

REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF HIGHLAND FALLS'

February 3, 2020

A regular meeting of the Board of Trustees of the Village of Highland Falls was held in Village Hall, 303 Main Street, Highland Falls, New York on February 3, 2020.

The Meeting was called to order by Mayor D'Onofrio at 7:00P.M.

Members present were:

Mayor Joseph E. D'Onofrio  
Trustee Brian Aylward  
Trustee James DiSalvo  
Trustee Mervin R. Livsey, Jr.  
Trustee James Ramus

Also present were:

Village Clerk, Regina M. Taylor  
Village Attorney, Alyse Terhune  
Police Officer, Robert Ruger  
Consolidated Planning Board Chairman, Erik Smith  
TOH Councilman, Richard Parry  
Camera Operator, Sean Lackhan  
News of the Highlands Editor, Mary Jane Pitt  
Approximately 9 community residents

Mayor D'Onofrio opened the meeting with a moment of silence for all our fallen soldiers and community members since the last meeting.

Mayor D'Onofrio presented Emily Green, a junior member of the Highland Falls Fire Department, a certificate for completing the Firefighter 1 Training requirements. Mayor D'Onofrio thanked Ms. Green for her commitment to the Highland Falls Fire Department and her community.

Mayor D'Onofrio reconvened the public hearing for the Introductory Local Law – Amendment of the Zoning Law Modifying the Uses Allowed Within the Business-1 Main Street Corridor and Associated Bulk Table Modifications at 7:12p.m. Mayor D'Onofrio commented that the proposed law was first introduced on November 19<sup>th</sup>. The Mayor reported that the Planning Board make recommendations, the Village Engineer and residents made comments. Mayor D'Onofrio commented that there have been some modifications since the law was first introduced and counting tonight, four public hearings have been held, with the Village Attorney guiding the Village Board through this process. The Mayor opened the floor to comments.

Comments:

Eric Smith- TOH Consolidated Planning Board Chairman. Mr. Smith acknowledged that it has been a couple of months process and that he has concerns about the area being covered and one specific thing in the use tables. Mr. Smith commented that the beginning of the law prefaces the intent of the law is to promote mixed use development within the B1 district. Mr. Smith reported that in the use tables hotel mixed use is prohibited in B1 and B2 districts but is SE (special exception) in the proposed B3. Mr. Smith contended that B1, B2 and B3 should all be SE. After some discussion and review from the Village Attorney, the following motion was made:

*Trustee DiSalvo motioned to make Hotel Mixed Use a SE in the B1 & B2 districts the same as the proposed B3 district, in the Associated Bulk Table Modifications. The motion was seconded by Trustee Livsey and on a roll call vote, the results which follow: 5 Ayes 0 Nays motion carried.*

Ron Malecot- 7 Parry Ave., asked the question of how many Special Exceptions are needed for this project to move forward. Mr. Malecot brought in pictures for the Village Board to show them the setbacks as proposed and current, in relation to his property behind the proposed hotel. Mr. Malecot commented that he had sent an email to the Village Board with some concerns and questions. Mr. Malecot suggested to the Board that they should look at increasing residential density to help bring in more services for the people and thereby help economic development. Mr. Malecot reported that he disagrees with the parking garage entrance and exit plan that would require two way traffic for a portion of Drew Avenue and Parry Avenue. Mr. Malecot asked if the Village had a hotel tax and asked about the plan for the utility poles.

Mayor D'Onofrio reminded Mr. Malecot that this was a public hearing on the proposed zoning change and not on the proposed hotel project. Mayor D'Onofrio responded that the Village does not have a hotel tax, but the County does and that nothing has been decided yet regarding the utility poles.

Ellen Malecot- 7 Parry Ave., commented that this vote will change the character of the community forever. Mrs. Malecot remarked that outside developers do not have our best interests at heart and that this project is not in the best interest of this community. Mrs. Malecot commented that during this process not one Board member came to them (Malecot's) about the changes. Mrs. Malecot asked the Board to do the right thing.

Ed Dunn- 4 Revolutionary Rd and Consolidated Planning Board member, asked that if the Village Board passed the local law tonight, would the Planning Board receive it tomorrow.

The Village Attorney explained that if the Board were to adopt the law this evening, it does not become effective until it is filed in the State.

The Village Attorney, Alyse Terhune, addressed Mr. Malecot's questions, regarding the zoning law, that was emailed to the Village Board. Ms. Terhune clarified some misconceptions and explained how the Village

is following suggestions in the Comprehensive Plan.

Mayor D'Onofrio pointed out some areas of the Comprehensive Plan that speak to the changes being proposed in the introductory local law. Mayor D'Onofrio asked about screening in the rear.

Ms. Terhune pointed out that there are already special areas the planning board must look at and one of them is landscaping. Ms. Terhune asked the Village Board if they would like to put something in the law that would allow the Planning Board to require screening if, in its discretion, is necessary.

*Trustee Livsey motioned to add that the Planning Board may require screening, at its discretion, between commercial and residential neighborhoods. The motion was seconded by Trustee DiSalvo and on a roll call vote, the results which follow: 5 Ayes 0 Nays motion carried.*

Trustee Ramus commented that rate-ables are needed but he would like to see smart growth. Trustee Ramus commented he is glad that some things have been addressed and that he still would like to see the rear setback addressed. Trustee Ramus agreed that sometimes compromise is needed.

Mayor D'Onofrio remarked that he would like to see this law finalized tonight and has suggested that the rear setback be 15ft.

*Trustee Livsey motioned to change the rear setback from the proposed 10ft to 15ft. The motion was seconded by Trustee DiSalvo and on a roll call vote, the results which follow: 5 Ayes 0 Nays motion carried.*

Trustee DiSalvo motioned to close the Public Hearing. The motion was seconded by Trustee Aylward and unanimously carried. The Public Hearing closed at 7:41pm.

Trustee DiSalvo motioned to approve the following minutes:

Regular Meeting- January 21, 2020

The motion was seconded by Trustee Aylward and unanimously carried.

The Village Attorney informed the public that in order to go forward with any local law, Village Board must comply with SEQRA and that the Village Board is the Lead Agency as it is the only Board that can change the zoning law. Ms. Terhune explained that the Village Engineer prepared the EAF Long Form Part 1, which was done on November 19, 2020 and that she and the Village Engineer prepared Part II of the EAF, that identifies any area of environmental impact, and which the Village Board has in front of them and has reviewed. Ms. Terhune informed the Village Board that to complete SEQRA, the Board must complete Part III. Ms. Terhune remarked that Part III is in concert with Part II and proceeded to read aloud the Part III Certification.

Trustee Livsey motioned to authorize Mayor D'Onofrio to sign the SEQRA EAF part 3. The motion was seconded by Trustee Aylward and on a roll call vote, the results which follow:

5 Ayes 0 Nays motion carried.

Trustee Aylward motioned the following:

Village of Highland Falls  
SEQRA Resolution- Negative Declaration  
Adoption of Local Law Modifying the Uses Allowed Within the Business-1  
Main Street Corridor and Associated Bulk Table Modifications

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

5 Ayes 0 Nays

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

Trustee Livsey motioned the following:

Village of Highland Falls  
Resolution of Adoption of Local Law No. 1 of 2020, Titled  
"Amendment of the Zoning Law Modifying the Uses Allowed Within  
The Business-1 Main Street Corridor and Associated Bulk Table Modifications"

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

5 Ayes 0 Nays

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

Trustee Ramus motioned the following:

Resolution  
Village of Highland Falls Board of Trustees  
Requesting Amendment to New York State's Criminal Justice Reforms

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

5 Ayes 0 Nays

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

Trustee Ramus motioned the following:

Resolution  
Village of Highland Falls Board of Trustees  
Approval of Hudson River Valley Greenway Communities  
Grant Program Application for the Highland Falls  
Comprehensive Plan 2020 Update

The motion was seconded by Trustee Livsey and on a roll call vote, the results which follow:  
5 Ayes 0 Nays

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

Trustee Ramus motioned the following:

Resolution  
Village of Highland Falls Board of Trustees  
2019-2020 Budget Transfer-Water Fund

The motion was seconded by Trustee DiSalvo and on a roll call vote, the results which follow:  
5 Ayes 0 Nays

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

Trustee Aylward motioned the following:

Resolution For Final Notice and  
Termination of Service for Unpaid Water Bills  
For: May/Nov 2019

The motion was seconded by Trustee DiSalvo and on a roll call vote, the results which follow:  
5 Ayes 0 Nays

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

Trustee DiSalvo motioned to surplus the 2006 Dodge 2500 water truck as recommended by the Chief Water Plant Operator, Jack Sibley.

The motion was seconded by Trustee Aylward and unanimously carried.

Trustee Livsey motioned to approve the TOH St. Patrick’s Day Parade, Saturday March 7, 2020 from 2:00pm to 3:15pm, on Main Street, from MyTown Marketplace to Thayer Gate and to waive the live entertainment permit fee.

The motion was seconded by Trustee DiSalvo and unanimously carried.

A motion was made by Trustee Aylward to approve the bills and claims for \$157,324.73 from the following listed funds:

General Fund	\$49,133.14
Section 8	\$54,587.00
Water Fund	\$40,730.63
Sewer Fund	<u>\$12,873.96</u>
	\$157,324.73

The motion was seconded by Trustee Ramus and unanimously carried.

Trustee Aylward motioned to adjourn. The motion was seconded by Trustee Livsey and unanimously carried.

The meeting closed at 8:53p.m.

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Regina M. Taylor, Village Clerk