

APPROVED: 3/20/14

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
FEBRUARY 20, 2014**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, February 20, 2014, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Terry Holt, Deputy Chairman - Arrived 7:12 P. M.
Cathy Kelly
John Hunter
Chris Dyroff

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

ALSO PRESENT: Bill Edsall, Town Councilman, Jay Samuelson (Engineering Properties), Jeremy L. Havens, Esq. (Havens & Lichtenberg, PLLC), and Janet Suchanyc.

The Regular Meeting/Annual Reorganization Meeting was called to order at 7:00 P. M. by the Chairman with the Pledge to the Flag. It was noted that four members are present, Mr. Holt is absent (arriving at 7:12 P. M.), and there is a quorum.

A motion was made to approve the January 16, 2014 Minutes.

Motion: Dr. Kelly Seconded: Mr. Dyroff Approved

VOUCHERS – None

COMMUNICATIONS

- New York Planning Federation - Planning News
- Biodiversity Assessment Training for Land Use Decision-makers
- Rural Futures – New York State Legislative Commission on Rural Resources

OLD BUSINESS - None

NEW BUSINESS

Fort Fitness Site Plan and Special Exception for construction of a 6,000 square foot fitness center located at 2339 U. S. Route 9W, Fort Montgomery, NY (Section 12, Block 1, Lot 1.2, Business Zone)

The Chairman stated that the Attorney and Consultants had received the information and submitted Comment Letters.

Mr. Rider's Comments included:

- Application submitted in the name of Fort Fitness Recreation.
- Ownership by a Charitable Trust.
- Deed provided.
- Description of the proposal.
- Not-for-Profit Fitness and Recreation Center.
- Perhaps a permitted use.
- Board needs to understand the intent.
- Board needs to know the ownership interest.
- Not-for-profit status.
- Must fit into Code properly.
- Amendment procedures, if necessary.
- Variance issues, if necessary.
- Need more information.

Jay Samuelson (Engineering Properties) Comments included:

Introduced Jeremy L. Haves, Esq., Attorney for the Applicant Comments:

- Property purchased by the Grace M. Suchanyc Charitable Trust which is recognized by the 1C3 Charitable Entity.
- It intends to retain ownership of the property itself.
- Applicant is Fort Fitness a newly form not-for-profit corporation.
- Still in process of submitting application for tax exemption from IRS as a public charity.
- Fort Fitness Recreation will enter into a ground lease from the charitable trust.
- Construct a facility offering membership to residents of Highland Falls and Fort Montgomery at a discounted rate and to the general public.
- The use would include fitness and recreation, based on membership use.

The Chairman stated that, in his opinion, the not-for-profit status does not enter into the Board's decision making for this project.

A discussion was held concerning the fact that a fitness center is not listed specifically in the Code's Table of Uses.

It was suggested that an amendment be added. Mr. Edsall said that perhaps there were other items that needed to be included. In this instance, he will have a discussion with Ms. Dotson with reference to the standards. This Board will make a recommendation to the Town Board to amend the Table of Uses in the Code to include a fitness facility use as a Special Exception in the Permitted Business Use. Mr. Edsall agreed and will discuss it with the Town Board at their next meeting.

BOARD MEMBER COMMENTS:

Mr. Hunter and Dr. Kelly would be interested in more specific details on the uses for the project.

The Chairman stated that in speaking with Mr. Jinabhai, engineering details and what type of use this project would be considered in the Code would have to be addressed. He also pointed out that a small part of Fort Storage driveway is on this property. Mr. Samuelson acknowledged that it did, perhaps 4 – 5 feet.

Mr. Samuelson asked the Board if it had any questions on the project specifically the parking, landscaping and general layout. There is another piece of land to the south between this property line and the entrance of the hotel.

Other items discussed:

- Ms. Dotson suggested using the tax maps.
- It was suggested the Applicant complete a short EAF form.
- Review and revise the address.
- Need for more information on property dimensions and visuals.
- Compliance with the Comprehensive Plan.
- This Board recommended used the short EAF form.
- Confusion with the address found in the deed record.
- He will check the number and revise the address.
- The Applicant will return in March with a new short EAF form, address clarification, and a new Deed.
- This Board will refer to Fire Department and Police Department, and Ambulance and the GML Referral.

Councilman Edsall discussed:

- Homeland Towers with relation to the townhouses.
- The Town Board has been working with Mr. Hager on sign enforcement.
- Consolidation of Boards still under discussion.
- Proper numbering of houses, especially in emergencies is needed.
- Need for Code enforcement.
- He appreciates the work of the Town Planning Board and welcomes any input from this Board.

PUBLIC COMMENT - None

At 7:48 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, March 20, 2014**