

APPROVED: 11/19/15

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JUNE 18, 2015**

A Regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, June 18, 2015, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

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

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

ALSO PRESENT: Lynn Edsall, Dean Walko, Jim Feury, Dilip Patel and Rakhil Patel.

At 7:00 P. M., the meeting was opened with the Pledge to the Flag. It was noted that all Members are present and there is a quorum.

Edsall Amended Site Plan (Bed and Breakfast) 12 Rivercrest Road, Fort Montgomery (Section 9, Block 2, Lot 12 R-1-R Zone)

At 7:01 P. M., the Public Hearing was opened for this project.

Mrs. Edsall provided the Board with the Affidavits of Mailing and Posting.

Mrs. Edsall stated that this is a single family home. They already have an existing Bed and Breakfast at 14 Rivercrest. 12 Rivercrest became available and the owners asked if they would like to purchase it. They have enough business and would like to expand. They will add two more bedrooms.

**The Public was asked to share comments. There were none.
The Board had no additional comments.**

A motion was made at 7:03 P. M. to Close the Public Hearing.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

Walko Site Plan (Addition to existing Single Family Dwelling), 12 Bridge Terrace, Fort Montgomery (Section 15, Block 3, Lot 1, R-1-R Zone).

At 7:04 P. M., the Public Hearing was opened for this project.

Mr. Walco provided the Board with the Affidavits of Mailing and Posting.

Mr. Walco stated that they are adding a garage and breezeway onto his existing house. Being in the R-1-R District and on the River, it has to be connected by the breezeway. He went through the variances to add a garage and breezeway.

**The Public was asked to share comments. There were none.
The Board had no additional comments.**

A motion was made at 7:05 P. M. to Close the Public Hearing.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

The Regular Meeting began at 7:07 P. M.

A motion was made to approve the May 21, 2015 Minutes, as amended

Motion: Mr. Hunter Seconded: Dr. Kelly Approved

COMMUNICATIONS

- New York State Planning Federation – Summer School Schedule

OLD BUSINESS

Edsall Amended Site Plan (Bed and Breakfast) 12 Rivercrest Road, Fort Montgomery (Section 9, Block 2, Lot 12 R-1-R Zone)

The Chairman noted that the GML Referral was sent to the County on this project and no reply has been received as of this date.

A discussion was held concerning changes to be done to the map by the Applicant's Engineer. The Board has not received the new changes which will include the owner-occupied requirement for a Bed and Breakfast. It was recommended that the Engineer be in contact with the Board's Attorney to review the suggested language. Mrs. Edsall will contact her Engineer.

A motion was made to approve the Resolution of SEQR Designation and Final Resolution of Approval for a Site Plan and Special Exception Use Permit for this project.

RESOLUTION

OF

JUNE 18, 2008

RESOLUTION OF SEQR DESIGNATION
AND DETERMINATION
WILLIAM EDSALL AND LYNN EDSALL –
APPLICATION FOR A SPECIAL EXCEPTION USE PERMIT
FOR A BED AND BREAKFAST HOTEL WITH TWO GUEST ROOMS

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 April, 2015, for the application for a special exception use permit approval converting a single family home into a bed and breakfast style hotel with two guest rooms, on property located at 12 River Crest Road in the Town of Highlands and designated on the Tax Map as Section 9, Block 2 Lot 12 (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; and

WHEREAS, the Planning Board has heretofore designated itself lead agency on May 21, 2015; 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 Edsall Site Plan and Special Exception Use Permit application, which consists of the conversion of a single family home into a bed and breakfast style hotel, 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 a 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

RESOLUTION OF APPROVAL

SITE PLAN AND SPECIAL EXCEPTION USE PERMIT

FINAL

FOR

WILLIAM EDSALL AND LYNN EDSALL

Nature of Application

William Edsall and Lynn Edsall have applied for a Site Plan and Special Exception Use Permit approval allowing them to operate a bed and breakfast with two guest rooms at 12 River Crest 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 9-2-12 and is commonly referred to as 12 River Crest Road.

Zoning District

The property affected by this resolution is located partially in the B Business 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 William Edsall and Lynn Edsall as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Atzl, Scatassa & Zigler, P.C.	Site Plan	April 10, 2015

History

Date of Application

The application was filed with the Planning Board April, 2015.

Public Hearing

A public hearing on final approval for Special Exception Use Permit and Site Plan was convened on June 18, 2015 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. The Planning Board's status as lead agency was established on May 21, 2015.

Declaration of Significance:

A negative declaration was issued on June 18, 2015.

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 May 2015.

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 bed and breakfast 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 in number, width, grade, alignment and visibility, 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 Master 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 William Edsall and Lynn Edsall 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. 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.
4. This approval is subject to the receipt of an appropriate GML response from the County of Orange or the passage of thirty days without a response from the date of referral.
5. A note shall be added to the Site Plan, satisfactory to the Planning Board, addressing the owner occupancy requirement.

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, 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 Cathy Kelly presented the following resolution which was seconded by Planning Board Member John 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 18, 2015

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 18, 2015.

_____, 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

NEGATIVE DECLARATION
Site Plan and Special Exception Use Permit
for
Hudson Rivercrest Bed and Breakfast, 12 Rivercrest Road
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: Edsall – Site Plan and Special Use Permit for Bed and Breakfast
Action Type: Unlisted Action
Location: Town of Highlands, County of Orange
Location: 12 Rivercrest Road, Fort Montgomery
Zoning Districts: B (Business)
Tax Map Parcel: Section 9 Block 2 Lot 12

Summary of Action:

The action involves a request for site plan approval and the issuance of a special use permit for a bed and breakfast to be operated at a dwelling owned by William A. and William B. Edsall. The premises are located in the B district of

the Town on 12 Rivercrest Road, and the home in question exists and adjoins another bed and breakfast residence owned by William and Lynn Edsall located southeast of the site in the R-1-R district. The action is Unlisted pursuant to SEQRA.

The Planning Board has carefully considered the application and the site plan, the submitted Environmental Assessment form, the comments of its advisors and all comments submitted by the public, and 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 in the B district, northeast of a property with an existing self-storage facility, and north of the Holiday Inn, both located in the B district. It adjoins and shares access with another bed and breakfast residence owned by William and Lynn Edsall located southeast of the site in the R-1-R district.

The site in question contains a residence that fronts on and has access Rivercrest Road, which is a private road serving both the site in question and additional lands in the R-1-R district including another existing operating bed and breakfast (B&B) residence. The existing private road is improved in a residential character, with neat cobblestones. The existing house faces towards the R-1-R district and the existing B&B, and the entire character of the existing site is residential, as is the character of the adjoining lots to the east and south.

If the site were to be developed for other uses that are permitted in the Business District, unless it were to be completely re-developed in combination with other parcels and also with a new access way and buffering towards the Hudson River, it would not be compatible with the existing neighborhood character. The requested use is consistent with neighborhood character and also with the Town's Comprehensive Plan adopted in 2009. The Plan encourages localized tourism efforts and local bed and breakfasts, and the zoning code provides for it by special exception use permit in the Business District as well as in residential districts.

The Planning Board has evaluated all of the special exception use requirements for this bed and breakfast listed in Section 210-10-D-18 of the Town of Highlands Code. All of these requirements have been met, with the exception of those requirements that the Board specifically waived upon its determination that these specific requirements were not relevant to the application. Accordingly, the Planning Board finds that the requested use is consistent with the surrounding land use and zoning as well as community character.

B. Soils, Geology and Topography Impacts

No impacts are expected in this subject area, as there is no grading or site disturbance proposed for the property. The site is already improved and no physical changes are needed to the site.

C. Water Resources Impacts

Because there is no new site disturbance and no new impervious area proposed, no stormwater management plan is required or needed for the site, nor is any erosion control plan called for, and no change is being made to surface stormwater flows, site drainage, flooding or groundwater, and the site is not within a flood or tidal zone.

The site is served by both individual well and septic system which is already sized to accommodate the number of bedrooms in the house. Therefore, no harmful impacts to groundwater quantity or quality would be expected.

Accordingly, no impacts are expected in this subject area.

D. Ecology Impacts

As noted in the section on soils, geology and topography, the site itself is already developed and no changes are being made to remove or disturb any existing vegetation or animal habitat. Because of the lack of physical site disturbance, no impacts are expected in this subject area.

E. Traffic & Transportation Impacts

As noted in the section on Land Use, Zoning, and Community Character, the site shares access with another existing B&B and one other residence, and the access is adequate and well maintained.

Based on the number of bedrooms within the dwelling to be used for the Bed and Breakfast purpose, not more than three additional vehicles may be travelling to and from the site on a varied schedule during the site's maximum occupancy. This volume of traffic is in no way incompatible with typical residential site use of the dwelling, and there are no capacity limits on nearby site roadways that would be significantly harmfully affected by the proposed site use. Adequate parking is provided.

F. Community Services Impacts

No community service related concerns were identified in the review and public hearing process for this land use application. Therefore, no impacts are expected in this subject area.

G. Noise and Air Impacts

Because no new construction, grading or land disturbance is proposed as a part of this land use application, there will be no temporary construction-related noise, dust or air pollution impacts. The operating noise levels associated with the use would not be different from those of the previous purely residential use, and would certainly not be more than those that might be generated by other permitted uses in the Business District. Accordingly, the Board determines that no significant adverse impacts expected in this regard.

H. Visual and Cultural Resources Impacts

The site is currently developed, and no new construction or disturbance are proposed as part of the plan. See also the *Land Use and Zoning/Community Character Impacts* section for related considerations. Therefore, no impacts are expected in this subject area.

I. Other Impacts

No significant harmful impacts on energy use are anticipated, due to the fact that the requested use is consistent with the previous use of the existing residence building. No Critical Environmental Areas pursuant to NYCRR Part 617 are located adjacent to the site and therefore none can be affected by the use; in any case, the use is to take place in an existing dwelling in a residential zone, generating no new site disturbances.

No other impacts were identified.

Date of Adoption: June 18, 2015

**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

Walko Site Plan (Addition to existing Single Family Dwelling), 12 Bridge Terrace, Fort Montgomery (Section 15, Block 3, Lot 1, R-1-R Zone).

The Chairman noted that the GML Referral was sent to the County on this project and no reply has been received as of this date.

This is a Type II Action, with no need for a Negative Declaration or SEQR Determination.

A motion was made to approve the Final Resolution of Approval for a Site Plan for this project.

RESOLUTION OF APPROVAL

SITE PLAN

FINAL

FOR

DEAN WALKO

Nature of Application

Dean Walko has applied for a Site Plan approval allowing for a single family home with a new garage and breezeway at 12 Bridge Terrace, 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 15-3-1 and is commonly referred to as 12 Bridge Terrace.

Zoning District

The property affected by this resolution is located partially in the R-1-R Residential zoning district of the Town of Highlands.

Plans

The Plan materials being considered consist of the following:

3. Completed application form and Environmental Assessment Form.
4. Plans prepared for Dean Walko as follows:

<i>Author</i>	<i>Title</i>	<i>Last Revision Date</i>
Lanc & Tully Engineering and Surveying, P.C.	Site Plan	March 12, 2015

History

Date of Application

The application was filed with the Planning Board May, 2015.

Public Hearing

A public hearing on final approval for Site Plan was convened on June 18, 2015 and closed on the same date.

SEQRA

Type of Action:

This matter constitutes a Type II action under the State Environmental Quality Review Act in accordance with 6 NYCRR 617.5(c)(9).

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 May 2015.

Findings

The Planning Board has determined that approval of this 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 for building purposes 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 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 Master 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 site plan of Dean Walko 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

6. The applicant shall comply with the requirements of Chapter 210 of the Code of the Town of Highlands, Zoning, at all times.
7. 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.
8. 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.
9. This approval is subject to the receipt of an appropriate GML response from the County of Orange or the passage of thirty days without a response from the date of referral.

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, 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 John Hunter presented the following resolution which was seconded by Planning Board Member Christopher Dyroff.

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 18, 2015

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 18, 2015.

_____, 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

NEW BUSINESS - None

INFORMAL APPEARANCE

Holiday Inn Express, 1106 Route 9W, Amendment to Site Plan (Section 12 Block 1, Lot 10.11, B District)

Mr. Jim Feury, an Engineer from Monroe, representing the Applicant began the discussion of the project. He showed the Holiday Inn Site on a Tax Map and the two lots on either side, owned by Mr. Patel. This property was part of his original purchase and was subdivided.

He proposes to put an addition on the north side, adding a fourth floor on the existing building, a banquet hall and a meeting room on the addition about 24 feet high, and two floors of rooms on top of that. The Applicant is looking for information and direction.

Items Discussed:

- Need for a height variance from the Zoning Board of Appeals.
- Need for a Public Hearing.

- Status of American Towers, Telecommunication project for this property status.

(Mr. Patel showed the area where the tower is expected to be placed. He will communicate with American Towers to see if they are going forward. Mr. Patel explained that his proposal will not impact that project).

- Adding 62 more rooms.
- Parking.
- Lighting.
- In the Business District.
- Within the Comprehensive Plan.

Another proposal: Put banquet hall and a separate hotel on the south lot, with same height.

BOARD MATTERS

Dr. Kelly reported on the last Joint Meeting of Town and Village Planning Board. She, Mrs. Gunza, and Mr. Ramos were in attendance. They discussed “green construction” and how to include this into the Code.

PUBLIC COMMENT - None

At 7:56 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Holt

Seconded: Dr. Kelly

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, July 16, 2015**

**The next Joint Meeting of the Town and Village Planning Boards will be held
on Wednesday, June 24, 2015, at 7:00 P. M., in the meeting room at the Village
of Highland Falls Village Hall, 303 Main Street, Highland Falls, NY 10928.**