

APPROVED: 9/19/13
MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JUNE 20, 2013

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, June 20, 2013, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

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

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

ALSO PRESENT: Tony Squicciarini, (Town of Highlands Highway Superintendent), John Rodway, James Thomson, and Mike Colacicco.

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 five members are present. There is a quorum.

Rodway, 23 Mine Dock Road - (Site Plan & Special Exception, Section 16, Lot 1, Block 14 & 15, R-5 Zone)

At 7:05 P. M., the Public Hearing was opened.

Mr. Rodway gave a brief explanation of the project. He would like to turn what once was a commercial residential building into an all residential building or apartment residential to conform with current zoning. It was two (2) apartments and a restaurant. He would like to make five (5) apartments. He is not changing the footprint; all the work will be done to the interior.

There was no Public Comment.

At 7:07 P. M., a motion was made to close the Public Hearing.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

A motion was made to approve the Minutes for May 16, 2013.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

COMMUNICATIONS

- Rockland Planning Federation Correspondence
- Planning and Zoning Summer School from the Association of Towns – Suffolk County
- Support Staff Workshop Material

VOUCHERS – June, 2013

Rider, Weiner & Frankel, P. C.

General Planning	\$166.50
Rodway	148.00

Secretary, April \$ 124.74

The Chairman will submit these vouchers to the Comptroller.

OLD BUSINESS

Rodway, 23 Mine Dock Road_ (Site Plan & Special Exception, Section 16, Lot 1, Block 14 & 15, R-5 Zone)

The Chairman noted that the Public Hearing was held at this meeting with no Public Comments. Ms. Dotson’s Comments were presented to the Board and Mr. Rider has reviewed the project. Last month the County’s GML Response was received noting it was of Local Determination.

A motion was made to adopt the following Negative Declaration.

NEGATIVE DECLARATION

**Rodway Site Plan and Special Exception Use Permit – 23 Mine Dock Road
Town of Highlands, NY**

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: Rodway – 23 Mine Dock Road

Action Type: Unlisted Action, Uncoordinated Review

Location: Town of Highlands, County of Orange

Location: 23 Mine Dock Road

Zoning Districts: R-5 Apartment Residential

Tax Map Parcel: Section 16 Block 1 Lot 15

Summary of Action:

The action involves a request for site plan approval and a special exception use permit for the conversion of existing interior space within an existing building that currently contains two apartment units and some commercial space to a five-unit apartment building with no remaining commercial space. Multiple residences are allowed by special permit in the R-5 district, therefore the requested action requires both site plan and special exception use permit. The action has been classified as Unlisted pursuant to SEQRA, and

Uncoordinated SEQR procedures were followed.

Having carefully considered the application and the site plan, the submitted Environmental Assessment form, and all relevant comments, the Planning Board 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 within the R-5 (Apartment Residential) District on Mine Dock Road. The site is located near Route 9W but has no direct access, because the site is below a bridge overpass. The site is currently completely developed, and all of the proposed work will be done on the interior of the building to convert the interior commercial component of the building to three additional apartments.

The proposed multiple dwelling conversion is consistent with the purpose of the zoning district and with the character of surrounding existing land uses. In fact, the previous commercial use of restaurant had been non-conforming, so

2
its elimination will improve the zoning conformity of the building use. While the existing site contains pre-existing non-conformities with zoning dimensional requirements for front yard setback and lot width, the requested land use approvals do not increase these in any way. The plan shows sufficient parking for the use.

B. Soils, Geology and Topography Impacts

The requested site plan approval involves no change to site soils, geology or topography. No grading or land disturbance is proposed or needed, as all structures and parking facilities are existing. Therefore, no impacts are expected in this subject area.

C. Water Resources Impacts

The site is served by an existing well and public sewers. No significant changes are anticipated in the water consumption and wastewater generation from the change in use, with the use expected to be roughly the same. No new impervious area will be added to the site, so there will be no new drainage or flooding impacts and no water quality impacts. Accordingly, no adverse impacts are expected in this subject area.

D. Ecology Impacts

As noted above in Sections A through C, the site is currently developed and no further land disturbance is proposed. Because the site is already disturbed and developed, it is not deemed suitable as habitat for any threatened, rare or endangered flora or fauna. Accordingly, no adverse impacts are expected in this subject area.

E. Traffic & Transportation Impacts

The site is located on 23 Mine Dock Road, which is a two lane town roadway. The existing structure that is being converted is located along a curve near an underpass to Route 9W. The existing building does have a pre-existing non-conforming front yard setback to the road, with the concrete walkway in front of the building actually encroaching into the road right-of-way. Nevertheless, this is not a problem because the building and walkway are located outside of the road's travelway, and the parking area is located away from the road. No significant change in trip generation is expected as a result of the change in use, and this section of the road is lightly traveled. Therefore, no further consideration is needed in this subject area.

3

F. Community Services Impacts

All site improvements are existing, and no changes are being proposed to the exterior of the building proposed for conversion. Converting commercial space to three apartments, for a total of five units in the existing building, will need to meet all applicable state building and fire code requirements. These requirements will be administered by the town's code enforcement officer. Because no changes are proposed to the exterior of the site, no impediments to the fire department and other emergency access to the site will be created. The low bedroom count proposed in the three new apartment units obviates the need for any new recreational facilities. Furthermore a patio, deck, and some additional rear yard area exists that could be used for recreational purposes on site. Accordingly, it is not anticipated that the proposed plan would create any significant harmful impacts on emergency services, particularly as compared to the previous commercial component of the use.

G. Noise and Air Impacts

Conversion of interior building space to three new apartment units is not expected to create any adverse noise or air quality impacts, because the new use is consistent with the zoning and surrounding land uses. Therefore, no further consideration is needed in this regard.

H. Visual and Cultural Resources Impacts

The building that is proposed for conversion already exists on the site, and no new facilities, no new exterior construction, and no clearing, grading or paving is proposed. Therefore there will be no visual or cultural resources impacts from this action and no further consideration is needed.

I. Other Impacts

No significant change in energy use is anticipated, because the action involves a simple conversion of existing interior building space from commercial to residential use. No Critical Environmental Areas exist near the site and therefore none can be affected by the action. No other impacts are anticipated.

Date of Adoption: June 20, 2013

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

**Motion: Mr. Holt Seconded: Mr. Hunter Approved,
With a Roll Call Vote:**

Mr. Dyroff	-	Aye
Mr. Holt	-	Aye
Dr. Kelly	-	Aye
Mr. Hunter	-	Aye
Mr. Smith	-	Aye

A motion was made to adopt the Special Exception Use Permit for this project.

**RESOLUTION OF APPROVAL
SPECIAL EXCEPTION USE PERMIT
AND SITE PLAN**

FINAL

FOR

JOHN G. RODWAY

Nature of Application

John G. Rodway has applied for a Special Exception Use Permit and Site Plan approval allowing him to convert a mixed use building to a multiple dwelling at 23 Mine Dock 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 16-1-15 and is commonly referred to as 23 Mine Dock Road.

Zoning District

The property affected by this resolution is located in the R-5 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 John G. Rodway:

<i>Author</i>	<i>Title</i>	<i>Last Revision Date</i>
Donald R. Stedge, L.S.	Site Plan	March 8, 2013
Francine Alheid, Architect	Rodway Building Sheets T-1 through P-1	December 3, 2012

History

Date of Application

The application was filed with the Planning Board September, 2011.

Public Hearing

A public hearing on final approval for Special Exception Use Permit and Site Plan was convened on June 20, 2013 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 June 20, 2013.

GML 239 Referral

The site triggered a referral to the Orange County Planning Department for review in April 2013. The Planning Department commented thereon, 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 residential 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 John G. Rodway 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.
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 Kelly presented the following resolution which was seconded by Planning Board Member Hunter.

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: June 20, 2013

 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 June 20, 2013.

 _____, 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

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

RESOLUTION

OF

JUNE 20, 2013

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION
JOHN G. RODWAY APPLICATION FOR
A SPECIAL EXCEPTION USE PERMIT AND SITE PLAN
OF A MULTIPLE DWELLING

Planning Board Member Kelly presented the following resolution which was seconded by Planning Board Member Dyroff.

WHEREAS, an Environmental Assessment Form (the “EAF”) was prepared September, 2011, for the application for a special exception use permit approval and site plan converting a mixed use building to a multiple dwelling, on property located at 23 Mine Dock Road in the Town of Highlands and designated on the Tax Map as Section 16, Block 1 Lot 15 (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 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:

1. The Planning Board does determine that the Rodway Special Exception Use Permit and Site Plan application, which consists of the conversion of a mixed use building into a multiple dwelling, 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:

<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>

INFORMAL APPEARANCE

Corigliano/Highlands Lot Line Change

Mr. Tony Squicciarini, Highway Superintendent explained that the Town of Highlands submitted an application to the Planning Board on behalf of Daniel Corigliano who lives on the corner of Weyant and Krieger Road. The Town has been trying to improve Krieger Road for more than ten (10) years. Krieger Road was adopted by the Town with deeds secured. The garage on the property will be 50 feet from the improved road as opposed to 3.5 feet on the property had to be torn down and a new one is to be constructed. This will enhance the safety for the people who live on the road.

Mr. Rider stated that this will decrease non-conformities. The lot is undersized as it is, but the house and garage have been in existence pre-dating Code. This will bring the garage further away, create a better line of vision, widen road surface, and better stabilization in the road. The two variances (side yard and rear yard setbacks) were granted from the ZBA for the proposed new garage site.

The project does not affect the existing well. An easement was granted for construction purposes only.

Ms. Dotson requested that the Table to be corrected to show where the variances were granted, and to clarify the purpose of the easement.

Mr. Squicciarini does not feel there will be any negative impact. The change will be the garage, topographical appearance will not be altered, the slope will be less steep to stabilize the road, the road will be about three feet wider, and it will improve drainage on the street.

An easement is being developed for the neighboring property.

The Chairman stated the item will be on the July 18, 2013 agenda.

NEW BUSINESS - Discussion

Proposed changes in Erosion Control Permits (Fill Permits)

- A request by the Chairman to the Supervisor to include comments from the Town of Highlands Planning Board in all discussions on any proposed changes.
- Currently, the standard amount of fill is 100 cubic yards. Requests for over 100 cubic yards come before this Board. If more is requested, what Department or Board would approve the amount?
- The new Proposed Changes were discussed by the Board.
- Enforcement of a fill permit.
- Leaving the Permit as it has been.
- A letter will be prepared by the Chairman outlining the position and concerns of this Board should be written to the Planning Board in response to the proposed changes to Erosion Control Permits (Fill Permits).

COMMENT

Mr. Mike Colacicco:

- A not-to-exceed amount of fill should be established.
- A plan should be in place for the fill.
- The applicant should have a pre-approved amount of fill.
- Who would be responsible for policing the amount of fill, Building Department, Town Engineer?
- Have the Building Department notify the Board when a request comes in.
- Publicize the rules for putting fill on your property.

Ms. Leslie Dotson:

- Any communication to the Town should note that this Board and everyone involved is primarily concerned with the Town's liability.

Mr. Justin Rider:

- Feels the consensus of this Board is, if there are going to be changes in the Erosion Control Permit, at a minimum, any change should have an engineering review, using the consultants available to this Board and the Town.

PUBLIC COMMENT:

Mr. Michael Colacicco

Submitted a letter dated May 16, 2013, to the Chairman concerning Homeland Towers attached to these Minutes.

At 8:09 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Hunter Seconded: Dr. Kelly Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, July 18, 2013**



May 16,2013

Mr. Erik W. Smith
Chairperson.
Town of Highlands Planning Board
254 Main Street
Highland Falls, NY 10928

RE: Application of Homeland Towers

I'm writing to request that the Planning Board cease all actions related to the application of Homeland Towers for the construction of a Telecommunications Tower on the Holiday Inn Express property until the Consolidated Zoning Board of Appeals (ZBA) acts on the required variances.

Continued expenditure of Planning Board time and money on the Homeland Towers application is a waste until Homeland Towers appears before the ZBA. Homeland Towers has known for years that they must obtain at least one zoning variance before the Planning Board can take any action.

For some reason, Homeland Towers is reluctant to face the ZBA. I believe that a decision by the Planning Board to take no further action on the Homeland Towers application will provide the impetus for Homeland Towers to appear before the ZBA and request the appropriate variances.

Homeland Towers seems to have taken a "go slow" approach in an effort to wear down those Town of Highlands citizens who oppose construction of the tower, Homeland Towers needs to be pushed to the next step which is to appear before the ZBA.

Sincerely,

/s/ Michael F. Cojocaru

Michael F. Cojocaru
PO Box 313
3 Hillcrest Road
Fort Montgomery, NY 10922

cc: Town of Highlands Supervisor
Chairperson, Consolidated Zoning Board of Appeals