REGULAR MEETING

OF THE BOARD OF TRUSTEES

OF THE VILLAGE OF HIGHLAND FALLS

April 20, 2009

A special meeting of the Board of Trustees of the Village of Highland Falls was held in the Highland Falls Library, 298 Main Street, Highland Falls, New York on April 20, 2009.

The Meeting was called to order by Mayor D'Onofrio at 6:00 P.M.

Members present were:

Mayor Joseph E. D'Onofrio
Trustee James DiSalvo
Trustee June L. Gunza
Trustee Joseph McCormick

Member absent was:
Trustee Harold Brown

Also present were:
Village Clerk, Regina M. Taylor
Street Superintendent, Gary Boyce
DPW employees – James Patterson, David Hurst
Sewer Plant Operators, John Jones, Donald Conley
Fire Captain, John Rush, Asst Fire Chief, Steve Suarez
Saccardi & Schiff Consultants, CJ Hoss & Nina Peek
Village Attorney, Ben Gailey
Town Councilwoman, Laurie Tautel
News of the Highlands Editor Emeritus, Frederick Brennan
Mr. & Mrs. Eristoff – 23 Stonihurst Rd
Pellwood Lake Homeowners Association
Resident – Michael Lewis- 1 Annanouri Rd, James Titolo-95 Mountain Ave, Roger Kelly – Squirrels Rd, Joan Cronin-9 Eagle Valley Rd, Tony Galu-14 Cedar Lane,
Julie Rose – 20 Cedar Lane

A public hearing, as duly advertised, was opened at 6:10 pm, for the purpose of receiving public comment on the draft Comprehensive Plan and on the Environmental Assessment Form and EAF narrative. The Mayor commented that revisions have been made to the draft Comprehensive Plan and EAF narrative since the prior public hearing held on January 5, 2009. The Mayor introduced CJ Hoss from Saccardi & Schiff, Inc.

Mr. Hoss gave a brief overview. He mentioned that this process began in 2006 under the direction of Saccardi & Schiff , Inc. as consultants. After many committee meetings, a public hearing was held January 5, 2009 on a draft Master Plan dated November 2007. Since that meeting, revisions have been made based on input from the public hearing and the Village Board. The environmental review was also completed in November 2007 and revisions made since the first public hearing. Mr. Hoss commented that the EAF has some minor text changes and the Comprehensive Plan has three changes; 1) rezone Marina parcel from R2-R5 because owner has indicated that public access to river will provided, 2) multi-residential parcel (104-11-3) , 25 Mountain Ave. was initially suggested change to R4 but will remain R5 and 3) the suggestion that similar to the previous Comprehensive Plan proposal to review permitted uses in residential districts, permitted uses in the commercial districts should be reviewed as well.

The Mayor commented that the Board will hear all public comment and concerns. The Board does not have to address them this evening.

Mr Eristoff, 23 Stonihurst Rd, commented that he believes the Comprehensive Plan is a good plan and was developed under good leadership and with good concepts. He stated that the overall goals are very good and well stated, however, speaking on behalf of himself, his wife, his sister and Sea Partnership, he objects to the wording of a possible rezone of R3 to B2 in the area of the US Academy Motel and Ambulance Building. He would like to see the language of Hotel in B2 districts be eliminated. He would like the existing motel, (currently non-conforming, special exemption use) phased out and the property developed as residential use. Mr. Eristoff presented these and other comments, reading from a copy of a letter that was submitted to the Board of Trustees, that followed previous letters that also stated these objections, and copies of which are appended to these minutes. The Board thanked Mr. Eristoff for his comments and his attendance at the hearing.

Mr. Ned Koppal, 98 Roe Park, asked about his parcels on the corner of Dale Ave. & Main Street. His office building is currently proposed as B2 and he would like consideration for his adjoining parcel to the south to also be classified as B2 instead of current R5. He said this lot is 50x100 and currently does not have access to Main Street. If he wanted to expand his business office, architects have suggested the only feasible way would be on the south side of the building. The only way to access the parcel is through the parking area of his business on Dale Ave. He said he knows it is located in a very concentrated business area with Rite Aid and Key Food across the road. He said that the Mayor mentioned his concerns about a commercial building being put on that lot because a residential property is located just behind the lot, however, with the other commercial properties across the road, Mr Kopald said it makes sense to include this lot as a proposed B2 along with the property his business is on.

The Board thanked Mr. Kopald for his comments.

No further comments being made or questions being asked Mayor D'Onofrio motioned to close the Public Hearing on the Comprehensive Plan. The motion was seconded by Trustee DiSalvo and unanimously carried.
The Public Hearing closed at 6:31pm.

The Village Attorney, Ben Gailey, explained the process of the SEQR Negative Declaration. The declaration tells the history of the plan and confirms public hearings were held. Before Orange County Planning will review the Village's plan they want to make sure a resolution has been passed for a SEQR Negative Declaration. The resolution states that right now , the Comprehensive Plan has no adverse effective on the environment.

Trustee McCormick motioned the following:

Resolution Authorizing the Issuance of a Negative Declaration on the
EAF for the Comprehensive Plan for the Village of Highland Falls Pursuant
to Requirements of New York State Environmental Quality Review Act (SEQR)

The motion was seconded by Trustee Gunza and on a roll call vote, the results which follow:

4 Ayes 0 Nays 1 Absent

motion carried. (A complete copy of this resolution is appended to these minutes)

Mr. Gailey reported that no changes will be made to the EAF unless Orange County Planning suggests significant changes to the Comprehensive Plan.

Trustee McCormick motioned to close the public hearing on the EAF and that acceptance of written comments remain open until May 1st.
Motion was seconded by Trustee DiSalvo and unanimously carried. The Public Hearing closed at 6:40pm.

A motion was made by Trustee DiSalvo to approve the below listed minutes as written:
a) Regular Meeting – April 6, 2009
b) Special Meeting – April 13, 2009

The motion was seconded by Trustee Gunza and unanimously carried.

A Fire Department report from April 6th to April 20th, was presented to the Board for review.

Trustee McCormick motioned to approve the request of the Fire Department to take R430 & the Chief's vehicle to the Dutchess County Parade in May.
The motion was seconded by Trustee DiSalvo and unanimously carried.

Trustee McCormick motioned to approve the request of the Fire Department to take R430 & the Chief's vehicle to the Hudson Valley Parade in June.
The motion was seconded by Trustee DiSalvo and unanimously carried.

The Building Department Report for March 2009 was presented to the Board for review.

Trustee DiSalvo motioned the following:

Resolution Introducing Local Law
And Providing for Public Notice and Hearing
"Dogs Prohibited in Certain Public Parks"

The motion was seconded by Trustee McCormick and on a roll call vote the results which follow:

4 Ayes 0 Nays 1 Absent

motion carried. (A true and complete copy of the resolution is appended to these minutes)

A motion was made by Trustee Gunza to approve the request from Vision to use Municipal Parking Lot #2 for the Farmer's Market on Sunday's from June 28, 2009 to November 1, 2009, providing the license agreement and certificate of insurance are received in the Clerk's office before the event.
The motion was seconded by Trustee McCormick and unanimously carried.

A letter requesting a handicapped parking space on Liberty Street was tabled until Police Chief Peter Miller could prepare the Vehicle & Traffic Resolution.

A motion was made by Trustee McCormick to approve Mr. Scott Berkoben's request to "adopt a highway" and clean Main Street between Thayer Gate and Mountain Avenue, once a month, as long as a certificate of liability insurance is provide to the Village Clerk before any clean-up begins.

The motion was seconded by Trustee DiSalvo and unanimously carried.

Trustee McCormick motioned the following:

Resolution
Village of Highland Falls Board of Trustees
Employee Layoff

The motion was seconded by Trustee DiSalvo and on a roll call vote, the results which follow:

4 Ayes 0 Nays 1 Absent

motion carried. (A complete copy of this resolution is appended to these minutes)

Trustee McCormick reported that this was one of the hardest things the Board had to do.

Mrs. Bobbie Fallon, 25 Main Street, asked if this layoff would amount to a significant savings in the tax rate being finalized and if it would compromise work that needs to get done. The Mayor responded that it will be a savings and that particular position not being filled at the present time, should not hinder the department from getting necessary work done.

A motion was made by Trustee DiSalvo to approve the bills and claims for $30,798.72 from the following listed funds:

General Fund	$16,652.65
Water Fund	$ 4,549.49
Sewer Fund	$ 9,160.55
Capital Fund	$ 436.03

The motion was seconded by Trustee McCormick and unanimously carried.

Mrs. Bobbie Fallon, representative of the Pellwood Lake Homeowners Association asked if the Building Inspectors question was answered about the process to follow if a homeowner does not comply with a violation notice. The Mayor responded that the Building Inspector should follow Village Code.

Mrs. Fallon also asked the question that if someone is sent a notice to stop work and they don't, what is the procedure?

The Mayor responded and explained that the Village did have their attorney send a letter to the Town Building Inspector that work, by the Town, on the ambulance building should cease until some issues are clarified. The Building Inspector replied to the Village late today, that basically stated, the renovations had been inspected and complied with all building codes and therefore not stop work order was issued. The Mayor responded that he was not happy with that answer. He replied that according to the Village Attorney, the Town needed to take their renovation project either before the Village Planning Board or the Consolidated ZBA, depending on the classification of the use of the building.

Mr. Kevin LaVelle, Main Street, asked the question, what can the residents do if the Town was told to stop work and they don't.

Trustee McCormick responded that he heard from Mr. Hager late in the day and it appears after the Town and Village Attorney spoke, the Town will go before the ZBA and any surrounding homeowners should be sent notification of when hearings will be held.

Trustee McCormick asked Mr. Eristoff about the County Water Authority meeting that he had attended earlier in the day. Mr. Eristoff reported the County Water Authority issued a report on the Orange County Municipalities water shed capacities and initially reported that the Village of Highland Falls had a deficit, however, after reviewing their data, they revised their report to indicate a surplus for the Village of Highland Falls. Mr. Eristoff mentioned that discussion was held on the KJ municipality and the possibility of them hooking into the NYC aqueduct. He suggested that maybe the Village should explore avenues of how the Village of Highland Falls might be able to hook up with Cornwall, through Black Rock aqueduct in the same way. Something to think about for future water supply.

Mr. James Titolo commented on some issues. He remarked that the Comprehensive Plan suggests eliminating non-conforming uses in residential areas, yet the property on Mountain Ave, currently being used to custom design and repair vehicles, became operational again, recently, without having to go before the planning board, after it had remained vacant for some time. Why were they allowed to proceed without anyone challenging them, the Village Board or Building Department? Mr. Titolo remarked that there are Village Codes to prevent this. He again stated his belief that the Village should try to get more back from West Point.

Trustee Gunza made a motion to adjourn. The motion was seconded by Trustee DiSalvo and unanimously carried.

The meeting closed at 7:15pm.

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Regina M. Taylor, Village Clerk