

APPROVED: 12/18/14

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

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

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Cathy Kelly
Chris Dyroff
John Hunter

Absent:

Terry Holt, Deputy Chairman

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

ALSO PRESENT: Thomas B. Olley, P.E., Nichole Bernicker, Mark Lavinski, Kevin Maher, Tom Armstrong, Ned Kopald (arrived 7:32 P. M.), and Bill Edsall, Town Councilman (arrived 7:55 P. M.).

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 four members are present, and there is a quorum. Mr. Holt is absent.

A motion was made to approve the October 16, 2014 Minutes, as amended.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved

COMMUNICATIONS

- **Regarding the 320 West 245 Street Project**
- **Cornell Cooperative – Storm water Management for Municipalities**
- **Town Code Revision – Elected Officials, County Planning and this Board's involvement in revision process.**
- **Orange County Partnerships Annual Event, December 2, 2014**

VOUCHERS – November 2014

McGoey, Hauser and Edsall Consulting Engineers, D.P.C.

320 West 245 Street	\$201.70
Hudson Highlands Rest.	69.50
Hudson Highlands	226.25
Fort Fitness	160.30
Fort Storage	167.40

Rider Weiner, & Frankel, P.C.

General Admin.	\$129.50
Hudson Highlands	129.50
Fort Storage	55.50
320 West 245 St. LLC	203.50

Recording Secretary

Fran DeWitt	\$ 84.80
-------------	----------

The Chairman will submit these vouchers to the Comptroller.

OLD BUSINESS

Fort Storage Amended Site Plan (Section 9, Block 2, Lot 11).

Mr. Olley stated that all of the revisions discussed at the last meeting have been made. They included: screening, fencing, access, and limiting the size of the project to under an acre.

A motion was made to approve the Resolution of Approval for the Amended Site Plan for Fort Storage, LLC and Hannawalt Enterprises, Inc.

RESOLUTION OF APPROVAL

AMENDED SITE PLAN

FINAL

FOR

FORT STORAGE, LLC AND

HANNAWALT ENTERPRISES, INC.

Nature of Application

Fort Storage, LLC and Hannawalt Enterprises, Inc., have applied for an amended site plan approval of a self storage facility.

Property Involved

The property affected by this resolution is shown on the Tax Map of the Town of Highlands as parcel(s) Section 9, Block 2, Lot 11 and is located at 1158 Route 9W.

Zoning District

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

Plans

The Amended Site Plan materials being considered consist of the following:

1. Plans prepared for Fort Storage, LLC and Hannawalt Enterprises, Inc., as follows:

<i><u>Author</u></i>	<i><u>Title</u></i>	<i><u>Last Revision Date</u></i>
Thomas B. Olley, P.E., P.L.L.C.	Existing Conditions	July 31, 2014
Thomas B. Olley, P.E., P.L.L.C.	Layout & Dimension Plan	October 22, 2014
Thomas B. Olley, P.E., P.L.L.C.	Grading & Utilities Plan	October 22, 2014
Thomas B. Olley, P.E., P.L.L.C.	Lighting Plan	July 31, 2014
Thomas B. Olley, P.E., P.L.L.C.	Erosion Control Details	July 31, 2014

History

Date of Application

The application was filed with the Planning Board in July, 2014.

Public Hearing

A public hearing on final approval for an Amended Site Plan was convened on October 16, 2014 and closed on the same date.

SEQRA

Type of Action:

This matter constitutes a Type II action under the State Environmental Quality Review Act.

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 September 2014. The Planning Department commented and recommended approval subject to local determination.

Findings

The Planning Board has determined that approval of this amended site plan 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 amended site plan application of Fort Storage, LLC and Hannawalt Enterprises, 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. 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.

- 4. 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 McGoey, Hauser and Edsall Consulting Engineers D.P.C. The plans shall not be signed until McGoey, Hauser and Edsall Consulting Engineers D.P.C. 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 Hunter presented the following resolution which was seconded by Planning Board Member Dyroff.

In Favor <u> 4 </u>	Against <u> 0 </u>	Abstain <u> 0 </u>	Absent <u> 1 </u>
<u>Terry Holt, Member</u>	voting	Absent	
<u>John Hunter, Member</u>	voting	Aye	
<u>Cathy Kelly, Member</u>	voting	Aye	
<u>Christopher Dyroff, Member</u>	voting	Aye	
<u>Erik Smith, Chairperson</u>	voting	Aye	

Dated: November 20, 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 November 20, 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

Hudson Highlands Rest., LTD, Amended Site Plan (Section 11, Block 1, Lots 1.1 & 1.2).

Applicant not present at this meeting.

320 West 245 Street LLC-1368, Route 9W, Subdivision (Section 7, Block 1, Lot 1.1)

The Chairman explained that new submittals were received from the Applicant, Kevin Maher, along with deed information, correspondence from the Board's Engineer and Planner, and correspondence from the Nichole Bernicker's attorney, Mr. Ned Kopald.

A critical concern of the Board concerns access with this subdivision plan. There is no legal agreement between the two parties for use of the driveway (Block 2) that is being used by both. This is not a matter for the Board to resolve. It is a private legal matter between the two parties.

A lengthy discussion was held with the Applicant concerning access with him showing pictures of the trees and shrubs and what he would like to do for the access road.

The Chairman allowed Public Comment at this point to open the lines of communication between the two parties.

Items discussed:

- Need for a legal agreement for access to be presented to the Board.
- Road currently being used by the Applicant and the neighbor.
- Lack of an easement for this road.
- The only available road for access at this time. (Easement of Necessity).
- The possible use of the most southerly portion of the property.
- No work on the property is to be done at this time.

The discussion ended. The parties involved will plan to meet to discuss the issues. Mr. Maher will return to the Board with his definite plans at a future meeting.

NEW BUSINESS

Fort Fitness Amended Site Plan (Section 12, Block 1, Lot 1.2)

This is an approved project with Site Plan. The Applicant would like to change the amount of exterior stonework to be put on the facility. After discussion, the Board determined this request is not a significant change and an amended site plan is not necessary.

A motion was made stating that the Board reviewed the new rendering and does not see this as a significant change warranting an amended site plan.

Motion: Dr. Kelly

Seconded: Mr. Hunter

Approved.

INFORMAL APPEARANCE

Armstrong Proposed 2 Lot Subdivision, 14 Montgomery Road, Fort Montgomery, NY.

The Applicant explained that back in 2007 when he built the house for his parents, he got the Use Variance because there was a moratorium on subdivisions. Now his son, who lives at 10 Montgomery Street, would like to buy the entire lot. They would like to subdivide the lot.

The Board will require a Site Plan and a 280A.

PUBLIC COMMENT:

Bill Edsall, Councilman

Code Revision Update/Consolidation: Assistance would be available from David Church. He would be available during the day. Mr. Edsall recommended a member of this Board and/or a delegate be present at such a meeting.

A discussion was held on Village and Town Codes and the necessity for updates in each.

At 8:34 P. M., a motion was made to enter into Executive Session to discuss a personnel matter.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

At 8:42 P. M., a motion was made to end the Executive Session.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

At 8:43 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Dyroff Seconded: Mr. Hunter Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, December 18, 2014**