

APPROVED: 11/21/13

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
SEPTEMBER 19, 2013**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, September 19, 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)
Paul Pelusio, P.E., (J. Robert Folchetti & Associates, L.L.C.)

ALSO PRESENT: David Tonneson, Stuart Strow, Dean Walko, and Carolyn Storms.

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 Members are present and there is a quorum.

A motion was made to approve the June 20, 2013 Minutes.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

A motion was made to approve the July 18, 2013 Minutes.

Motion: Mr. Hunter Seconded: Mr. Holt Approved

COMMUNICATIONS - None

VOUCHERS – September, 2013

Rider, Weiner & Frankel, P. C.

General Planning \$ 37.00

Garling Associates

General Planning \$ 63.00
Hudson Highlands 63.00
Corigliano 63.00

The Chairman will submit these vouchers to the Comptroller.

OLD BUSINESS - None

NEW BUSINESS

Hudson Highlands Restoration Ltd., U. S. Route 9W and Corbin Hill Road, Section 11, Block 1, Lot 1.1, R-5 Zone

The Applicant appeared before this Board on July 18, 2013 for an Informal Appearance. This project is located immediately north of the lower portion of Corbin Hill. It was approved by the Planning Board. The Applicant has proposed moving the lower site access off Corbin Hill Road further down closer to Route 9W and swapping the location of the retention pond for the roadway. It also entails the location of the easement with Corbin Hill. They require new approval because the original approval has expired. 2 years ago. They did not get a permit because money was not available and the housing market had been blocked.

Mr. Tonneson introduced Stuart Stow, Engineer for the project. He explained that the reason for the modification is that Corbin Hill has refused to grant the easement for Corbin Hill Road and has reneged on the contract to purchase the property. He has been advised by his attorney not to pursue a lawsuit.

He spoke of the traffic in the area and feels this would be a reasonable compromise to allow stacking of cars leaving the property to Route 9W.

The Chairman explained that the project was referred to the Attorney, Engineer, and Planner. The Engineer and Planner have Comment Letters.

Ms. Leslie Dotson, Planner Comments

- Engineer Comments go along with her comments, particularly the reasons for the project modification.
- Lack of stacking capability.
- Defined exit lanes.
- Internal layout that could be improved.

Mr. Tonneson responded that in regard to the improvements to the curb cuts and the three lanes are all obtainable in the State Right-of-Way; that could be done. He has an Approval Letter. These improvements would be done by who ever owns the property on the State Right-of-Way.

Mr. Rider pointed out that Corbin Hill built and owns the private road. His questions:

- Is this modification on the State Right-of-Way?
- When leaving your property, whose property are you entering?
- Curb Cuts and DOT?

Mr. Tonneson explained that the current access to Route 9W is across a portion of Corbin Hill's Driveway and the State Right-of-Way. Widening to the north of the curb cut would be done on the State Right-of-Way. Entering Corbin Hill's property and we have a Right-of-Way by Prescription (rights obtained by use) that has been there for about 30 years. It is in a different location. None of the curb cuts go back to Corbin Hill property. The edge of the property is Corbin Hill Road which is approximately the edge of the curb cut now to the north. The additional 6 foot of the curb cut would go on the State Right-of-Way and his property.

The Chairman's questions:

- The curb cut would be 6 foot north?
- How do you complete this without working in the Corbin Hill portion?

Mr. Tonneson explained that they would have a right to maintain a Right-of-Way that they have. This work would be done on Corbin Hill's property north, his property, and the State's property.

Dr. Kelly suggested question/suggestion:

The problem is if someone is coming out, they would block someone coming in. Why not make this entrance area one way? If made one way, you would not have the issue and still emergency vehicles could go whatever way they needed.

Mr. Tonneson stated that this is not the primary access to the property. This area serves the 8 units parallel to Route 9W. The other units are serviced by a town road named Cherry Street. It would slightly inconvenience someone going south to use the Cherry Street exit. He believes this could be a solution.

The Chairman does have a concern with the use of Cherry Street since it was never being a major access. It was a backup, secondary access. He is not comfortable with the move.

Mr. Rider reminded the Board that approvals have not been received. Concerns being raised can be addressed during the regular review process. He also noted that the Board will need significantly more information from the Applicant of the plans, Right-of-Ways, easements, and Right-Of-Way by Prescription.

Mr. Pelusio's Comments:

- Concerning the DOT letter, does that approval reflect the modifications?
- DOT would have some concerns with the change in location of curb cut.
- DEC Stormwater Pollution Prevention Plan changes. There are new criteria. This new project would have to adhere to the new criteria.

With regard to this being the only access to this property, Mr. Tonneson stated that his property abuts the 33 foot Town road of Cherry Street. Part of his property will become part of Cherry Street. He will submit a plan to DOT with the new proposal eliminating the driveway, making it one way, and using Cherry Street as the exit.

With regard to emergency access, he noted that there is a third access on Poplar Street. The end of Cherry Street becomes Poplar Street which becomes Hemlock Street. Poplar Street is a private road. It is being used.

Board Members felt that pursuing Cherry Street as the primary access point would increase safety, alleviate more traffic on Route 9W for future development.

Mr. Pelusio's Comments:

- Corbin Hill easement possibilities.
- Altering the Site Plan.
- All water and sewer line approvals.
- Stormwater system changes.
- Utilities in the area.

Mr. Stow had converted the hand drawn plans to C.A.D., when he picked up some necessary changes. He had checked the slopes and inverts and found conflicts and tried to work the plans to be consistent with requirements. He also improved parking area. They have not had any discussions with DOT with the modifications.

A **discussion** continued concerning the requirements for the new site plan. The Applicant will submit a new site plan with any and all changes with explanations that were made to the original plan. The Planner and Engineer will review them.

INFORMAL APPEARANCES

Mr. Dean Walko, 12 Bridge Terrace for an addition in the Section 15, Block 3, Lot 1, R-1-R Zone

Mr. Walko would like to build a garage in front of his home. His first inquiry began in 2004 with a discussion with Mr. Hager. He understands by the Code, the garage would have to be attached to the house because he cannot have a detached garage in that area. He would like to get further information on the process. Mr. Walko showed the Board a picture of the house and where he would like to put up a garage.

The Chairman explained that you cannot increase a non-conformance without a variance. A discussion continued about conformance, side yard variances needed, and the amount of space available, noting that this Board would not approve something that requires a variance.

The Applicant was advised to speak with the Building Inspector and go to the Consolidated Zoning Board of Appeals with his professional engineer plan requesting the proper variances.

Mrs. Carolyn Storms (Rebuild), 8 Overlook Place, Section 12, Lot 1, Block 14.2, R-1-R Zone

Mrs. Storms is questioning how, after her previously approved subdivision, to proceed since the existing structure burned down on March 29, 2013. Can this proposed duplex be built with just a building permit or is an Amended Site Plan needed?

A discussion continued concerning the following:

- Original footprint was 1,500 square feet.
- Footprint for the new duplex is 1,248 square feet.
- One story higher, from one story to a two story.
- Height of the new structure.
- Question of a material and substantial change.
- How this structure would fit in.
- Similar structures in the area.

A motion was made that the proposal presented to the Board was, in the opinion of the Planning Board, not a material or substantial change to the approved site plan.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

TOWN BOARD REFERRALS

Changes to the Zoning Code require a referral to this Board.

Zoning Code Change (Consolidated ZBA from 7 to 5 Members)

The Chairman will draft a letter stating that the Board feels this is a good idea, and the proposed change has no affect on this Board.

Bed and Breakfast Zoning Change

The Bed and Breakfast Zoning Change Public Hearing is Monday, September 22, 2013. A discussion was held by the Board on this matter. The Chairman will draft a letter stating that this Board has no problem with this change.

PUBLIC COMMENT - None

At 9:08 P. M., a motion was made to enter Executive Session to discuss a Personnel Matter, inviting the Attorney to attend.

Motion: Dr. Kelly Seconded: Mr. Dyroff Approved

At 9:40 P. M., a motion was made to close the Executive Session.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

At 9:41 P. M., a motion was made to close the Regular Meeting.

Motion: Mr. Dyroff Seconded: Mr. Hunter Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, October 17, 2013**

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