

APPROVED: 7/17/14

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JUNE 19, 2014**

A regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, June 19, 2014, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Terry Holt, Deputy Chairman
Cathy Kelly

Chris Dyroff
John Hunter

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

ALSO PRESENT: Jay Samuelson, P.E. (Engineering Properties), Roy Hannawalt, Maria Hannawalt, Greg Nieczaj, and Janet Wilkre.

The Regular 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 May 15, 2014 Minutes with necessary times added for the Executive Session and adjournment.

Motion: Mr. Hunter Seconded: Mr. Holt Approved

COMMUNICATIONS

- Association of Towns Training – Closest is in Kingston on Tuesday, July 29, 2014

VOUCHERS – June 2014

Rider Weiner, & Frankel, P.C.

General Planning	\$111.00
Fort Fitness	277.50

Garling Associates

General Planning	\$ 63.00
Fort Fitness	210.00

Recording Secretary

Fran DeWitt	\$ 63.60 – April
	90.55 – May

Cathy Kelly

\$ 66.52 - Mileage

The Chairman will submit these vouchers to the Comptroller.

OLD 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)

A Public Hearing was held at the last meeting, May 15, 2014, and was closed.

The Chairman spoke with the Fire Chief and was told that there were no fire concerns as proposed. The Board will expect a letter from the Fire Chief that effect.

Mr. Samuelson was in contact with the DOT. The DOT has approved the concept but has requested a 24 foot wide entrance instead of the 25 foot wide entrance that exists now. They must reduce the entrance by one foot. They would also like the fire lane going out to Route 9W to be one way, making it 20 feet at the entrance rather than 24 feet. He will have to submit detailed design plans for their permit. More information will be given upon SEQRA completion.

Ms. Dotson had no objections to DOT's requirements.

The Chairman agreed that the Board's approval would be a direct result of approvals given by DOT and the Fire Chief.

The Comment Letter from Leslie Dotson was discussed.

Mr. Samuelson will change:

- Additional trees will be included
- Lighting will be corrected
- Easements will be put on the Site Plan

Comments from Justin Rider were discussed.

- Draft Resolution
- DOT issue
- Engineer's Letter
- Planner's Letter

The Comment Letter from Uday Jinabhai was discussed.

- Water use
- DOT Approval
- Hydro test
- Backflow
- Mechanical design

- Ramp
- Lighting
- Details to be put on plan

Mr. Samuelson hopes to get conditional approval subject to approval by the Board's Attorney, Engineer, and Planner and get the permit from DOT.

RESOLUTION

OF

JUNE 19, 2014

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION
FORT FITNESS & RECREATION, INC.
APPLICATION FOR
A SPECIAL EXCEPTION USE PERMIT AND SITE PLAN
OF A FITNESS CENTER

Planning Board Member Cathy Kelly presented the following resolution which was seconded by Planning Board Member John Hunter.

WHEREAS, an Environmental Assessment Form (the "EAF") was prepared in January 2014, for the application for a special exception use permit approval and site plan of a Fitness Center, on property located at 2339 Route 9W in the Town of Highlands and designated on the Tax Map as Section 12, Block 1 Lot 1.2 (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 Fort Fitness Special Exception Use Permit and Site Plan application, which consists of a Fitness Center, 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:

Terry Holt, Member voting - Aye

John Hunter, Member voting - Aye

Cathy Kelly, Member voting - Aye

Christopher Dyroff, Member voting - Aye

Erik Smith, Chairperson voting - Aye

A MOTION WAS MADE TO ACCEPT THE FINAL APPROVAL AS SPELLED OUT IN THE FOLLOWING RESOLUTION WITH THE CONDITIONS DISCUSSED.

Motion: Mr. Hunter Seconded: Dr. Kelly Approved

RESOLUTION OF APPROVAL

SITE PLAN AND SPECIAL EXCEPTION USE PERMIT

FINAL

FOR

FORT FITNESS & RECREATION, INC.

Nature of Application

Fort Fitness & Recreation, Inc., have applied for a site plan and special exception use permit approval of a fitness center.

Property Involved

The property affected by this resolution is shown on the Tax Map of the Town of Highlands as parcel(s) Section 12, Block 1, Lot 1.2 and is located at 2339 Route 9W.

Zoning District

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

Plans

The Site Plan materials being considered consist of the following:

1. Completed application form and Environmental Assessment Form.
2. Plans prepared for Fort Fitness & Recreation, Inc., as follows:

<i><u>Author</u></i>	<i><u>Title</u></i>	<i><u>Last Revision Date</u></i>
Engineering & Surveying Properties	Site Plan	May 28, 2014
Engineering & Surveying Properties	Grading, Drainage & Utilities	May 28, 2014
Engineering & Surveying Properties	Erosion & Sediment Control	May 28, 2014
Engineering & Surveying Properties	Lighting & Landscaping Plan	May 28, 2014
Engineering & Surveying Properties	Details C-5	May 28, 2014
Engineering & Surveying Properties	Details C-6	May 28, 2014

History

Date of Application

The application was filed with the Planning Board on January 29, 2014.

Public Hearing

A public hearing on final approval for a Site Plan and Special Exception Use Permit was convened on May 15, 2014 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 19, 2014.

GML 239 Referral

The site is within 500 feet of a State Highway and accordingly this application was referred to the Orange County Planning Department for review in April 2014. The Planning Department commented and recommended local determination.

Findings

The Planning Board has determined that approval of this site plan and special exception use will substantially serve the public convenience, safety and welfare in general as well as that of the proposed occupants in that the land to be developed is of such character that it can be used safely without danger to health or peril from fire, flood or other menace. Further, the traffic access and ways are adequate in number, width, grade, alignment and visibility, adequate parking is provided and the inner traffic circulation system is adequate to provide safe accessibility, the relation of the project to the topography of the land, 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 pursuant to Town of Highlands Code Section 210-21(B).

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final site plan application and special exception use permit of Fort Fitness & Recreation, Inc., as said proposal is depicted on the plans 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. The applicant shall comply with the requirements of Chapter 101 of the Code of the Town of Highlands, Erosion Control, at all times.
3. This approval is subject to the issuance of a highway work permit or a

letter of approval by the New York State Department of Transportation for the proposed highway entrances (curb cuts) and the intended uses as depicted, with minor variations.

4. 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 inspections required by the Code.
5. The applicant shall demonstrate to the satisfaction of the Planning Board that the comments contained in the Planning Board Engineer's letter dated June 17, 2014, have been satisfactorily addressed and/or completed.
6. The applicant shall demonstrate to the satisfaction of the Planning Board that the comments contained in the Planning Board Planning Consultant's letter dated June 18, 2014, have been satisfactorily addressed and/or completed
7. The applicant shall pay outstanding Town of Highlands consulting fees incurred in connection with the review of the application as a condition precedent 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 J. Robert Folchetti & Associates. The plans shall not be signed until J. Robert Folchetti & Associates 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, planning, legal 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 may result in a lapsing of this approval.

Planning Board Member John Hunter presented the following resolution which was seconded by Planning Board Member Cathy Kelly.

In Favor	<u> 5 </u>	Against	<u> 0 </u>	Abstain	<u> 0 </u>	Absent	<u> 0 </u>
<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 19, 2014

 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 19, 2014.

 _____, 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 approve an Erosion Control Permit for the Fort Fitness Project based on the Comprehensive Review that was just undertaken as part of the Site Plan for the Project.

Motion: Mr. Dyroff Seconded: Mr. Holt Approved

NEW BUSINESS:

Fort Storage Amendment to Site Plan 1158 U. S. Route 9W, Fort Montgomery, NY (Section 9, Block 2, Lot 11).

The Chairman stated that Mr. Hannawalt was here to propose an Amended Site Plan for Fort Storage. Mr. Hannawalt was before this Board and has his approval and is operating a Self Storage Business at 1158 U. S. Route 9W, in Fort Montgomery. He is proposing to put two accessory structures behind the building.

Mr. Hannawalt stated that he is proposing two buildings connected with a roof.

A discussion was held on what was approved on the original Site Plan from 2012.

Items of discussion/concern:

- The original Final Site Plans were approved in 2012.
- Parking multiple vehicles in the back part of the lot was not approved on the original Site Plan.
- The Applicant must show the Board all of his intentions on the new plans, including: The existing storage building, new proposed building, and where ever he is intending to store other materials on this lot.
- This was approved as an internal storage facility, not for outside vehicle storage.
- All proposed plans to be analyzed by this Board and properly approved.
- Why pavement behind the building?
- Retaining wall.
- Amount of pavement.
- Clean-up of area.
- Fencing with the rear undisturbed, no leveling.
- Runoff/drainage.

Mr. Hannawalt stated it will show the area that is not covered by a building as being black top surface. There is no landscaping; it is black top surface. The black top is needed for access to approach the units in the back of the building. It would be 30 feet in front, 30 behind it, and 30 feet from the original building. This is a concept for the Board to look at and to give you a basic idea of what he is looking to do.

Mr. Rider pointed out that lighting, landscaping, parking, circulation, and emergency services must be considered by the Board, and they need to see what the intention is.

Mr. Hannawalt understands that the leveling of the back part of the property was done without approval and apologized for that.

The Comment Letter from Uday Jinabhai was discussed.

- Utility Easement
- Stormwater drainage
- Limits of disturbance
- Erosion Sediment Control Plan
- Need for elevations
- Details of retaining walls
- Paving and curbs
- Existing grades
- Separation of buildings
- Parking spaces
- Potential for gas/oil leakage

The Comment Letter from Leslie Dotson was discussed:

- Circulation, enough space
- Explain pavement, possibly more pavement than is needed
- Orange County Planning – porous pavement requirement a possibility
- Grading
- Transitional yards/landscaping plan
- Will proposed building match existing building?
- Need to show all uses for the site
- Need for an EAF – short form

PUBLIC COMMENT:

Janet Wilkre, 14 Owens Farm Road, Fort Montgomery, NY.

Has concerns about the need for a cell tower to cover gaps in service. Are there actually gaps in service? If there are, would proposed cell tower take care of those gaps? Alternative site would be a scenic disaster.

The Chairman stated there is an open application by Homeland Towers to place a cell tower at a specific location. They are also in the process of exploring alternative locations. There is nothing approved. As part of that process, we have a Planner, an Engineer, and an RF Engineer to advise this Board.

Greg Nieczaj, 203 Canterbury Road, Fort Montgomery, NY

Opposed to locating a cell tower at the bottom of Canterbury Road and vigorously opposes one at the top of Canterbury, where he lives. What needs to be covered is Route 293 and they should be encouraged to explore that area. He is also concerned about brain exposure in the horses and bears in the area, and the number of vehicles on Canterbury Road. Questions the need for a cell tower in the area.

At 8:30 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Hunter Seconded: Mr. Holt Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, July 17, 2014**