

APPROVED: 8/23/12

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JULY 19, 2012**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, July 19, 2012, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

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

Jeffrey S. E. Sculley, Attorney (Rider, Weiner & Frankel, P. C.)
Bruce Martin, P. E., (J. R. Folchetti & Associates, L.L.C.)
Leslie J. Dotson, Town Planner (Garling Associates)

ALSO PRESENT: Robert Bryant, Michael Colacicco, Glen Moyer, Chris Moyer, Michael Bosch, Gregg Lawless, and Jay Samuelson, PE – (Engineering & Surveying Properties).

The meeting was called to order at 7:00 P. M. by the Chairman with the Pledge to the Flag. It was noted that all Board Members were present.

At 7:01 P. M., the Public Hearing was opened.

Mr. Michael Bosch Amended Site Plan, 1176 Route 9W, Fort Montgomery, NY, (Section 9, Block 2, Lot 9).

- **Mr. Bosch** stated that he is requesting a Change of Use for a portion of the building on the south end of the building at 1176 Route 9W, Fort Montgomery, NY. It has always been used as a garage space and he is requesting to change it to mercantile.
- **Mr. Gregg Lawless, 1027 Route 9W, Fort Montgomery.** He feels it would be great if he could be allowed to use the building for another use. It would be helpful for Mr. Bosch to have the site for a dual use. He is already doing business there and to do more business would help Mr. Bosch.
- **Mrs. Chris Moyer, 6 Hillcrest Road, Fort Montgomery.** She has no objection to the use. The question she has is if there would be liquor sold at that facility and if there is, she is concerned about the kids in the backyards of their properties buying things they should not be buying. She hopes that the employees will be zeroing in on identity and making sure there is no underage drinking.

At this time the Chairman noted this portion of the meeting is a Public Hearing and not a question and answer portion.

- **Mr. Bob Bryant, 8 Hillcrest Road, Fort Montgomery.** He stands behind the application. He thinks it is good for business and good for the area. Anything that can improve revenue for the town, following the laws, he is fully for.

The Chairman asked if any Board Members would like to comment on the application at this time. There were none at this time.

At 7:04 P. M., a motion was made by Mr. Holt and seconded by Dr. Kelly to close the Public Hearing.

A motion was made to approve the June 21, 2012 Minutes.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

COMMUNICATIONS

- Association of Towns for Summer Planning School on Tuesday, July 31, 2012, in Fishkill.

VOUCHERS – July 2012

Garling Associates

General Planning	\$210.00
Lawless	210.00

Rider, Weiner & Frankel, P.C.

General Planning	\$279.00
Storms	175.00
Lawless	351.50
Bosch	296.00

J. Robert Folchetti and Associates

General Planning	\$130.00
Lawless	358.00
Storms	130.00

The News of the Highlands

Bosch (Public Notice)	\$ 25.72
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Fran Dewitt, Recording Sec.

Travel	\$ 27.50
Minutes	97.25

Staples	\$ 28.97
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The Chairman will submit these vouchers to the Comptroller.

OLD BUSINESS

Bryant Site Plan for proposed Bed and Breakfast, 8 Hillcrest Road, Fort Montgomery, NY (Section 12, Block 1, Lot 10.24, R1R Zone).

The Public Hearing was held and closed last month. The Board has received the County's reply to the GML Referral whereby they recommended local determination. The Planner has drafted a Negative Declaration for review by the Board.

A motion was made to approve the Negative Declaration for the Bryant Site Plan and Special Exception Use Permit.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

**NEGATIVE DECLARATION
Bryant Site Plan and Special Exception Use Permit
for
Bed and Breakfast
TOWN OF HIGHLANDS PLANNING BOARD**

The Town of Highlands Planning Board, acting as SEQR Lead Agency for review of the following action, hereby issues notice that it has adopted a Negative Declaration for the action described below.

Name of Project: Bryant – Site Plan and Special Use Permit for Bed and Breakfast

Action Type: Unlisted Action

Location: Town of Highlands, County of Orange

Location: 8 Hillcrest Road, Fort Montgomery

Zoning Districts: R1R Riverside Residence

Tax Map Parcel: Section 12 Block 1 Lot 10.24

Summary of Action:

The action involves a request for site plan approval and the issuance of a special use permit for a bed and breakfast to be operated at the dwelling of Robert M. and Karen Worstell Bryant, 8 Hillcrest Road at Fort Montgomery, New York. The premises are located in the R1R district of the Town on a private road, and the home in question exists and is occupied by the applicants. The action is Unlisted pursuant to SEQRA.

The Planning Board has carefully considered the application and the site plan, the submitted Environmental Assessment form, the comments of its advisors and all comments submitted by the public, and hereby makes the following specific findings supporting its adoption of this Negative Declaration:

A. Land Use and Zoning/Community Character Impacts

The site is located in the R1R district, directly east of the Holiday Inn located in the B district, and directly southwest of the site of another operating Bed and Breakfast also located in the R1R district. The site in question fronts on and has access to Hillcrest Road, which is a private road. Characteristic of the R1R district, the property extends toward the Hudson River and affords scenic riverside views to the east, though the property does abut the rear of the Holiday Inn building site. Though the Holiday Inn site is substantially screened by way

of landscaping that extends on both sides of the fence enclosing the hotel site's pavement, its presence is still notable. The Bryant property itself is large (3.77 acres gross area), and more than half the site is wooded northeast of the existing house. The wooded area includes a deep ravine, and this area is separated from the developed area of the site by a fence near the house and garage.

The site is located on Hillcrest Road, which is accessed by way of Garrison Road and Overlook Place. Hillcrest Road intersects with Overlook Place at a T-intersection, and the applicant's driveway lies northwest of this, next to the outlet of a gated, stone-surfaced emergency access drive connecting to the Holiday Inn. The applicant's driveway is encumbered by a driveway easement to an abutting lot of Moyer (tax map parcel 12-1-10.23), where approximately 180 feet of the Bryant driveway provides the Moyer lot access to Hillcrest Road. According to the submitted site plan, the driveway easement across the Bryant lot in favor of the Moyer lot was created after the subdivision that created both these lots (among others) in 2008. According to the site plan map, there are some slight encroachments reflected on the map, including a slight encroachment of an existing tennis court on the Bryant property over the abutting Holiday Inn lot, and the intersection of the Moyer driveway, which is shown lying substantially outside the mapped easement and onto the Bryant driveway. As private property matters, these are both outside the scope of the Board's concern to address. So too, the matter of the site access passing over both the private road (Hillcrest) and the portion of the driveway encumbered by the easement is a matter of private agreement that is not under the purview of the Planning Board to determine or enforce. Nor is it the role of SEQRA to determine or enforce private agreements or concerns.

The proposed use is consistent with the Town's Comprehensive Plan adopted in 2009. The Plan encourages localized tourism efforts and local bed and breakfasts, and under the zoning code, a bed-and-breakfast is among the specifically listed accessory uses established in the Table of Use Regulations for all residence districts, where the use is designated as a Special Exception Use in all of the Town's residence zones. Listing a use as a Special Exception Use in a zoning law is an indication that the use is deemed to be inherently consistent with and compatible with the purpose and use of the zoning district, so long as the special permit requirements of the Code are met. The listing of a use as a specially permitted *accessory* use in a residential district indicates that it is considered to be compatible with other residential uses. Special Exception Uses provide municipalities with the ability to list specific additional requirements that must be fulfilled in addition to the general requirements of a site plan, in order to remain consistent with surrounding residential land uses.

There are existing features on the property that are accessory to the residential use, such as the swimming pool, lawn area, and gardens that are common and typical residential accessory uses in residential zoning districts. Other existing residential accessory features on the site include a tennis court and putting green, less common but not unheard of and in any case not prohibited by the Code. The Planning Board notes that there are no outside flood lights illuminating either the tennis court or putting green, and both of these are screened from other uses by existing landscape vegetation, so their incidental use by guests during daylight hours would not be inconsistent with the residential character of the area. In particular, the tennis court is nearest to the Holiday Inn site and its fenced and screened waste enclosure.

In the case of the Bryant application, the Planning Board has carefully evaluated

all of the special exception use requirements for this bed and breakfast listed in Section 210-10-D-18 of the Town of Highlands Code. All of these requirements have been met, with the exception of those requirements that the Board specifically waived upon its determination that these specific requirements were not relevant to the application. Accordingly, the Planning Board finds that the requested use is consistent with the surrounding land use and zoning as well as community character.

See also below in *Traffic and Transportation Impacts* for related consideration.

B. Soils, Geology and Topography Impacts

The site contains steep slopes, but the requested land use approvals involve no change to the site soils, geology or topography because the site is already developed. Any grading or land disturbance relating to the lot development was carried out and completed previously. Therefore, there are no impacts expected in this subject area.

C. Water Resources Impacts

Because there is no new site disturbance proposed, no stormwater management plan is required or needed for the site, nor is any erosion control plan called for. No change is being made to surface stormwater flows or site drainage. Because there are no new impervious areas proposed, there will be no increases in downstream flooding. Areas of the site that are subject to flooding and tidal action are depicted on the plan, and these are not being changed or affected in any way.

The site is served by both central water and sewer service, and no changes are being made in this regard.

Accordingly, no impacts are expected in this subject area.

D. Ecology Impacts

As noted in the section on soils, geology and topography, the site itself is already developed and no changes are being made to remove or disturb any existing vegetation or animal habitat. It is noted (*see Land Use and Zoning/Community Character*) that more than half of the 3.77 acre site is wooded, and that this is not being disturbed, and that the site is landscaped. Because of the lack of physical site disturbance, no impacts are expected in this subject area.

E. Traffic & Transportation Impacts

As noted in the section on Land Use, Zoning, and Community Character, the site is located on Hillcrest Road, which is a private road that is accessed by way of Garrison Road and Overlook Place. Hillcrest Road intersects with Overlook Place at a T-intersection, and the applicant's driveway lies northwest of this, next to the outlet of a gated, stone-surfaced emergency access drive connecting to the Holiday Inn. The applicant's driveway is encumbered by a driveway easement providing Hillcrest Road access to an abutting lot of Moyer (tax map parcel 12-1-10.23).

Five bedrooms within the dwelling are proposed to be used for the Bed and Breakfast use. Therefore, at most, five additional vehicles may be travelling to and from the site on a varied schedule during the site's maximum occupancy. Bed and Breakfast guests would generate a varied number of trips to and from the site depending on their activities, varied timing of arrival and departure, and a number of other factors both seasonally and by day of the week. There are no intrinsic capacity limits observable on the site access roads and intersections that would be significantly harmfully affected by the proposed site use, as compared to the underlying permitted residential use, where any individual property

owner may with his or her family and invited guests enjoy and make use of a residential property, consistent with all other requirements of the law. Directional signage will be provided in order to direct guests to the site without confusion, and adequate parking is provided.

Residents on adjoining public access streets have raised traffic safety concerns with regard to children pursuing balls into the street. As noted in the preceding paragraph, the nature of the use and the timing of any site-generated traffic can not be determined to be significantly more as compared to the underlying permitted residential use, where any individual property owner may with his or her family and invited guests may access neighboring streets at any time. It is always the responsibility of a parent to oversee their children's safety. If residents on any street feel that additional warnings are appropriate, it would be appropriate for the residents to approach the Town Board and ask that a "Children at Play" caution sign be installed. However, that is the purview of the Town Board which controls street signage on Town roads, and not a SEQR matter that is driven by the effects of this use.

F. Community Services Impacts

The Planning Board has referred the plan to the police and fire departments, neither of which has communicated any objections or concerns regarding this land use application. Therefore, no impacts are expected in this subject area. It is noted that the existing structure meets all fire code requirements.

G. Noise and Air Impacts

Because no new construction, grading or land disturbance is proposed as a part of this land use application, there will be no temporary construction related noise, dust or air pollution impacts. As to other potential temporary or permanent noise and air impacts, the bed and breakfast use, as a specially permitted residential accessory use, has been determined to be consistent with residential uses as part of the Zoning Code. The use is not intrinsically more likely to generate significantly harmful noise levels as compared to the underlying permitted residential use, where any individual property owner may with his or her family and invited guests enjoy and make use of a residential property, consistent with all other requirements of the law. Accordingly, there are no significant adverse impacts expected in this regard.

H. Visual and Cultural Resources Impacts

The site is currently developed, and no new construction or disturbance are proposed as part of the plan, apart from the addition of new signage meeting the requirements of the Code. Therefore, no impacts are expected in this subject area.

I. Other Impacts

No significant harmful impacts on energy use are anticipated, due to the fact that the requested use is a residential accessory and small in scale, requiring no upgrades to distribution systems. No Critical Environmental Areas pursuant to NYCRR Part 617 are located adjacent to the site and therefore none can be affected by the use; in any case, the use is to take place in an existing dwelling in a residential zone, generating no new site disturbances.

With regard to other issues such as potential municipal and private fiscal impacts, the Planning Board has received comments regarding possible harmful impacts of the action on the municipal tax base and on adjoining property values. Upon consideration, the Planning Board finds and determines both that these are speculative in nature, and in any case that they are unlikely to be significantly

harmful to the overall municipal tax base proportionately. Given that Bed and Breakfast uses meeting the Town's special exception use permit requirements are deemed to be compatible with surrounding residential uses, and given that there is an existing operating Bed and Breakfast use in the neighborhood adjoining this site without significant adverse impacts in either regard, the Board determines that this is not a significant harmful impact and no further consideration in this regard is warranted.

Date of Adoption: July 19, 2012
Lead Agency Address: Town of Highlands Planning Board
Town Hall – 254 Main Street
Highland Falls, New York 10928
Tel.(845) 446-4280
Contact Person: Erik Smith, Planning Board Chairman

A motion was made to approve the Resolution of Approval, Special Exception Use Permit for Robert M. Bryant and Karen Worstell Bryant.

RESOLUTION OF APPROVAL

SPECIAL EXCEPTION USE PERMIT

FINAL

FOR

ROBERT M. BRYANT AND KAREN WORSTELL BRYANT

Nature of Application

Robert M. Bryant and Karen Worstell Bryant have applied for a Special Exception Use Permit approval allowing them to operate a bed and breakfast with five guest rooms at 8 Hillcrest Road, Fort Montgomery, New York.

Property Involved

The property affected by this resolution is shown on the Tax Map of the Town of Highlands as parcel 12-1-10.24 and is commonly referred to as 8 Hillcrest Road.

Zoning District

The property affected by this resolution is located in the R-1-R zoning district of the Town of Highlands.

Plans

The Plan materials being considered consist of the following:

1. Completed application form and Environmental Assessment Form.
2. Plans prepared for Robert M. Bryant and Karen Worstell Bryant as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
MJS Engineering & Land Surveying, PC	Proposed Bed & Breakfast Site Plan	March 13, 2012

History

Date of Application

The application was filed with the Planning Board January 31, 2012.

Public Hearing

A public hearing on final approval for Special Exception Use Permit and Site Plan was convened on June 21, 2012 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. The Planning Board's status as lead agency was established on May 17, 2012.

Declaration of Significance:

A negative declaration was issued on July 19, 2012.

GML 239 Referral

The site is within 500 feet of the Hudson River and accordingly this application was referred to the Orange County Planning Department for review in May 2012. The Planning Department commented on March 28, 2012, with a County recommendation of local determination.

Findings

The Planning Board has determined that approval of this special exception use permit and site plan will substantially serve the public convenience, safety and welfare in general as well as that of the proposed bed and breakfast occupants in that the land to be developed 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 traffic access and ways are adequate, adequate off-street parking is provided, the relation of the proposed building and site improvements to the topography of the land, water supply, sewage disposal, drainage, and arrangement, and the possible future development of adjacent properties are all appropriate and consistent with the requirements of the Comprehensive Plan, and

the applicable zoning regulations of the Town of Highlands, subject to compliance in full with conditions hereinafter imposed.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final special exception use permit and site plan of Robert M. Bryant and Karen Worstell Bryant as said proposal is depicted on the plan identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. The applicant shall comply with the requirements of Chapter 210 of the Code of the Town of Highlands, Zoning, 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. 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 fire safety inspections at least once every twelve months.
4. The applicant shall pay outstanding Town of Highlands consulting fees incurred in connection with the review of this application prior to the Chairperson or his designee signing the plans.

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 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, legal, planning, 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 Terry Holt presented the following resolution which was seconded by Planning Board Member Chris Dyroff.

In Favor 5 Against 0 Abstain 0 Absent 0

<u>Terry Holt, Member</u>	voting <u> Aye </u>
<u>John Hunter, Member</u>	voting <u> Aye </u>
<u>Cathy Kelly, Member</u>	voting <u> Aye </u>
<u>Christopher Dyroff, Member</u>	voting <u> Aye </u>
<u>Erik Smith, Chairperson</u>	voting <u> Aye </u>

Dated: July 19, 2012

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 July 19, 2012.

_____, 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

Mr. Michael Bosch Amended Site Plan, 1176 Route 9W, Fort Montgomery, NY (Section 9, Block 2, Lot 9).

The Public Hearing was held this evening. The Plan was sent to Orange County Planning. The Board has not received a reply from Orange County. Requested changes by the Board for parking delineation on the map have been made by the Applicant.

The Comment Letter from the Planner was discussed and a draft Negative Declaration was presented.

A motion was made to approve the Negative Declaration for the Bosch Amended Site Plan.

Motion: Mr. Hunter

Seconded: Mr. Dyroff

Approved

**NEGATIVE DECLARATION
Bosch Site Plan – 1176 Route 9W LLC
TOWN OF HIGHLANDS PLANNING BOARD**

The Town of Highlands Planning Board, acting as SEQR Lead Agency for review of the following action, hereby issues notice that it has adopted a Negative Declaration for the action described below.

Name of Project: Bosch – 1176 Route 9W LLC Site Plan

Action Type: Unlisted Action

Location: Town of Highlands, County of Orange

Location: 1176 Route 9W (corner 9W & Rivercrest Rd), Fort Montgomery

Zoning Districts: B (Business)

Tax Map Parcel: Section 9 Block 2 Lot 9.1

Summary of Action:

The action involves a request for site plan approval for a site plan changing the use of a portion of an existing developed property located in the Business District on US Route 9W at the corner of Rivercrest Road. The site plan involves eliminating a bay within an existing auto body repair shop and converting it to retail use purposes. The action is Unlisted pursuant to SEQRA.

The Planning Board has carefully considered the application and the site plan, the submitted Environmental Assessment form, the comments of its advisors and all comments submitted by the public, and hereby makes the following specific findings supporting its adoption of this Negative Declaration:

A. Land Use and Zoning/Community Character Impacts

The site is located in the B (Business) District along a four-lane divided portion of state highway 9W. The building has been in existence and operated as an auto repair shop for decades, and the site is further improved with pavement in the front of the building, and a landscaped, fenced-in vehicle storage area at the side and rear of the building. The proposed change of a portion of the building's use is consistent with the Town's Zoning Law and its Comprehensive Plan, and is a permitted use under the zoning, subject to site plan approval. Therefore, no harmful impacts in community character, planning or zoning are expected.

B. Soils, Geology and Topography Impacts

The site requested land use approval involves no change to site soils, geology or topography because the site is already developed, and no new impervious areas are being added. Therefore, there are no impacts expected in this subject area.

C. Water Resources Impacts

Because no change is being made to surface stormwater flows or site drainage, and no new impervious areas are proposed, there will be no increases in downstream flooding, nor any harmful effects on drainage or surface water resources. The site is served by both central water and sewer service, and no significant increases in usage or consumption are expected. Accordingly, no impacts whatsoever are expected in this subject area.

D. Ecology Impacts

As noted in the section on soils, geology and topography, the site itself is already developed and no changes are being made to remove or disturb any existing soil, vegetation or animal habitat. Because of the site's location on the highway, and the longstanding condition of the site which is almost entirely unvegetated apart from partial perimeter landscaping, the site is not deemed to constitute a significant wildlife habitat. Because of the lack of physical site disturbance and the existing disturbed site condition, no impacts are expected in this subject area.

E. Traffic & Transportation Impacts

As noted in the section on Land Use, Zoning, and Community Character, the site is located on Route 9W at a location where the highway is a divided 4-lane road. The use fronts on the northbound lanes, and existing curb cuts to the road are not being changed in any way. There is a wide opening on the Rivercrest Road portion of the site's road frontage, and the intersection of Rivercrest Road is unsignalized. The proposed conversion of just over a thousand square feet of existing building space to retail purposes is not expected to generate significant changes in trip generation patterns, and the fact that no changes are proposed to existing site access and curb cuts means that there will be no impacts on traffic safety. Therefore, no further consideration is needed in this subject area.

F. Community Services Impacts

The Planning Board has not referred the plan to the police and fire departments but based on the existing location and accessibility of the site, which is remaining unchanged, does not expect any significant harmful impacts due to this partial building change of use.

G. Noise and Air Impacts

Because no new grading, clearing or land disturbance is proposed as a part of this land use application, there will be no temporary construction-related noise, dust or air pollution impacts. Any construction that will be taking place will be interior to the building in order to provide for the proposed use. These construction-related impacts would be both short term and temporary, and internalized to the site itself and not imposed on others. The retail use of the building portion otherwise creates no noise and air quality impacts. No further consideration is needed in this regard.

H. Visual and Cultural Resources Impacts

The site is currently developed, and no new building construction or disturbance is proposed as part of the plan, apart from the addition of new signage meeting the requirements of the Code. Therefore, no impacts are expected in this subject area.

I. Other Impacts

No significant harmful impacts on energy use are anticipated, due to the fact that the requested use is a conversion of a small area of existing building space and retail use is not a significant energy consumer. No Critical Environmental Areas pursuant to NYCRR Part 617 are located adjacent to the site and therefore none can be affected by the use; in any case, the use is to take place in an existing structure within in a business zone, generating no new site disturbances.

Date of Adoption: July 19, 2012

Lead Agency Address: Town of Highlands Planning Board

Town Hall – 254 Main Street

Highland Falls, New York 10928

Tel.(845) 446-4280

Contact Person: Erik Smith, Planning Board Chairman

The Chairman stated that he expected things to be completed in a timely fashion and the Board will be prepared to vote on a resolution at the August meeting.

Lawless Amended Site Plan, Route 9W, Fort Montgomery (Section 11, Block 1, Lot 23).

The Board has received an updated plan and revised application in response from the Board and the Consultants, correspondence from the Engineers and the Planner, and the Applicant's Engineer.

Mr. Samuelson made the initial presentation last month and responded this month with a revised set of plans. They are here tonight to continue the discussion.

Mr. Bruce Martin's Comment Letter was discussed.

- Changed parking configuration.
- Details for erosion control.
- The need for the sign detail.

The sign detail was discussed with the Applicant noting the tenant is unknown at this time. When a tenant is known, they will submit a detailed plan that will require approval by the Board prior to the issuance of a Certificate of Occupancy.

Ms. Leslie Dotson's Comment Letter was discussed.

- No parking loading area delineation.
- Fence height.
- Landscape plan excess/screening.
- Water services connection.

Mr. Samuelson stated that it is in the Water District but there is no connection directly on their property. Mr. Lawless is in discussion with the Town to hook up curb side for their property. The sewer hook up is in place.

The Chairman stated that the Applicant will have to give the Board a detailed plan as to how they will get water to the property.

The Applicant requested a Public Hearing be held at the August meeting. The Board requested a rendering for all sides for the Public Hearing.

A motion was made to set a Public Hearing for this project for the August 2012 meeting.

Motion: Mr. Hunter

Seconded: Mr. Dyroff

Approved

A motion was made to change the August Meeting of the Town Planning Board Meeting to Thursday, August 23, 2012.

Motion: Mr. Holt

Seconded: Mr. Dyroff

Approved

INFORMAL APPEARANCE

D’Onofrio Change of Use/Special Exception, 1070 Route 9W, Fort Montgomery, NY.

Mr. Jason D’Onofrio would like to make a hot dog, lemonade and Dip & Dots ice cream business in the building next to the Barnstormer Restaurant in Fort Montgomery. There is limited parking in the area. There are two rooms in the building. He plans a “to go” operation.

The Chairman spoke of the Code parking regulations, and a discussion ensued based on the use and footage of the lot.

The Building Inspector would make a determination concerning the number of parking spaces. If there were a denial, the Applicant could go to the Zoning Board of Appeals.

Ms. Dotson suggested that the Applicant must first consider what parking is needed for the business he is considering.

PUBLIC COMMENT

Mr. Mike Colacicco

- He does not agree with the vote on the Bryant Bed & Breakfast.
- The Board went through the process properly.
- Speaking for the neighbors they will work with the Bryants to make sure it is right.
- If there are any problems, they will let them know.

At 8:00 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, August 23, 2012**