

APPROVED: 9/15/11

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
MAY 19, 2011**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, May 19, 2011, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman – Arrived 7:03 P. M.
Terry Holt, Deputy Chairman
Cathy Kelly
Chris Dyroff
John Hunter

M. Justin Rider, Attorney (Rider, Weiner & Frankel, P. C.)
Bruce Martin, P. E., (J. R. Folchetti)

ALSO PRESENT: John Hager, Building Inspector, Roy Hannawalt, Kathy Ripa, Jim Ripa, Chris Moyer, Glen Moyer, Ralph Herrera, Cathy Feliciano, Inocencio Feliciano, Mary McCormack, James A. Thomson, Michael F. Colacicco, and Deborah Kopald.

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

A motion was made to adopt the March 23, 2011 Minutes, as amended.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

A motion was made to adopt the April 21, 2011 Minutes, as amended.

Motion: Mr. Smith Seconded: Mr. Hunter Approved

COMMUNICATIONS

- Newsletter from the Orange County Municipal Planning
- Five various training meetings for Board Members
- Letter from Orange & Rockland re Safety Under Easements

VOUCHERS

Rider, Weiner & Frankel, P.C.	
General Planning	\$354.46
Hannawalt Subdivision (Weyant Road)	351.50
Homeland Towers	2,719.50
Garling Associates	
Homeland Towers	\$472.50
	1,176.00

Fran DeWitt (Recording Secretary)
March and April Minutes

\$126.00

The Chairman will submit the vouchers to the Comptroller.

OLD BUSINESS

Hannawalt Enterprises, Inc., Route 9W (Erosion Control Section 9 Block 2 Lot 11 B District)

Mr. Hannawalt's comments included:

- Folchetti's Comment Letter.
- He contacted his Engineer on the Fill Permit.
- The easement along Route 9W.
- He contacted New York Dig concerning any utilities on the site.
- A water line runs through the upper side of the property and all the way down to the hotel.
- A forced sewer line - manhole on the property.
- A 6-inch main that pumps sewer down to the gas station.
- He notified Mr. Hager who suggested he speak with Mr. Squicciarini.
- There is a catch basin from the middle of Route 9W and dumps on the middle of the property.
- He contacted DOT who sent a crew down to clean system.
- He cleaned out the front and DOT suggested he connect with a larger pipe outside the initial box, and dump into a catch basin and exit out with a 30 inch pipe, tying that line into the project. DOT said that if he does that, and gave them an access or manhole cover to clean it out in the future they would be satisfied. Mr. Hannawalt asked for written documentation on this. This is to be provided.
- DOT also told him that he needs to get a permit for access to the highway for the fill and provide a flagman for that work. Then submit a plan for the project.
- 90% of the fill is going across the front of the property.

At this time, the Chairman reminded Mr. Hannawalt that no work should be done before an Erosion Control Permit has been issued.

Mr. Hager stated that he had issued a Denial Letter on the Building Permit Application which triggered a Zoning Board of Appeals action to get an interpretation as to whether the use he is considering is going to be allowed, requiring a Use Variance.

Dr. Kelly read part of a letter dated April 15, 2011 from Rider, Weiner & Frankel, saying ... "the Application is insufficient and incomplete. It fails to comply with Section 101-9 of the Code of the Town. The following documents were not provided: An existing features map, an operations map, a time schedule, and an estimate of costs." She noted this is over a month old.

Mr. Hannawalt responded there is no estimate of costs for a project that has not been started.

Mr. Rider explained that there is work being done on the property without a permit. Future plans should not be discussed at this point in time, and he should not be working without a permit.

Mr. Hannawalt stated he has been working clearing brush and has cut two trees down within the guidelines. Clearing the brush addresses the water. Mr. Hannawalt explained that 85% of the fill will go in the front of the property.

The Chairman pointed out that clearing the brush and adding fill could cause a problem with water runoff. It is a concern, and how the piping is laid out and how the water will be controlled should be included on the site plan.

Mr. Hager stated there is an old metal pipe that collects water and directs it off of the lot on the northeasterly corner. The more natural area for water to go off is in a deep ravine that is more towards the southeasterly corner, which he feels is where Mr. Hannawalt would want the water directed. There is no channel right now. He thinks there is a drain structure that the State has there that has been modified at some point probably by someone other than the State. The pipe has to flood before the water can get out and then flows across the lot. His recommendation is to put some temporary erosion and sediment controls in to be safe.

The Chairman outlined the following conditions:

- The Applicant will provide a Performance Bond of \$5,000 prior to any further work.
- A stabilized construction entrance will be installed prior to any work.
- Drainage work and the proposed pipe will be installed prior to any fill.
- A maximum of 1,000 cubic clean fill can be used prior to any further action by the Board.
- Show all easements on the map.
- Erosion Control measures that have taken place.

A motion was made to grant conditional approval based on the conditions presented by this Board.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

A motion was made to add a 60-day time limit to the prior decision.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

NEW BUSINESS

James Ripa now or formerly Kelly 25 Hemlock St. (Proposed 2 Lot Subdivision Section 11 Block 3 Lot 23 R-4 District)

Discussion was held concerning this subdivision. One lot is 13,000 square foot and the other one is 11,000 square foot. There is city water and city sewer in the street, but it is not a town road. His concern is about a drainage pipe that goes across a private road and onto his lots. He understands that the Town did this work. He intends to ask for an easement for the water issue and the sewer to go across both properties.

The Chairman explained that in the past, the problem was the water discharge. Hydraulic calculation analysis was done at the time. The engineers tried to find a suitable solution. The application went no further with the Board. The Kelly subdivision was stalled at that point.

Mr. Ripa asked if he could use the current subdivision plan. Mr. Rider stated that none of it was certified to Mr. Ripa. There would have to be some update, and he would have to file a map with the County with his name on it. The Board needs to see a new application with a map to make any determination with a review done by the Board's engineers and attorney. He must also provide an escrow account.

The Applicant is here informally for information as to how he should proceed. He will update the plans with his name on them and submit a new application for the project.

PUBLIC COMMENT

Mary McCormack, Fort Montgomery, NY

- Lives next to Mr. Ripa.
- Has water runoff on her property.
- Asked who is responsible for water exiting a property.

Chris Moyer

Concerning Mr. Hannawalt's proposed storage unit project:

- Concerned about zoning rules and regulations for such a project.
- Who makes the decisions on the controls for land usage?

At 9:07 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Smith Seconded: Dr. Kelly Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, June 16, 2011**