (Rider, Weiner & Frankel, P.C.)  
Paul Pelusio, P. E. (J. Robert Folchetti & Associates)

**ALSO PRESENT:**

Councilwoman Laurie Tautel, Brian Krzeminski, Brian Andreichuk, Roy Hannawalt, John Bennett, Nick Rockwell, Marian Rockwell, and James Titilo.

**The meeting was called to order at 7:00 P. M. with the Pledge to the Flag. It was noted that a quorum was present, with all members present, and the Attorney and Engineer was present.**

**At 7:01 P. M., the Public Hearing for Site Plan Approval for Site Plan Approval for Andreichuk/Krzeminski project in the R1R Zoning was opened.**

The Chairman stated that this project also requires the Zoning Board of Appeals decision but that has not happened yet. This Board cannot make a decision tonight, but will hold the Public Hearing this evening. A discussion will be held with the Applicant how that will affect the project.

Mr. Krzeminski stated that they are proposing a garage addition to the side of the house with minimal impact to the site. He explained there was a mix up with the date that they were given for the Zoning Board of Appeals meeting date. He felt there was an error on both side and that they did not noticed there was a difference in the mailing and posting.

The Chairman explained that a decision cannot be made by this Board tonight. A request by the Applicant may be made for an extension to allow time for the required decision from the ZBA. Mr. Rider stated that if the Public Hearing is closed, without an extension of that time, this Board would be forced to make a decision within 62 days of closing the Public Hearing. They cannot grant the Application without the variance in place, so it would be a denial. It makes sense for the Applicant to request an extension. The Chairman further reiterated that if the Public Hearing was closed tonight and there was no extension and 62 days expired before the ZBA decision, this Board would have no choice but to deny.

Without the ZBA determination, this Board cannot act. Further discussion will continue during Old Business.

The Chairman asked if there was anyone in the audience that would like to comment on the project. Ms. Tautel asked the location of the project. The location is 4 Bridge Terrace in the R1R Zone. The Chairman received a letter from George and Barbara Miller, from 21 Wayne Avenue. “They were unable to attend tonight, but hoped the Planning Board will give final approval of the site plan and garage and deck addition.” Their letter will go into the file.

Mr. Holt asked if the Public Hearing should be closed or adjourned. Mr. Rider explained you can do either. If the Applicant agrees with the Board to the extension of the time in which a determination must be made, the Public Hearing can be closed. If it is held open, the Public would have a right to come back.

**At 7:08 P. M., a motion was made to close the Public Hearing.**

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

**A motion was made to approve the October 15, 2009 Minutes, as amended.**

**Motion: Mr. Holt                      Seconded: Mr. Dyroff                      Approved**

**COMMUNICATIONS**

- Letter from Orange County Planning Newsletter
- Orange County Partnership Annual Event in December
- Communications from an Engineering Firm

**VOUCHERS – November 2009**

Rider, Weiner & Frankel, P.C. (Attorneys)	
General Planning	\$630.00
Corbin Hill	140.00
Hannawalt Weyant Road Subdivision	490.00
J. R. Folchetti (Engineers)	
General	\$ 65.00
Krzeminski/Andreichuk	195.00
Dethlefsen	65.00
<u>News of the Highlands</u>	\$ 74.66

The Chairman will submit vouchers to the Comptroller.

**OLD BUSINESS**

**Andreichuk/Krzeminski (Site Plan R-1-R Zone Section 15 Block 3 Lot 3)**

As discussed in the Public Hearing, the Chairman stated that this Board cannot render a decision until the ZBA renders their decision. No action can be taken at this time, but the Engineers' Comment Letter was presented. Mr. Pelusio agreed that all comments had been addressed, noting that Final Site Plan drawing(2) should be provided on standard size drawing sheets (24" x 36") or (30" x 42") with signature and seal of licensed design professional. Site Plan drawing should also contain signature block for Planning Board Chairman's signature. The Chairman read from a letter dated November 12, 2009, from Building Inspector, John Hager, noting that because it is R-1R, building plans must be submitted. The letter stated that ... "determined that proposed construction substantially complies with New York State Residential Building Code and Town of Highlands Zoning Code with the exception of the variance needed.

Mr. Rider suggested the Chairman could speak with the Zoning Board Chairman to see if a special meeting could be held. The Board had no objection to the Chairman speaking with the Chairman of the ZBA.

Dr. Kelly explained that the Law requires that a decision be made within 62 days of the close of a Public Hearing. If that time period runs out and there is no decision by the ZBA, this Board can only make a negative decision. The Applicant would have to resubmit a new application. If a waiver for the 62 day requirement is granted, it may be that there may be a special ZBA meeting and this Board could grant the variance.

Mr. Krzeminski presented his Affidavit of Mailings, and requested a waiver of the time frame.

A discussion of engineering fees was held with the Chairman explaining to the Applicant that he is incurring fees at this time as part of the review.

**Rockwell (Special Exception and/or Site Plan S11 B1 Lot 25, B Zone)**

The Engineers' Comment Letter was presented and discussed. Mr. Pelusio stated that all comments had been addressed, including the completion of the EAF.

Mr. Rider also stated that all necessary changes requested by the Board had been made. He noted that there was no updated date on the plan. He will circulate the plans to the necessary agencies.

The Chairman stated to the Applicant that the official map to be signed must reflect that there was a revision in October 2009.

**A motion was made for this Board to Declare the Intent to be Lead Agency for a Coordinated Review.**

**Motion: Dr. Kelly**

**Seconded: Mr. Hunter**

**Approved**

Mr. Holt asked Mr. Pelusio what a motorcycle display space was, and does it make a difference? Mr. Pelusio explained there is no such parking space as a motorcycle display space. It was noted that the Applicant has met the requirement for the parking spaces.

Dr. Kelly stated her concern about café hours as stated in #5 of the Application: “café hours are as follows.” It looks like it is operating and there is no permit for operation at this time. This is a matter of enforcement.

**A motion was made to set a Public Hearing for Final Site Plan and Special Exception for the Rockwell Project for December 17, 2009.**

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

**John Bennett (Subdivision – R-1 Zone/S10 B3 Lot 9)**

The Chairman noted a letter had been received by Mr. Simms, of the Department of Health, concerning the well/septic separation and the installation of the new UV system. He stated to the Applicant that no fees had been paid to date and that he owed \$875 in Legal Fees and \$560 for Engineering Escrow. Mr. Bennett stated that he had requested a finalized bill. The Chairman will have the Comptroller’s Office confirm those amounts for the Applicant.

The Chairman explained that the Applicant has Preliminary Approval, but must have a Public Hearing to get Final Approval from this Board, and all fees must be paid in full.

**A motion was made to set a Public Hearing for Final Approval for Mr. Bennett’s Subdivision for December 17, 2009.**

**Motion: Mr. Dyroff      Seconded: Mr. Holt      Approved**

**Hannawalt (Subdivision – R-1 Zone/S 13 B1 Lots 14.12 & 4)**

The Chairman read a letter from Patrick Hines, the Town Engineer, stating that the \$75,000 bond that was posted is sufficient for the project. No board action is required at this time. The Chairman can sign the map. Plans have been presented and it was noted that Mr. Hager will continue with the inspections.

Mr. Hannawalt is scheduled to start the work on the catch basins and is trying to complete before the winter weather arrives.

Mr. Rider stated that the park land fees remain to be paid. It is a four lot subdivision, \$1,000 per lot, with \$4,000 due. Provision 16 in the Resolution states the \$4,000 figure.

**Gregg Lawless (Site Plan Approval B1 Lot 23)**

The Chairman states that Mr. Lawless is not ready to proceed due to money issues. He asked the Board if it was time to send Mr. Lawless a letter to attend the Board meetings.

**Dethlefsen (Erosion Control Permit (Fill) – R-1 Zone S10 B3 Lot 7)**

The Chairman sent Mr. Dethlefsen a letter about the Engineering fees and was told that he was not ready to proceed at this time.

**LaGuardia (Erosion Control Permit (Fill) – R-1 Zone S10 B3 Lot 8.1)**

The Chairman sent them a letter about the required fees. Mr. LaGuardia advised that he had an engineer working on the plans. Dr. Kelly reported that the forms had the names LaGuardia and Miller. After further investigation, Dr. Kelly stated that the deed did not include Mr. Miller's name.

The Chairman stated that there is no complete application or EAF on this project, and that a complete application needs to be made. Mr. Rider stated that Ms. LaGuardia needs to give proper authorization for him to act on her behalf for this project. The Chairman will make further contact with Mr. Miller.

**Blanc (Subdivision R-1 Zone S17 B1 Lot 6)**

Mr. Blanc installed a structure over the stream crossing to meet the condition of the Resolution. He will show this to the Engineers. Mr. Hager looked at it and if everything is approved, it will be signed.

**Worker (Erosion Control Permit R-1 Zone 13-1-16.1)**

A stop work order has been issued by the Building Inspector.

**Rodway (Special Exception R-1-R Zone S 16 Block 1 Lot 15)**

The former Wine Cellar property at 23 Mine Dock Road made a Planning Board Application in 2007. They are interested in using the entire building for residential purposes. That requires a Special Exception. They recently applied for a building permit and it was denied and the Building Inspector told them to come to this Board to proceed.

**NEW BUSINESS**

The Chairman began a discussion about the possibility of hiring a Planning Board Consultant. He discussed the idea with the Supervisor of the Board having a planner attend meetings when needed. At the present time, an engineer and an attorney attend meetings. He noted that there are times when an engineer is needed. He feels it would create a more effective Board by using a part-time planner in the same way the Board uses an attorney and engineers. There are other Planning Boards in Orange County that use planners. He noted the Supervisor is using a Planner for the Hamlet Center in Fort Montgomery.

The Chairman would bring in candidates for the Board to consider in the future. Perhaps a workshop could be held to get ideas. He would like the Board Members to consider this and asked for comments.

Dr. Kelly asked if he was suggesting that the Board have an attorney, engineer, and a planner for every meeting, or call them as necessary. The Chairman stated that they would be used as needed. He also noted that he felt that he and the Board have held a good line on costs and have lowered the budget two years in a row.

It was stated that many small towns have used planners and they are very happy with the situation and it could be a trial in 2010. He had discussed this previously with Mr. Rider

and Mr. Pelusio. Mr. Hunter asked what role they would play. The Chairman indicated it would be on an advisory capacity only.

**PUBLIC COMMENT**

Mr. Jim Titilo began a discussion on the question of the possibility of a zoning change that is being considered for the 9W corridor. He asked the Board to consider any changes carefully with input from planners, and working within the guidelines of the Master Plan.

The Chairman explained that this Board would certainly have input in any decision that was made by the Town Board.

Ms. Tautel was here this evening, as a Councilwoman, to ask for the Board's opinion on development for the Hamlet Center, the 9W Corridor, changes or additions in the Corbin Hill development, a green buffer in the area, the proposed development by the Holiday Inn, and Main Street.

Mr. Rider explained that the Town Board has already indicated that it wants expertise information regarding these projects. Any time a re-zoning local law is introduced there will be an automatic referral to this Board. Details for all of these projects will be forthcoming, as well as the required Public Hearings.

Mr. Holt commented that he felt "green" means money and affordable cost of living. There is nothing wrong with good commercial development. Commercial development tends to keep taxes down. The Federal Government and the State have taken, he believes the number is 94% of the land off the tax rolls. We should be doing every last thing to keep commercial property commercial and be professional planners and Town Board and Village Board people to attract businesses. An example is the Holiday Inn. There was a lot of opposition, but they had everything they needed. They requested a height variance because they wanted a peaked roof to blend into the community. They received such opposition, they decided to use a flat roof. When it was built, the last new construction in the commercial district along Route 9W was the Tonneson Body Shop in the 1970's. Between 1970 and the mid 1990's there has been no single new business in Fort Montgomery. Residential/going green does not keep the taxes down. He does not think that is good planning.

Ms. Tautel explained that her idea is to eliminate some of the problems in Fort Montgomery by planting grass between the commercial property and the highway sidewalk. She feels the Hamlet Center would give the people in Fort Montgomery a gathering place.

**At 8:42 P. M., a motion was made to adjourn the meeting.**

**Motion: Mr. Holt                      Seconded: Mr. Dyroff                      Approved**

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is December 17, 2009.**