

APPROVED: 8/31/16

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
JULY 21, 2016**

A Regular meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, July 21, 2016, at 7:00 P. M.

THERE WERE PRESENT:**Board Members:**

Erik Smith, Chairman
Chris Dyroff, Deputy Chairperson
Jim Ramus

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

ALSO PRESENT: Councilwoman June Gunza, Justin Dates (Maser Consulting), Dilip Patel (Holiday Inn Express), Steven P. Drabick, PLS, P.C, Debra Tietze, Linda Alvira, Lauren Dyroff, Jason O'Dell, Dr. and Mrs. Josh Brewer.

At 7:00 P. M., the meeting was opened with the Pledge to the Flag. It was noted that there are three members present.

The Chairman remembered Board Member Dr. Cathy Kelly with fond memories, accolades, and a Moment of Silence.

Chaplin/Brewer/Wilkie - Minor Subdivision, (Lot Line Changes), Owens Farm Road, Fort Montgomery, NY, (Section 10, Block 1, Lot 3.2, Section 13, Block 1, Lots 16.2 and 17.2).

Mr. Steven Drabick, a Licensed Land Surveyor representing the applicants for a lot line change, altering lines on lots that were created by an earlier subdivision which was recorded and filed in the Orange County Clerk's Office. The lot line changes are minor in nature and aimed solely for the purpose of improving the access to Lot 4, a long and existing driveway. These lot line changes would incorporate the embankment along the road and an additional section of property so that the driveway can be straightened out and lessen the grade.

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

Debra Tietze, 36 Bellevue Road, Fort Montgomery, NY. I was wondering in order to get this access, is there going to be blasting necessary on the ridge?

Mr. Drabick responded that there will not be blasting. The area will be a minor cut through the existing ground.

What is going up there, a home?

The existing driveway is currently running up to Lot 4 for a single family house.

The Chairman further explained that the project is changing lines on an existing subdivision that was approved in 2002 for a single home. The applicant has come back to change some of the lines for hardships and planning purposes.

Linda Alvira, 40 West Point Highway, Fort Montgomery, NY. Will it change drainage, because there are issues there now?

Mr. Drabick: We are adding to the existing road is not going to impact the drainage. We will be eliminating the steeper part of the driveway. There will not be as big a rush of water coming down.

Will there be any culverts?

Mr. Drabick: We are not proposing any new culverts with these lot line changes. As far as the site development for these lots, that was all spelled out on the previous subdivision map. They did look at the drainage issues. They called for the installation of a basin and it was constructed with a culvert.

Do you anticipate any cutting of trees?

Mr. Drabick: No. Only the ones necessary on the corner.

The piece of property on the lower road, do you plan any access?

Mr. Drabick/Mrs. Wilke: Absolutely not. And no more tree cutting. What kind of residence?

The Chairman added that this is a Public Hearing, not a question and answer session. The residence is already granted by the subdivision. They are seeking lot line changes only at this time. The driveway grade will be reduced about 25%. Tree cutting is included in the Erosion Control Law. New houses will need building permits and will be reviewed by Building Inspector.

Mr. Drabick: The existing road is going to stay. The only change is where it takes a sharp bend and comes down to the intersection.

Dr. Brewer: This was initiated 10 years ago, but with many personal issues and various delays, it fell through the cracks.

At 7:13 P. M., a Motion was made to Close the Public Hearing.

Motion: Mr. Dyroff

Seconded: Mr. Ramus

Approved

A Motion was made to approve the June 16, 2016 Minutes, with changes as noted.

Motion: Mr. Ramus Seconded: Mr. Dyroff Approved

OLD BUSINESS

Chaplin/Brewer/Wilkie - Minor Subdivision, (Lot Line Changes), Owens Farm Road, Fort Montgomery, NY, (Section 10, Block 1, Lot 3.2, Section 13, Block 1, Lots 16.2 and 17.2).

The Chairman noted that the response from Orange County Planning has been received, with local determination.

Mr. Drabick spoke of the issue of Notes being added to the Map. Site development conditions approved on subdivision map are still valid and enforceable. The only change they are making is on the older filed map, requiring that only two lots were to be part of the maintenance agreement. They will clarify that there are three parties involved.

Mr. Ryder did provide a draft of the maintenance agreement to all three parties.

The Chairman explained that there is an older approved subdivision and it has been modified. The approved subdivision has Notes on what can be built, sizes, bedrooms, etc. The new approved plat will refer to that and those Notes will still be valid. Nothing can be missed. There could be a different Planning Board or Building Inspector reviewing it in the future.

Mr. Ryder has provided Draft Resolutions for the Board to review this evening.

Mr. Ramus asked that the map show the approved location of the pre-existing home on the new map.

A Motion was made that the Chaplin/Brewer/Wilkie three-lot subdivision is an Unlisted Action and that this Board is declared the Lead Agency under SEQR.

Motion: Mr. Dyroff Seconded: Mr. Ramus Approved
With the following
Roll Call Vote:
Mr. Dyroff - Aye
Mr. Ramus - Aye
Mr. Smith - Aye

NEGATIVE DECLARATION

**Chaplin-Brewer-Wilkie – Minor Subdivision (Lot Line Changes)
 Owens Farm Road, Fort Montgomery**

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: Chaplin-Brewer-Wilkie minor subdivision/lot line changes

Action Type: Unlisted Action, Uncoordinated Review

Location: Town of Highlands, County of Orange

Location: 14 Owens Farm Road

Zoning Districts: R-1 Residential

Tax Map Parcels: Section 10 Block 1 Lot 3.2, Section 13 Block 1 Lots 16.2 and 17.2

Summary of Action:

The action involves a request for multiple lot line changes among three parcels in order to enable a steep driveway access to be relocated to a more favorable alignment and grade. Use and maintenance agreements for the driveway will be revised and filed, and measures will be taken in order to ensure that the revised deed descriptions for the modified lots are filed simultaneously with the revised signed map. This plan will be required to note the previously approved house locations as laid out on the previously approved filed map.

The action is Unlisted pursuant to SEQRA, and the Planning Board is acting as Lead Agency for Uncoordinated SEQR procedures, where no other discretionary agency permits are required for this action.

The Planning Board has considered the application and the subdivision plan, the previously approved filed map, the submitted Environmental Assessment form, the comments of its advisors and 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 entire site is located within the R-1 Residential district and some of the lots that are the subject of this action are already developed. The remaining undeveloped lots have an identified well, septic and house location shown on a previously approved, filed subdivision map. No new building lots are being created, and no increase in the intensity of use of the land is allowed by virtue of this action.

The action in question would neither create nor exacerbate any zoning non-conformities, and would allow for an existing driveway to be relocated to improve both its grade and alignment. This is considered to be beneficial. It will also be beneficial for there to be use and maintenance agreements filed for the shared driveway, as will be part of this action. Based on the above, the Board finds there will be no significant harmful impacts in this subject area.

B. Soils, Geology and Topography Impacts

The requested subdivision lot line change approval involves approximately 1,000 square feet or less of land disturbance for the proposed relocated driveway. This is a small area of disturbance, and it will be in an area with shallower grades than the existing driveway, therefore no harmful impacts are expected in this subject area. Permit and erosion control requirements already apply to tree clearing activities within the Town. The section of driveway to be abandoned is expected to be reclaimed.

C. Water Resources Impacts

The requested subdivision lot line change approval results in no new water consumption, no significant new areas of disturbance and impervious area, nor any changes to existing drainage patterns. Therefore, no significant harmful impacts are expected in this subject area.

D. Ecology Impacts

The requested subdivision lot line change approval involves only very limited land disturbance (less than 1,000 square feet) for a driveway relocation in the immediate vicinity of the existing drive, to serve already approved and previously evaluated building lots. Therefore, no harmful impacts are expected in this subject area.

E. Traffic & Transportation Impacts

The site is located on private roads within the Town. As noted in Section A of this document, the action would not increase the intensity of use, but would allow for an existing steep driveway with a poor alignment to be relocated, and will provide for continued maintenance of shared sections. This is a beneficial impact.

F. Community Services Impacts

As noted in Section A, no new lots are being created, and therefore the action would create no new impacts on community services or to recreational facilities. Improving the existing driveway alignment will improve the ease of access to emergency services providers, which is a beneficial impact.

G. Noise and Air Impacts

As noted in Section B of this document, the action involves minimal land disturbance to relocate a portion of a driveway. This would result in short term localized noise and air quality impacts of a few weeks that are not significantly harmful in duration and intensity.

H. Visual and Cultural Resources Impacts

As noted in Section B of this document, the action involves minimal land disturbance, in the vicinity of an area previously evaluated as part of the original subdivision approval, and furthermore, permit requirements already apply to tree clearing

activities within the Town. Accordingly, no new impacts on visual or cultural resources would be expected in this wooded area.

I. Other Impacts

The requested subdivision lot line change approval involves no new lot creation, and therefore no significant change to energy use or consumption. There are no Critical Environmental Areas pursuant to NYCRR Part 617 are located adjacent to the site and therefore none can be affected by the use. No fiscal impacts are expected (see *Community Services Impacts*), and no other potential impacts are identified.

Date of Adoption: July 21, 2016

**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

RESOLUTION

OF

JULY 21, 2016

RESOLUTION OF SEQR DESIGNATION
 AND DETERMINATION
 JANET WILKIE, JOSHUA BREWER
 AND JOHN M. CHAPLIN, JR.
 SUBDIVISION LOT LINE CHANGE APPROVAL

Planning Board Member Dyroff presented the following resolution which was seconded by Planning Board Member Ramus.

WHEREAS, an Environmental Assessment Form (the “EAF”) was prepared in May 2016, for the application for multiple lot line changes impacting a three lot subdivision, in order to improve access to three existing lots, on property located at 14 Owens Farm Road, in the Town of Highlands and is designated on the Tax Map as Section 10, Block 1 Lot 3.2 and Section 13, Block 1, Lots 16.2 and 17.2 (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 designated itself lead agency; 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 Wilkie, Brewer, Chaplin, Jr., lot line change subdivision application, 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:

<u>James Ramus, Member</u>	voting <u> Aye </u>
<u>Christopher Dyroff, Member</u>	voting <u> Aye </u>
<u>Erik Smith, Chairperson</u>	voting <u> Aye </u>

A Motion was made to approve the Final Resolution for the Chaplin/Brewer/Wilkie three-lot subdivision.

Motion: Mr. Ramus

Seconded: Mr. Dyroff

Approved

**With the following
Roll Call Vote:**

Mr. Dyroff - Aye

Mr. Ramus - Aye

Mr. Smith - Aye

RESOLUTION OF APPROVAL

THREE LOT SUBDIVISION

LOT LINE CHANGE

FINAL

FOR

JANET WILKIE, JOSHUA BREWER AND JOHN M. CHAPLIN, JR.

Nature of Application

Janet Wilkie, Joshua Brewer and John M. Chaplin, Jr., have applied for a final subdivision approval of its existing three lots, with multiple lot line changes for improved access to the existing lots with related improvements.

Property Involved

The property affected by this resolution is shown on the Tax Map of the Town of Highlands as parcels Section 10, Block 1 Lot 3.2 and Section 13, Block 1, Lots 16.2 and 17.2 which property is located at 14 Owens Farm Road.

Zoning District

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

Plans

The subdivision materials being considered consist of the following:

1. Completed application form and Environmental Assessment Form.

2. Plans prepared as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Steven P. Drabick	Proposed Lot Line Changes To Lots 1,3 &4 of Filed Map#161-02 & Parcel B of Filed Map #10182	July 21, 2016

History

Date of Application

The application was filed with the Planning Board in May, 2016.

Public Hearing

A public hearing on final subdivision approval was convened on July 21, 2016 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 July 21, 2016.

GML 239 Referral

The application was referred to the Orange County Planning Department for review in June, 2016. The Planning Department commented in July, 2016, with a County recommendation of local determination.

Findings

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be subdivided 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 arrangement, location and width of the private roadways, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, are all appropriate and consistent with the requirements of the Town of Highlands Subdivision Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the final subdivision application with lot line changes of Janet Wilkie, Joshua Brewer and John M. Chaplin, Jr., as said proposal is depicted on the plans identified above and upon the modifications outlined below, and the Chairperson (or his designee) is authorized to sign the plat upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Modifications

1. The applicant shall comply with the requirements of Chapter 173 of the Code of the Town of Highlands, Subdivision Regulations, 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 engineering fees incurred in connection with the review of this application prior to the Chairperson or his designee signing the plans.
- 4. The applicant shall file a road maintenance agreement, satisfactory to the Planning Board, in conjunction with the filing of the Subdivision Plat.

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 consecutive calendar 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, 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 shall result, without further action, in a lapsing of this approval.

Planning Board Member Ramus presented the following resolution which was seconded by Planning Board Member Dyroff.

In Favor 3 Against 0 Abstain 0 Absent 0

James Ramus, Member voting Aye

Christopher Dyroff, Member voting Aye

Erik Smith, Chairperson voting Aye

Dated: July 21, 2016

Erik Smith, Chairperson
TOWN OF HIGHLANDS PLANNING BOARD

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

I, Fran DeWitt, 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 July 21, 2016.

Fran DeWitt _____, 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

Trans-Hudson Management Corp. Site Plan and Special Exception (Section 11, Block 1, Lot 36.2).

The Chairman stated that a response has been received from the Department of Transportation, dated June 10, 2016, addressed to Mr. Richard G. D'Andrea, of Maser Consultants. Mr. Justin Dates, of Maser Consultants, addressed the comments which include the restricted access and the issue with town sewer station. The Applicant will provide a 10% contribution of the upgrade cost, for a maximum of \$10,000, which has been conveyed to Town Board.

There are no variances required for the project. They will have Town sewer and water from the Corbin Hill Water Corp. Signage, architecture, vegetation to include additional landscaping, and the retaining wall height have been addressed. Erosion Control Permit requirements have been met and the Public Hearing was opened and closed with no comments.

Lane restrictions for the entrance were discussed. The Board requested more information and clarification from DOT.

Mr. Dates will follow up with DOT with their restrictions, and return with a revised plan outlining the signage and their approved method of access. The signs will be placed directly across the street and approaching the left hand turn.

With questions from Board Member Ramus, Mr. Dates briefly discussed how the sewer will run into the trunk line and include drop manholes and grease traps, where necessary in the facility.

OLD BUSINESS**West Point Realty Site Plan and Special Exception, 1106 Route 9W, (Section 12, Block 1, Lots, 10.11, 1.11, 1.12). (Subdivision).**

They would like to amend their site plan to change the line of the new hotel 10-11 feet closer towards Route 9W. Same amount of rooms – 86. They would also like to put a high-end restaurant back into the site plan, and adjusting the parking spaces and circulation. One parking space per four seats is required for a restaurant.

The Board Members stated that more space around the restaurant will be needed. They have an approval for the subdivision at this point; and changes can be made. The Board would require the necessary agreements/easements to be in place. There will be three different entities involved here.

NEW BUSINESS - None**PUBLIC COMMENT - None****BOARD MATTERS**

A discussion was held for the date of the August 2016 Meeting. The Chairman will not be present on the scheduled August 18, 2016 Meeting. The Chairman indicated that he would be available on Wednesday, August 31, 2016.

Discussions were held on the following:

- Board Vacancies
- Consolidation of the Planning Boards
- Councilwoman June Gunza brought copies of a draft of a combined a Planning Board Code to share with the Board.

At 9:06 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Ramus

Seconded: Mr. Dyroff

Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
unscheduled at this time.**